

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**Holding a Criminal Term  
Grand Jury Sworn in on April 29, 2005**

<b>UNITED STATES OF AMERICA</b>	:	<b>GRAND JURY ORIGINAL</b>
	:	
<b>v.</b>	:	<b>CRIMINAL NO.</b>
	:	
<b>NIZAR TRABELSI,</b>	:	<b>VIOLATIONS:</b>
<b>also known as Nizar ben Abdelaziz Trabelsi,</b>	:	
<b>also known as “Abu Qâ’Qâ,”</b>	:	<b>Conspiracy to Kill</b>
	:	<b>United States Nationals</b>
<b>Defendant.</b>	:	<b>Outside of the United States</b>
	:	<b>(18 U.S.C. §§ 2332(b)(2) and 1111(a))</b>
	:	
	:	<b>Conspiracy and Attempt to Use</b>
	:	<b>Weapons of Mass Destruction</b>
	:	<b>(18 U.S.C. §§ 2332a and 2)</b>
	:	
	:	<b>Conspiracy to Provide Material</b>
	:	<b>Support and Resources to</b>
	:	<b>Foreign Terrorist Organization</b>
	:	<b>(18 U.S.C. § 2339B)</b>
	:	
	:	<b>Providing Material Support and</b>
	:	<b>Resources to Foreign Terrorist</b>
	:	<b>Organization</b>
	:	<b>(18 U.S.C. §§ 2339B and 2)</b>

**INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**  
**(Conspiracy to Kill United States Nationals  
Outside of the United States)**

At all times relevant to this Indictment:

**General Allegations**

1. Al Qaeda was an international terrorist group dedicated to opposing non-Islamic governments with force and violence. Al Qaeda’s leader, Osama bin Laden, had declared a

*jihad*, or holy war, against the United States and its citizens, which was carried out through al Qaeda and its affiliated organizations. Among other activities, Osama bin Laden and al Qaeda sponsored, managed, and/or financially supported training camps in Afghanistan, and those camps were used to instruct members and associates of al Qaeda and its affiliated terrorist groups in the use of firearms, explosives, chemical weapons, and other weapons of mass destruction. Osama bin Laden and others operated al Qaeda from headquarters in Afghanistan.

2. Among principal associates of Osama bin Laden were: Muhammad Atef, also known as “Abu Hafs,” who was a high-ranking member and chief military planner of al Qaeda, and Ayman al-Zawahiri, also known as “Abu Mohammad,” who was the founder and leader of a terrorist organization, the Egyptian Islamic Jihad.

3. On October 8, 1999, the United States Secretary of State designated al Qaeda as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act, and redesignated it as such on October 5, 2001.

4. On or about June 8, 2001, in a ceremonial meeting in Kandahar, Afghanistan, al-Zawahiri and Osama bin Laden merged the Egyptian Islamic Jihad into al Qaeda, forming a combined al Qaeda organization under the leadership of Osama bin Laden.

5. Defendant **NIZAR TRABELSI** was a Tunisian national, born July 22, 1970, who from approximately 1989 to mid-2000, resided mainly in the vicinity of Düsseldorf, Germany.

6. In or about 2000, **TRABELSI** was persuaded by an al Qaeda associate to go to Afghanistan. In order to reach Afghanistan, **TRABELSI** first traveled in or about October 2000 to Pakistan, where he resided for a period of time before moving to Jalalabad, Afghanistan.

### **The Conspiracy**

7. From at least in or about Spring 2001 to in or about June 2002, subject to the jurisdiction of the United States but outside of the jurisdiction of any particular state or district – that is, in Afghanistan, Pakistan, France, Belgium, the Netherlands, and elsewhere – the defendant **NIZAR TRABELSI**, also known as Nizar ben Abdelaziz Trabelsi, also known as “Abu Qâ’Qâ,” and others known and unknown to the Grand Jury, did knowingly engage in a conspiracy to kill nationals of the United States outside of the United States, which killing was a murder as defined in 18 U.S.C. §1111(a), and one or more of the conspirators did commit an overt act to effect the object of the conspiracy.

### **Objects of the Conspiracy**

8. The objects of the conspiracy were to destroy by terrorist means – including destructive violence and murder – people, property, and interests of the United States of America, wherever located.

### **Manners and Means**

9. In order to accomplish the objects of the conspiracy, the conspirators used the following manners and means:

A. Terrorist operations assigned by al Qaeda leadership were carried out by small groups of conspirators forming operational cells acting with high degrees of autonomy and independence.

B. Al Qaeda leadership and operatives would select operational targets – that is, places or facilities to be bombed – so as to achieve, among other things, the violent

destruction of people, property, and interests of the United States. Operational targets were selected in part for their symbolic value.

C. Operational targets were changed as circumstances changed.

D. Conspirators would live quietly within the general population, in communities reasonably near their intended targets.

E. Conspirators would obtain chemicals and other items to be used in manufacturing explosive devices, by purchasing them from commercial retail suppliers and in manners so as to avoid creating traceable records of the purchases.

F. Conspirators would manufacture explosive devices.

G. Conspirators would transport explosive devices to locations they had identified as targets, and detonate the explosive devices, in the process often intentionally killing themselves.

H. In order to maintain operational security, and to avoid detection and disruption of their activities, conspirators would:

(1) practice “compartmentation” – that is, from cell to cell, and even within a cell, knowledge of, and participation in, specific taskings and objectives would be limited to those persons having a need to know such information;

(2) know and refer to one another by codenames and at times by no other name or identifying information;

(3) use public telephones and other difficult-to-trace means of communicating with one another; and

(4) use false and/or fraudulent passports, visas, and other identity and travel documents.

I. Conspirators would give innocuous explanations for their activities, to conceal the true purpose for those activities.

J. When questioned by authorities, conspirators would make limited admissions that would ostensibly explain activities and items already known to the authorities, while concealing and denying the true objects and purposes of those activities and items as well as other, as yet undetected, activities and items and the true nature of the conspiracy.

K. If apprehended by authorities, conspirators would delay making admissions for at least long enough for other conspirators who were not apprehended to flee.

#### Overt Acts

10. In furtherance of the conspiracy and to effect its illegal objects, the defendant **NIZAR TRABELSI** and other conspirators did the following overt acts, among others:

1) In or about Spring 2001, in the vicinity of Kandahar, Afghanistan, **NIZAR TRABELSI** – having been the object of an al Qaeda recruitment campaign – met with Osama bin Laden and offered to carry out a suicide bomb attack against United States interests.

2) In or about Spring 2001, in the vicinity of Kandahar, Afghanistan, **NIZAR TRABELSI**, at the direction of Osama bin Laden, spoke with Abu Hafs.

3) In or about Spring 2001, **NIZAR TRABELSI** attended an al Qaeda training camp in the vicinity of Kandahar, Afghanistan.

4) In or about Spring 2001, in the vicinity of Kandahar, Afghanistan, **NIZAR TRABELSI** accepted the codename “Abu Qâ’Qâ.”

5) In or about Spring 2001, in the vicinity of Kandahar, Afghanistan, **NIZAR TRABELSI** met with other conspirators with whom he was to form a cell for the purpose of carrying out a suicide bomb attack.

6) In or about June 2001, in the vicinity of Kandahar, Afghanistan, **NIZAR TRABELSI** and conspirators discussed various possible targets for a suicide bomb attack.

7) In or about June 2001, in the vicinity of Kandahar, Afghanistan, **NIZAR TRABELSI** undertook training in how to place explosives.

8) In or about Spring 2001, in the vicinity of Kandahar, Afghanistan, **NIZAR TRABELSI** accepted an assignment to buy chemicals in Europe, to be used in manufacturing explosive devices.

9) In or about Spring 2001, in the vicinity of Kandahar, Afghanistan, **NIZAR TRABELSI** learned the names of certain chemicals he was to buy in Europe.

10) On or about June 8, 2001, **NIZAR TRABELSI** attended a ceremonial meeting in Kandahar, Afghanistan, during which Ayman al-Zawahiri and Osama bin Laden merged the Egyptian Islamic Jihad into al Qaeda.

11) In or about Spring 2001, in the vicinity of Kandahar, Afghanistan, **NIZAR TRABELSI** gave his Tunisian passport to a conspirator so that a Pakistani visa and a Pakistani entry stamp – both ostensibly legitimate – could be placed into it, to make it appear that **NIZAR TRABELSI** was lawfully in Pakistan at the time he was to depart Pakistan for Europe, thereby concealing the fact that he had been in Afghanistan.

12) In or about June 2001, **NIZAR TRABELSI** traveled from Afghanistan to Pakistan.

13) In or about June 2001, in Pakistan, **NIZAR TRABELSI** obtained money from an al Qaeda associate for use in carrying out his mission to bomb a United States target.

14) On or about July 1, 2001, **NIZAR TRABELSI** traveled from Pakistan to the Netherlands.

15) On or about July 1, 2001, **NIZAR TRABELSI** wrote, on a page in a soccer team souvenir book, the names of chemicals he had learned in Afghanistan, including acetone, hydrogen peroxide, sulfur, ammonium nitrate, glycerine, concentrated sulfuric acid, aluminum powder, and hydrazine, along with notations indicating how they could be commercially obtained.

16) In or about July 2001, in Uccle, Brussels, Belgium, **NIZAR TRABELSI** rented an apartment.

17) In or about July and August, 2001, in Belgium, **NIZAR TRABELSI** bought quantities of chemicals, including acetone, sulfur, nitrate, and glycerine, to be used in manufacturing a 1,000-kilogram bomb.

18) In or about August 2001, in Belgium, **NIZAR TRABELSI** traveled at night with conspirators to scout the Kleine-Brogel Air Force Base – a facility used by the United States and the United States Department of the Air Force, and at which United States nationals were present – as a target for a suicide bomb attack.

19) In or about early September 2001, in the vicinity of Brussels, Belgium, **NIZAR TRABELSI** moved, and caused to be moved, a quantity of chemicals, including acetone and sulfur, from Trabelsi's apartment to a restaurant operated by a conspirator known to the Grand Jury, after police had visited the apartment for an apparently innocuous purpose.

20) On or about September 14, 2001, in Belgium, **NIZAR TRABELSI**, having been arrested, falsely denied to Belgian authorities that he knew the significance of the chemicals listed in the soccer book, or that he had intended to make or set off a bomb.

21) On or about October 26, 2001, in Belgium, **NIZAR TRABELSI**, being still in custody, falsely denied to Belgian authorities that he had ever been to a training camp in Afghanistan.

**(Conspiracy to Kill United States Nationals Outside of the United States**, in violation of Title 18, United States Code, Sections 2332(b)(2) and 1111(a).)

**COUNT TWO**

**(Conspiracy and Attempt to Use Weapons of Mass Destruction)**

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 6 and paragraphs 8 through 10 of Count One of this Indictment.

2. From at least in or about Spring 2001 to in or about June 2002, within the jurisdiction of the United States but outside of the jurisdiction of any particular state or district – that is, in Afghanistan, Pakistan, France, Belgium, the Netherlands, and elsewhere – defendant **NIZAR TRABELSI**, also known as Nizar ben Abdelaziz Trabelsi, also known as “Abu Qâ’Qâ,” and others known and unknown to the Grand Jury, did, without lawful authority, knowingly conspire and attempt to use a weapon of mass destruction – namely, a destructive device as defined in 18 U.S.C. § 921(a)(4) – against nationals of the United States while such nationals were outside of the United States, and against property used by the United States and a department and agency of the United States.

**(Conspiracy to Use Weapons of Mass Destruction**, in violation of Title 18, United States Code, Sections 2332a and 2.)

**COUNT THREE**  
**(Conspiracy to Provide Material Support and Resources to  
Foreign Terrorist Organization)**

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 6 and paragraphs 8 through 10 of Count One of this Indictment.

2. From at least in or about Spring 2001 until in or about June 2002, subject to the jurisdiction of the United States but outside of the jurisdiction of any particular state or district – that is, in Afghanistan, Pakistan, France, Belgium, the Netherlands, and elsewhere – defendant **NIZAR TRABELSI**, also known as Nizar ben Abdelaziz Trabelsi, also known as “Abu Qâ’Qâ,” and others known and unknown to the Grand Jury, did knowingly conspire to knowingly provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), to a foreign terrorist organization – namely, al Qaeda.

**(Conspiracy to Provide Material Support and Resources to Designated Foreign Terrorist Organization, in violation of Title 18, United States Code, Section 2339B.)**

**COUNT FOUR**  
**(Providing Material Support and Resources to  
Foreign Terrorist Organization)**

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 6 and paragraphs 8 through 10 of Count One of this Indictment.

2. From at least in or about Spring 2001 to in or about June 2002, subject to the jurisdiction of the United States but outside of the jurisdiction of any particular state or district – that is, in Afghanistan, Pakistan, France, Belgium, the Netherlands, and elsewhere – defendant **NIZAR TRABELSI**, also known as Nizar ben Abdelaziz Trabelsi, also known as “Abu Qâ’Qâ”, and others known and unknown to the Grand Jury, did knowingly provide, and attempt to provide, material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), to a foreign terrorist organization – namely, al Qaeda.

**(Providing Material Support and Resources to Designated Foreign Terrorist Organizations, in violation of Title 18, United States Code, Sections 2339B and 2.)**

A TRUE BILL

FOREPERSON

Attorney of the United States in  
and for the District of Columbia