

-VS-

CRIMINAL COMPLAINT

MUKHTAR AL-BAKRI,  
DOB 04/20/80

Defendant

Magistrate # 02-171-108

I, Edward J. Needham, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. Between on or about a specific date unknown but at least from the Spring, in the Western District of New York and elsewhere, the defendant, MUKHTAR AL-BAKRI, DOB 04/20/80 and others did, knowingly and unlawfully provide, attempt to provide and conspire to provide material support and resources to a foreign terrorist organization in violation of Title 18 United States Code, Sections 2339B and 2.

I further state that I am a Special Agent of the Federal Bureau of Investigation and that this complaint is based on the facts set out in my attached affidavit.

Edward J. Needham  
Signature of Complainant

Sworn to before me and subscribed in my presence,

September 13, 2002 at Buffalo, NY  
Date City and State

Richard J. Arcara, U.S. District Court Judge X Richard J. Arcara  
Name & Title of Judicial Officer Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

State of New York)  
County of Erie )  
City of Buffalo )

AFFIDAVIT

EDWARD J. NEEDHAM, being duly sworn, deposes and says:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned to the Joint Terrorism Task Force (JTTF) for the Western District of New York (WDNY). The JTTF is a combination of federal and state law enforcement formed in order to identify and investigate international and domestic terrorism and terrorists. I have been a FBI Special Agent for over 14 years, having worked on international terrorism cases for 13 years. In those years, I have conducted terrorist investigations concerning incidents occurring in the United States and abroad. Many of these investigations have involved Usama Bin Laden and the al Qaeda organization. I have also received specialized counterterrorism training regarding Usama Bin Laden and the operations of al Qaeda and other terrorist organizations. I have been the coordinator of the JTTF-WDNY since its inception last year.

2. I make this affidavit in support of a criminal complaint charging MUKHTAR AL-BAKRI, DOB 04/20/80, a citizen of the United States, with a violation of Title 18, United States Code, Sections 2339B and 2, namely: providing, attempting to provide and

conspiring to provide material support and resources to designated terrorist organizations.

3. This affidavit is submitted for a limited purpose, that is, a probable cause determination; not all facts of the investigation are contained herein. This affidavit is based upon my personal knowledge, experience, training, information supplied to me by other law enforcement and government personnel, my review of documents and records, as well as other information developed during the course of this investigation.

#### Introduction

4. At all relevant times from in or about 1989, an international terrorist group existed which has been dedicated to opposing non-Islamic governments with force and violence. This organization was founded by Usama Bin Laden and others. From in or about 1989 until the present, the group has been referred to as "al Qaeda" ("the Base").

5. Bin Laden and al Qaeda has violently opposed the United States for several reasons. First, the United States is and has been regarded as an "infidel" because it is not governed in a manner consistent with the group's extremist interpretation of Islam. Second, the United States is and has been viewed as

providing essential support for other "infidel" governments and institutions, particularly the governments of Saudi Arabia and Egypt, the nation of Israel, and the United Nations organization, which are and have been regarded as enemies of the group. Third, al Qaeda opposed the involvement of the United States armed forces in the Gulf War in 1991 and in Operation Restore Hope in Somalia in 1992 and 1993. In particular, al Qaeda opposed the continued presence of American military forces in Saudi Arabia (and elsewhere on the Saudi Arabian peninsula) following the Gulf War. Fourth, al Qaeda opposed the United States Government because of the arrest, conviction and imprisonment of persons belonging to al Qaeda or its affiliated terrorist groups or those with whom it worked. For these and other reasons, Bin Laden declared a jihad, or holy war, against the United States, which he has carried out through al Qaeda and its affiliated organizations.

6. One of the principal goals of al Qaeda is and has been to drive the United States armed forces out of Saudi Arabia (and elsewhere on the Saudi Arabian peninsula) and Somalia by violence. Members of al Qaeda issued fatwas (rulings on Islamic law) indicating that such attacks were both proper and necessary.

7. Since at least 1989, Usama Bin Laden and the

terrorist group al Qaeda sponsored, managed, and/or financially supported training camps in Afghanistan, which 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. Camps such as al-Farooq have been used by al Qaeda for the purposes of training. Based upon my training and experience, Usama Bin Laden has been known to visit and address trainees at such camps. In addition to providing training in the use of various weapons, these camps have been used to conduct operational planning against United States targets around the world.

The Defendant

8. MUKHTAR AL-BAKRI is a naturalized citizen of the United States, who is temporarily residing in Bahrain, whose U.S. residence is [REDACTED] Lackawanna, NY.

The Investigation

9. The investigation was initiated as a result of information received by the FBI that a number of individuals from the Lackawanna, New York area had attended and participated in terrorist training in Afghanistan during the late spring and early summer of 2001.

10. In the past year, myself and other Agents of the FBI have had occasion to speak to SAHIM A. ALWAN several times. During

those conversations, Mr. ALWAN advised that himself, JABER ELBANEH, An Uncharged Co-Conspirator A, YAHYA GOBA, YASEIN TAHER, SHAFAL MOSED, FAYSAL GALAB, and MUKHTAR AL-BAKRI (all residents or former residents of Lackawanna, New York) had been in Pakistan during April and May, 2001. Mr. ALWAN further advised that the purpose of their being in Pakistan was to attend religious training known as Tablighi Jamaat.

11. Information from U.S. Customs revealed that FAYSAL GALAB, SHAFAL MOSED and YASEIN TAHER entered the United States on June 27, 2001, through JFK Airport in New York City.

12. On July 8, 2002, SHAFAL MOSED was interviewed by Agents of the FBI. On July 26, 2002, FBI Agents had occasion to interview YASEIN TAHER regarding his alleged travel to Pakistan. Both YASEIN TAHER and SHAFAL MOSED acknowledged that they had been in Pakistan for approximately three months between April, 2001 and July 2001 for Tablighi Jamaat training. They also confirmed that they had traveled with FAYSAL GALAB to Pakistan for the training. Both were aware that SAHIM ALWAN had also attended the Tablighi Jamaat training at the same time.

13. On September 11, 2002, MUKHTAR AL-BAKRI was interviewed by a Special Agent of the FBI in Bahrain. After being

advised of his Miranda rights and agreeing to speak to the agents, Mr. AL-BAKRI acknowledged that he and other individuals from Lackawanna, New York had traveled to Pakistan in the summer of 2001 in order to attend Tablighi Jamaat religious training. He advised that the three persons he traveled with were SAHIM ALWAN, YAHYA GOBA and JABER ELBANEH. Mr. AL-BAKRI initially denied any travel into Afghanistan. Mr. AL-BAKRI stated that the four individuals traveled from Lackawanna to Toronto to London to Dubai; United Arab Emirates, to Karachi, Pakistan.

14. The interviewing Agents advised Mr. AL-BAKRI that they believed he was not being truthful. Shortly thereafter, Mr. AL-BAKRI disclosed that he had not been fully candid and made additional statements to the interviewing Agents.

15. After again being reminded of his rights and after having those rights re-read to him, Mr. AL-BAKRI advised that he wished to continue speaking with interviewing Agents.

16. Mr. AL-BAKRI stated that in June 2001, he and his three friends (GOBA, ELBANEH and ALWAN) traveled to Pakistan. He told the agent that they spent one week in Karachi, Pakistan, then flew to Quetta, Pakistan. After spending a night, the four individuals drove the following day to Kandahar, Afghanistan where

they stayed in a guest house for a short time. They then went to the Al-Farooq Training Camp near Kandahar. While at the training camp, Mr. AL-BAKRI stated that he was trained on the use of the Kalashnikov assault rifle, handguns and long range rifles. Mr. AL-BAKRI further stated that An Uncharged Co-Conspirator A was already in Afghanistan when they arrived and that The Uncharged Co-Conspirator A attended the same training camp. The Uncharged Co-Conspirator A was observed receiving training in heavy artillery.

17. Mr. AL-BAKRI stated that the leader of his group of four to Pakistan and Afghanistan was YAHYA GOBA. Mr. AL-BAKRI stated that there were approximately 200 people being trained in the camp. This group of 200 was divided into smaller groups of 20. He further stated all of the individuals attending the camp had or were assigned code names and that his (AL-BAKRI) codename was ABU OMAR ALYAFEI. He also provided the Uncharged Co-Conspirator A's codename.

18. Mr. AL-BAKRI stated that while at the training camp, USAMA BIN LADEN visited the camp and gave a speech to all of the trainees.

19. Mr. AL-BAKRI further advised that SAHIM ALWAN trained for 1 or 2 weeks.



20. MUKHTAR AL-BAKRI stated that prior to his most recent trip from the United States to Bahrain (in the Summer of 2002), he sought a replacement passport, falsely claiming that he had lost his passport. He further stated that he made this false claim so as to conceal his previous travels from immigration authorities. In so doing, it is submitted that MUKHTAR AL-BAKRI did so to avoid having his passport reflect his earlier formal entry into Pakistan.

21. MUKHTAR AL-BAKRI confirmed that he has maintained an e-mail account and has communicated with The Uncharged Co-Conspirator A by e-mail. He further stated that on July 18, 2002, he sent an e-mail to a person, who is at this time an uncharged co-conspirator, advising that person of information which law enforcement personnel interpret as referring to possible terrorist activity.

22. On September 12, 2002, I had occasion to re-interview SAHIM ALWAN at his place of employment at Medina, New York. After initial discussion, Mr. ALWAN told the agents that he had not been completely truthful. He stated that he and his friends had attended terrorist training in Afghanistan when they went to the Middle East in the spring/summer, 2001.

23. Mr. ALWAN advised that a total of seven individuals from Lackawanna, New York had traveled to Afghanistan and that they had gone in two groups. The first group left in approximately April, 2001, consisting of SHAFAL MOSED, YASEIN TAHER and FAYSAL GALAB. The second group left in May, 2001 and consisted of himself, YAHYA GOBA, JABER ELBANEH and MUKHTAR AL-BAKRI.

24. Mr. ALWAN further advised that his group left Lackawanna, New York on May 14, 2001 and traveled to Toronto, then to United Arab Emirates, then to Karachi, Pakistan. When they arrived, they were met by The Uncharged Co-Conspirator A, a former Lackawanna resident, U.S. Citizen and an acquaintance of ALWAN, who thereupon arranged for their further transportation into Afghanistan. After about 6 days, based upon arrangements made by The Uncharged Co-Conspirator A, YAHYA GOBA and MUKHTAR AL-BAKRI traveled to Quetta, Pakistan. After approximately 9 days in Karachi, JABER ELBANEH, SAHIM ALWAN and The Uncharged Co-Conspirator A traveled to Quetta, Pakistan where they stayed at a guest house for one day. The next day JABER ELBANEH, SAHIM ALWAN and The Uncharged Co-Conspirator A went by automobile to Kandahar, Afghanistan. Upon arrival in Kandahar, The Uncharged Co-Conspirator A left for an unknown location while JABER ELBANEH and SAHIM ALWAN stayed at a guest house for four to five days. While at the guest house, they received lectures on Jihad (holy war), prayers and justification for using suicide as a weapon. On the fourth or

fifth day, JABER ELBANEH, and SAHIM ALWAN were taken to a training camp near Kandahar in a bus with ten other unknown individuals. Upon arrival at the camp, SAHIM ALWAN saw MUKHTAR AL-BAKRI, YAHYA GOBA, SHAFAL MOSED, YASEIN TAHER and FAYSAL GALAB. SHAFAL MOSED, YASEIN TAHER and FAYSAL GALAB advised that they had been in training for 3-4 weeks, receiving instruction on firearms and mountain climbing. MUKHTAR AL-BAKRI, and YAHYA GOBA joined JABER ELBANEH, and SAHIM ALWAN for the start of the basic camp. On or about the fifth day of training, SAHIM ALWAN saw The Uncharged Co-Conspirator A who told him that he (the Uncharged Co-Conspirator A) was in a more advanced training camp nearby. The Uncharged Co-Conspirator A seemed to personally know some of the trainers at the camp. The Uncharged Co-Conspirator A stated he was receiving training on anti-aircraft guns.

25. During the course of the training, the attendees were given instruction in the use of firearms. The training was scheduled to last seven weeks. While at the training camp, in approximately the second week, USAMA BIN LADEN visited the camp and spoke to all of the trainees. USAMA BIN LADEN gave a speech about the alliance of the Islamic Jihad and al Qaeda, espousing anti-United States and anti-Israel sentiments. ALWAN saw all of his acquaintances from Lackawanna except for The Uncharged Co-Conspirator A at the speech.

26. After departing the training camp, Mr. ALWAN stated

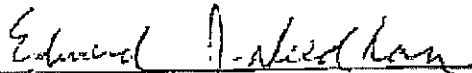
that he then returned to the United States in late June, 2001.

27. A check with Canadian Immigration, revealed that SAHIM ALWAN entered Canada at Toronto Pearson Airport on Air Canada at 7:00 PM June 21, 2001.

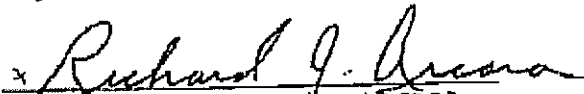
28. At all times relevant hereunder, the Secretary of State had and has designated, pursuant to Section 219 of the Immigration and Naturalization Act, al Qaeda and Egyptian Islamic Jihad (EIJ) as foreign terrorist organizations.

Conclusion

29. Based upon the foregoing, it is submitted that there is probable cause to believe that the defendant, MUKHTAR AL-BAKRI, has violated Title 18, United States Code, Sections 2389B and 2, that venue resides in the Western District of New York and that a complaint and warrant should be issued for his arrest.

  
EDWARD J. NEEDHAM  
Special Agent  
Federal Bureau of Investigation  
Buffalo, New York

Subscribed and sworn to  
before me this 13 day of  
September, 2002.

  
HONORABLE RICHARD J. ARCARA  
United States District Court Judge

# United States District Court

WESTERN

DISTRICT OF

NEW YORK

UNITED STATES OF AMERICA  
v.

## WARRANT FOR ARREST

Mukhtar Ali Albakri

CASE NUMBER: 02-m-108

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Mukhtar Ali Albakri  
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment  Information  Complaint  Order of court  Violation Notice  Probation Violation Petition

charging him or her with (brief description of offense) Knowingly and unlawfully providing, attempting to provide, and conspiring to provide material support, and resources to a foreign terrorist organization, to wit, Osama Bin Laden and the al Qaeda terrorist organization,

In violation of Title 18 United States Code, Section(s) 2339B; and 2

Richard J. Arcara

Name of Issuing Officer

Signature of Issuing Officer

*Richard J. Arcara*

United States District Judge

Title of Issuing Officer

September 13, 2002 at Buffalo, New York  
Date and Location

Bail fixed at \$ \_\_\_\_\_ by \_\_\_\_\_  
Name of Judicial Officer

### RETURN

This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		