

Approved: \_\_\_\_\_  
KARL METZNER  
Assistant United States Attorney

Before: HONORABLE ANDREW J. PECK  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
-v-	:	Violation of
		18 U.S.C. § 2339B
UZAIR PARACHA,	:	
Defendant.	:	COUNTY OF OFFENSE:
		NEW YORK

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SOUTHERN DISTRICT OF NEW YORK, ss.:

JANELLE M. MILLER, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation and a member of the Joint Terrorism Task Force, and charges as follows:

COUNT ONE

From at least in or about February 2003, up to and including on or about March 28, 2003, in the Southern District of New York and elsewhere, UZAIR PARACHA, the defendant, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to provide "material support or resources," as that term is defined in 18 U.S.C. § 2339A(b), to a foreign terrorist organization, to wit, UZAIR PARACHA agreed with others to assist Al-Qaeda by coming to the United States, posing as a person PARACHA knew to be an Al-Qaeda associate, obtaining immigration documents that would permit the Al-Qaeda associate to enter the United States, and conducting financial transactions involving the Al-Qaeda associate's bank accounts.

(Title 18, United States Code, Section 2339B.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I am a Special Agent with the Federal Bureau of Investigation and a member of the Joint Terrorism Task Force ("JTTF"). This affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with other law enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions and statements of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. On or about March 28, 29, and 30, 2003, other JTTF members and I conducted interviews with UZAIR PARACHA, the defendant. During those interviews, PARACHA stated, among other things, the following:

a. PARACHA is a citizen of Pakistan with lawful permanent resident status in the United States. PARACHA arrived in the United States most recently in mid-February 2003, and had been staying with relatives in Brooklyn.

b. PARACHA is employed by a business in New York, which also has an office in Karachi, Pakistan. Approximately two weeks before PARACHA left Pakistan for the United States, PARACHA met an individual whom he learned wanted PARACHA to perform tasks for him in the United States. PARACHA met this individual (hereinafter "CC-1") at the Karachi office of the business by which PARACHA is employed. CC-1 was with another person (hereinafter "Subject-1").

c. PARACHA was advised that CC-1 and Subject-1 wanted to invest approximately \$200,000 in the business for which PARACHA worked in Karachi. PARACHA was advised not to ask any questions about the money because CC-1 and Subject-1 were supporters of Usama Bin Laden. PARACHA believed the funds to be Al-Qaeda money, and CC-1 and Subject-1 wanted to keep the funds liquid and to be able to retrieve them on short notice. PARACHA believed that if PARACHA did not perform the tasks that CC-1 was requesting him to undertake in the United States, then CC-1 and Subject-1 might not invest the money in the business.

d. PARACHA subsequently met CC-1 and Subject-1 again, at an ice cream shop in Karachi. The purpose of the meeting was for PARACHA to determine what CC-1 wanted PARACHA to do for him in the United States. CC-1 told PARACHA to use CC-

l's credit card while PARACHA was in the United States to make it appear that CC-1 was in the United States. CC-1 told PARACHA that CC-1 had a post office box in Maryland. CC-1 said that CC-1 had told the Immigration and Naturalization Service ("INS") to send his passport to that address, and that PARACHA should get it if the INS sent it there. PARACHA stated that CC-1 said that CC-1 had two post office boxes in the United States.

e. CC-1 told PARACHA to pose as CC-1, and to inquire with the INS as to the status of CC-1's travel documents. CC-1 also told PARACHA to deposit money into CC-1's bank account, to use CC-1's credit cards, and to close CC-1's post office box in Maryland. CC-1 told PARACHA that the reason for these tasks was to make it appear that CC-1 was still in the United States.

f. The post office box that PARACHA was to close was held jointly by CC-1 and a woman. CC-1 said that the woman was a "good sister" who was helping them out. PARACHA was to impersonate CC-1 and close the post office box, using the story that CC-1 and this woman, with whom CC-1 had rented the box, were no longer seeing each other.

g. CC-1 told PARACHA that CC-1 did not want to know any personal information about PARACHA so CC-1 could not reveal it if CC-1 were ever arrested and questioned.

h. PARACHA believed that CC-1 and Subject-1 were associated with Al-Qaeda. CC-1 told PARACHA that CC-1 needed "brothers" like PARACHA, and that different people provided different levels of assistance to the organization. PARACHA believed that CC-1 was attempting to recruit him into Al-Qaeda.

i. After PARACHA arrived in the United States, PARACHA received two calls on his cell phone from CC-1, who was still overseas. During those calls, CC-1 asked about the status of PARACHA's efforts on CC-1's behalf. In the first call, PARACHA told CC-1 that PARACHA had been unable to reach anyone at the INS. In the second call, PARACHA told CC-1 that PARACHA had spoken to someone at the INS, and had obtained general information.

j. PARACHA stated that he was currently in possession of CC-1's Maryland driver's license, Social Security card, school identification, credit cards, and some written instructions provided by CC-1, as well as a key to a post office

box.

k. Because he was aware that CC-1 and Subject-1 were associated with Al-Qaeda, PARACHA knew that, by performing the tasks that CC-1 had asked of him, PARACHA would be acting on behalf of Al-Qaeda.

3. PARACHA consented to a search by the JTTF of his belongings at the house in Brooklyn in which he had been staying. Among the items found in that search were the following:

a. A Maryland driver's license in the name of CC-1 with a photograph of CC-1;

b. A high school identification card with CC-1's name and photograph;

c. A Bank of America check card / ATM card embossed with CC-1's name;

d. A Social Security card in CC-1's name;

e. Receipts for the rental of a post office box in Maryland by CC-1; and

f. A key to a post office box.

4. Also recovered from PARACHA's belongings in the same search was a document with handwritten notations on both sides that included the following statements:

a. At the top of one side, the phrase "letter received in mailbox (from INS)";

b. An entry reading "Receipt #: LIN-03-072-50811";

c. An entry reading "Case type: I131 (application for INS travel document)," with the "I131" circled;

d. The word "applicant" followed by CC-1's name and Alien Registration Number;

e. The sentence "The letter said it will take 180-210 days to process applications of this type. When he called on the phone, it said that it will take 210-240 days for

processing." (underlining in original);

f. The phrases "My status: Asylee or refugee" and "The Document or Passport: Refugee Travel Document";

g. Six specific instructions or items of information, each preceded by a handwritten star, as if for emphasis: "always call from pay phone"; "put some money in my account"; "use it any gas station"; "good practice of my sign"; and the words "Mother name" and "Father name" followed by the names of individuals with the same last name as CC-1;

h. In three different locations, signatures that appear to be in the name of CC-1; and

i. In different handwriting than other portions of the document, and crossed out but still visible, the statement "there is a guy traveling 2 days do u need any thing from him?"

5. Based on records maintained by the Bureau of Customs and Immigration Services ("BCIS"), I have learned the following:

a. On or about December 20, 2002, CC-1 submitted a Form I-131, "Application for Travel Document," to the Immigration and Naturalization Service. On that form,

(1) CC-1 listed his address as a post office box in Gaithersburg, Maryland;

(2) CC-1 marked the box stating "I now hold U.S. refugee or asylee status and I am applying for a Refugee Travel Document;"

(3) CC-1 indicated his "date of intended departure" as "Feb 02 03" and his "expected length of trip" as "About two months;"

(4) CC-1 asked the INS to send his travel document to the post office box in Gaithersburg, Maryland;

(5) CC-1 stated that the country he intended to visit was "Dubai"; and

(6) Underneath a bar code in a box marked "For INS Use Only" is the entry "LIN-03-072-50811," which

matches the "Receipt #" entry on the handwritten document found among PARACHA's belongings and referred to in paragraph 4(b), above.

b. On or about February 17, 2003, PARACHA arrived in the United States at Newark Liberty International Airport on a Virgin Atlantic Airways flight that originated in Qatar and presented a Pakistani passport.

c. PARACHA holds lawful permanent resident status in the United States.

6. The post office box key recovered in the search of PARACHA's belongings matches the Gaithersburg, Maryland, post office box listed as CC-1's address on the I-131 Form submitted by CC-1.

7. I have reviewed the list of Foreign Terrorist Organizations ("FTOs") designated by the United States Department of State and know, from my review, that the organization known as "Al-Qaeda" and operated by Usama bin Laden has been designated an FTO by the United States Government.

WHEREFORE, deponent prays that an arrest warrant be issued for UZAIR PARACHA, the defendant, and that he be imprisoned or bailed as the case may be.

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JANELLE M. MILLER  
Special Agent, Federal Bureau of  
Investigation  
Member, Joint Terrorism Task Force

Sworn to before me this  
8th day of August, 2003

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UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK