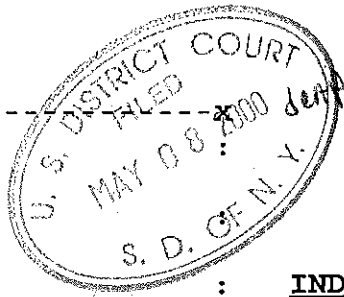


# **Exhibit 16**

Doc. # 186

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

- v. -

USAMA BIN LADEN,	:	<u>INDICTMENT</u>
a/k/a "Usamah Bin-Muhammad	:	
Bin-Ladin,"	:	S(7) 98 Cr. 1023 (LBS)
a/k/a "Shaykh Usamah Bin-Ladin,"	:	
a/k/a "Abu Abdullah"	:	
a/k/a "Mujahid Shaykh,"	:	
a/k/a "Hajj,"	:	
a/k/a "Abdul Hay,"	:	
a/k/a "al Qaqa,"	:	
a/k/a "the Director,"	:	
a/k/a "the Supervisor,"	:	
a/k/a "the Contractor,"	:	
MUHAMMAD ATEF,	:	
a/k/a "Abu Hafs,"	:	
a/k/a "Abu Hafs el Masry,"	:	
a/k/a "Abu Hafs el Masry el Khabir,"	:	
a/k/a "Taysir,"	:	
a/k/a "Sheikh Taysir Abdullah,"	:	
a/k/a "Abu Fatima,"	:	
a/k/a "Abu Khadija,"	:	
AYMAN AL ZAWAHIRI,	:	
a/k/a "Abdel Muaz,"	:	
a/k/a "Dr. Ayman al Zawahiri,"	:	
a/k/a "the Doctor,"	:	
a/k/a "Nur,"	:	
a/k/a "Ustaz,"	:	
a/k/a "Abu Mohammed,"	:	
a/k/a "Abu Mohammed Nur al-Deen,"	:	
MAMDOUH MAHMUD SALIM,	:	
a/k/a "Abu Hajer al Iraqi,"	:	
a/k/a "Abu Hajer,"	:	
KHALID AL FAWWAZ,	:	
a/k/a "Khaled Abdul Rahman Hamad	:	
al Fawwaz"	:	
a/k/a "Abu Omar,"	:	
a/k/a "Hamad,"	:	

(Caption continued on the following page)

MICROFILM  
MAY 10 2000  
-900 AM

ALI MOHAMED,  
a/k/a "Ali Abdelseoud Mohamed" :  
a/k/a "Abu Omar," :  
a/k/a "Omar," :  
a/k/a "Haydara," :  
a/k/a "Taymour Ali Nasser," :  
a/k/a "Ahmed Bahaa Eldin :  
Mohamed Adam," :  
WADIH EL HAGE,  
a/k/a "Abdus Sabbur," :  
a/k/a "Abd al Sabbur," :  
a/k/a "Wadia," :  
a/k/a "Abu Abdullah al Lubnani," :  
a/k/a "Norman," :  
a/k/a "Wa'da Norman," :  
a/k/a "the Manager," :  
a/k/a "Tanzanite," :  
IBRAHIM EIDAROUS, :  
a/k/a "Ibrahim Hussein Abdelhadi :  
Eidarous," :  
a/k/a "Daoud," :  
a/k/a "Abu Abdullah," :  
a/k/a "Ibrahim," :  
ADEL ABDEL BARY, :  
a/k/a "Adel Mohammed Abdul Almagid :  
Abdel Bary," :  
a/k/a "Abbas," :  
a/k/a "Abu Dia," :  
a/k/a "Adel," :  
FAZUL ABDULLAH MOHAMMED, :  
a/k/a "Harun," :  
a/k/a "Harun Fazhl," :  
a/k/a "Fazhl Abdullah," :  
a/k/a "Fazhl Khan," :  
MOHAMED SADEEK ODEH, :  
a/k/a "Abu Moath," :  
a/k/a "Noureldine," :  
a/k/a "Marwan," :  
a/k/a "Hydar," :  
a/k/a "Abdullbast Awadah," :  
a/k/a "Abdulbasit Awadh Mbarak :  
Assayid," :

(Caption continued on the following page)

MOHAMED RASHED DAOUD AL-'OWHALI,  
 a/k/a "Khalid Salim Saleh Bin Rashed," :  
 a/k/a "Moath," :  
 a/k/a "Abdul Jabbar Ali Abdel-Latif," :  
 MUSTAFA MOHAMED FADHIL, :  
 a/k/a "Mustafa Ali Elbishy," :  
 a/k/a "Hussein," :  
 a/k/a "Hassan Ali," :  
 a/k/a "Khalid," :  
 a/k/a "Abu Jihad," :  
 KHALFAN KHAMIS MOHAMED, :  
 a/k/a "Khalfan Khamis," :  
 AHMED KHALFAN GHAILANI, :  
 a/k/a "Fupi," :  
 a/k/a "Abubakary Khalfan Ahmed Ghailani," :  
 a/k/a "Abubakar Khalfan Ahmed," :  
 FAHID MOHAMMED ALLY MSALAM,  
 a/k/a "Fahad M. Ally," and :  
 SHEIKH AHMED SALIM SWEDAN,  
 a/k/a "Sheikh Bahamadi," :  
 a/k/a "Ahmed Ally," :

Defendants.

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INTRODUCTION

The Grand Jury charges:

Background: Al Qaeda

1. At all relevant times from in or about 1989 until the date of the filing of this Indictment, an international terrorist group existed which was dedicated to opposing non-Islamic governments with force and violence. This organization grew out of the "mekhtab al khidemat" (the "Services Office") organization which had maintained offices in various parts of the world, including Afghanistan, Pakistan (particularly in Peshawar)

and the United States, particularly at the Alkifah Refugee Center in Brooklyn, New York. The group was founded by defendants USAMA BIN LADEN and MUHAMMAD ATEF, a/k/a "Abu Hafs al Masry," together with "Abu Ubaidah al Banshiri" and others. From in or about 1989 until the present, the group called itself "al Qaeda" ("the Base"). From 1989 until in or about 1991, the group (hereafter referred to as "al Qaeda") was headquartered in Afghanistan and Peshawar, Pakistan. In or about 1991, the leadership of al Qaeda, including its "emir" (or prince) defendant USAMA BIN LADEN, relocated to the Sudan. Al Qaeda was headquartered in the Sudan from approximately 1991 until approximately 1996 but still maintained offices in various parts of the world. In 1996, defendants USAMA BIN LADEN and MUHAMMAD ATEF and other members of al Qaeda relocated to Afghanistan. At all relevant times, al Qaeda was led by its emir, defendant USAMA BIN LADEN. Members of al Qaeda pledged an oath of allegiance (called a "bayat") to defendant USAMA BIN LADEN and al Qaeda. Those who were suspected of collaborating against al Qaeda were to be identified and killed.

2. Al Qaeda opposed the United States for several reasons. First, the United States was regarded as an "infidel" because it was not governed in a manner consistent with the group's extremist interpretation of Islam. Second, the United States was 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 were 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, which were viewed by al Qaeda as pretextual preparations for an American occupation of Islamic countries. 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 with whom it worked, including Sheik Omar Abdel Rahman.

3. One of the principal goals of al Qaeda was 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 fatwahs (rulings on Islamic law) indicating that such attacks were both proper and necessary.

4. From in or about 1993, until in or about December 1999, AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," led the Egyptian Islamic Jihad which was dedicated to the forceful

overthrow of the Egyptian Government and to violent opposition of the United States, in part, for its support of the Government in Egypt. Members of Egyptian Islamic Jihad also pledged allegiance to AL ZAWAHIRI and Egyptian Islamic Jihad. Many of the leading members of the Egyptian Islamic Jihad became influential members of al Qaeda, including defendants AYMAN AL ZAWAHIRI and MUHAMMAD ATEF. In addition, defendant ALI MOHAMED maintained a close relationship with defendant AYMAN AL ZAWAHIRI and the Egyptian Islamic Jihad. Eventually, by at least in or about February 1998, the Egyptian Islamic Jihad led by AL ZAWAHIRI had effectively merged with al Qaeda and the Egyptian Islamic Jihad joined with al Qaeda in targeting American civilians.

5. Al Qaeda functioned both on its own and through some of the terrorist organizations that operated under its umbrella, including: Egyptian Islamic Jihad, and at times, the Islamic Group (also known as "el Gamaa Islamia" or simply "Gamaa't"), led by Sheik Omar Abdel Rahman and later by Ahmed Refai Taha, a/k/a "Abu Yasser al Masri," named as co-conspirators but not as defendants herein; and a number of jihad groups in other countries, including the Sudan, Egypt, Saudi Arabia, Yemen, Somalia, Eritrea, Djibouti, Afghanistan, Pakistan, Bosnia, Croatia, Albania, Algeria, Tunisia, Lebanon, the Philippines, Tajikistan, Azerbaijan and the Kashmiri region of India and the Chechnyan region of Russia. Al Qaeda also maintained cells and

personnel in a number of countries to facilitate its activities, including in Kenya, Tanzania, the United Kingdom, Canada and the United States.

6. Al Qaeda had a command and control structure which included a majlis al shura (or consultation council) which discussed and approved major undertakings, including terrorist operations. The defendants USAMA BIN LADEN, MUHAMMAD ATEF, a/k/a "Abu Hafs," AYMAN AL ZAWAHIRI, and MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer," among others, sat on the majlis al shura (or consultation council) of al Qaeda. Egyptian Islamic Jihad had a Founding Council, on which the defendant IBRAHIM EIDAROUS sat.

7. Al Qaeda also had a "military committee" which considered and approved "military" matters. MUHAMMAD ATEF, a/k/a "Abu Hafs," the defendant, sat on the military committee and was one of defendant USAMA BIN LADEN's two principal military commanders together with "Abu Ubaidah al Banshiri," until the death of "Abu Ubaidah al Banshiri" in May 1996. Among his other duties, MUHAMMAD ATEF, a/k/a "Abu Hafs," the defendant, had the principal responsibility for supervising the training of al Qaeda members.

8. USAMA BIN LADEN, the defendant, and al Qaeda also forged alliances with the National Islamic Front in the Sudan and with representatives of the government of Iran, and its associated terrorist group Hizballah, for the purpose of working



together against their perceived common enemies in the West, particularly the United States.

9. In or about 1994, the defendant USAMA BIN LADEN, working together with KHALID AL FAWWAZ, a/k/a "Khaled Abdul Rahman Hamad al Fawwaz," a/k/a "Abu Omar," a/k/a "Hamad," set up a media information office in London, England (hereafter the "London office"), which was designed both to publicize the statements of USAMA BIN LADEN and to provide a cover for activity in support of al Qaeda's "military" activities, including the recruitment of military trainees, the disbursement of funds and the procurement of necessary equipment (including satellite telephones) and necessary services. In addition, the London office served as a conduit for messages, including reports on military and security matters from various al Qaeda cells, including the Kenyan cell, to al Qaeda's headquarters.

COUNTS ONE THROUGH SIX:

CONSPIRACIES TO MURDER, BOMB AND MAIM

COUNT ONE:

CONSPIRACY TO KILL UNITED STATES NATIONALS

10. From at least 1991 until the date of the filing of this Indictment, in the Southern District of New York, in Afghanistan, the United Kingdom, Pakistan, the Sudan, Saudi Arabia, Yemen, Somalia, Kenya, Tanzania, Azerbaijan, the Philippines and elsewhere out of the jurisdiction of any

particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," KHALID AL FAWWAZ, a/k/a "Khaled Abdul Rahman Hamad al Fawwaz," a/k/a "Abu Omar," a/k/a "Hamad," ALI MOHAMED, a/k/a "Ali Abdelseoud Mohamed," a/k/a "Abu Omar," a/k/a "Omar," a/k/a "Haydara," a/k/a "Taymour Ali Nasser," a/k/a "Ahmed Bahaa Eldin Mohamed Adam," WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED

SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Nourelaine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Husseini," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, together with other members and associates of al Qaeda, Egyptian Islamic Jihad and others known and unknown to the Grand Jury, unlawfully, wilfully and knowingly combined, conspired, confederated and agreed to kill nationals of the United States.

11. It was a part and an object of said conspiracy that the defendants, and others known and unknown, would and did: (i) murder United States nationals anywhere in the world, including in the United States, (ii) kill United States nationals employed by the United States military who were serving in their official capacity in Somalia and on the Saudi Arabian peninsula; (iii) kill United States nationals employed at the United States

Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, including internationally protected persons, as that term is defined in Title 18, United States Code, Section 1116(b)(4); and (iv) engage in conduct to conceal the activities and means and methods of the co-conspirators by, among other things, establishing front companies, providing false identity and travel documents, engaging in coded correspondence, providing false information to the authorities in various countries and seeking to detect and kill informants.

#### Overt Acts

12. In furtherance of said conspiracy, and to effect the illegal objects thereof, the following overt acts, among others, were committed:

#### The Provision of Guesthouses and Training Camps

a. At various times from at least as early as 1989, the defendant USAMA BIN LADEN, and others known and unknown, provided training camps and guesthouses in various areas, including Afghanistan, Pakistan, the Sudan, Somalia and Kenya for the use of al Qaeda and its affiliated groups. The defendant MAMDOUH MAHMUD SALIM managed some of these training camps and guesthouses in Afghanistan and Pakistan;

#### The Recruitment of American Citizens

b. At various times from at least as early as 1989, the defendant USAMA BIN LADEN, and others known and

unknown, made efforts to recruit United States citizens, including the defendants ALI MOHAMED and WADIH EL HAGE, to help al Qaeda in order to utilize the American citizens for travel throughout the Western world to deliver messages and engage in financial transactions for the benefit of al Qaeda and its affiliated groups and to help carry out operations;

#### The Training

c. At various times from at least as early as 1990, the defendant ALI MOHAMED, and others known and unknown, provided military and intelligence training in various areas, including Afghanistan, Pakistan and the Sudan, for the use of al Qaeda and its affiliated groups, including the Egyptian Islamic Jihad.

#### Financial and Business Dealings

d. At various times from at least as early as 1989 until the date of the filing of this Indictment, the defendants USAMA BIN LADEN and MAMDOUH MAHMUD SALIM, and others known and unknown to the Grand Jury, engaged in financial and business transactions on behalf of al Qaeda, including, but not limited to: purchasing land for training camps; purchasing warehouses for storage of items, including explosives; purchasing communications and electronics equipment; transferring funds between corporate accounts; and transporting currency and weapons to members of al Qaeda and its associated terrorist organizations

in various countries throughout the world. To carry out some of these transactions, the defendant MAMDOUH MAHMUD SALIM traveled to various places on behalf of al Qaeda and its affiliated groups, including, to Malaysia, China, the Philippines and Germany;

The Transportation of Bin Laden to the Sudan in 1991

e. In or about 1991, ALI MOHAMED, together with a co-conspirator not named as a defendant herein ("Co-conspirator One") and others known and unknown, arranged for the secure transportation of USAMA BIN LADEN from Peshawar, Pakistan, to the Sudan;

Establishment of Businesses in the Sudan

f. Following al Qaeda's move to the Sudan in or about 1991, the defendant USAMA BIN LADEN established a headquarters in the Riyadh section of Khartoum. USAMA BIN LADEN also established a series of businesses in the Sudan, including a holding company known as "Wadi al Aqiq," a construction business known as "Al Hijra," an agricultural company known as "al Themar al Mubaraka," an investment company known as "Ladin International," an investment company known as "Taba Investments," a leather company known as the "Khartoum Tannery," and a transportation company known as "Qudarat Transport Company." These companies were operated to provide income to support al Qaeda and to provide cover for the procurement of

explosives, weapons and chemicals and for the travel of al Qaeda operatives. The defendants MAMDOUH MAHMUD SALIM and WADIH EL HAGE worked for various of the Bin Laden companies. The defendant WADIH EL HAGE also served as Bin Laden's personal secretary;

Mohamed Sadeek Odeh Joins al Qaeda

g. In or about 1992, the defendant MOHAMED SADEEK ODEH, after receiving training (including explosives training) in various camps in Afghanistan, including al Qaeda camps, joined al Qaeda and agreed to follow the orders of the defendant USAMA BIN LADEN, the emir (prince) of al Qaeda, as long as the orders did not violate Islamic law. ODEH remained a member of al Qaeda through at least on or about August 7, 1998;

The Fatwahs Against American Troops in Saudi Arabia and Yemen

h. At various times from in or about 1992 until the date of the filing of this Indictment, USAMA BIN LADEN, the defendant, working together with members of the fatwah committee of al Qaeda, disseminated fatwahs (rulings on Islamic law) to other members and associates of al Qaeda that the United States forces stationed on the Saudi Arabian peninsula, including both Saudi Arabia and Yemen, should be attacked;

Efforts to Unite al Qaeda, the Sudan, and Iran

i. At various times between in or about 1992 and in or about 1996, the defendants USAMA BIN LADEN, MAMDOUH MAHMUD

SALIM, and other ranking members of al Qaeda, stated privately to other members of al Qaeda that al Qaeda should put aside its differences with Shiite Muslim terrorist organizations, including the Government of Iran and its affiliated terrorist group Hizballah, to cooperate against the perceived common enemy, the United States and its allies;

j. At various times between in or about 1992 and in or about 1996, the defendant MAMDOUH MAHMUD SALIM met with an Iranian religious official in Khartoum as part of an overall effort to arrange a tripartite agreement between al Qaeda, the National Islamic Front of Sudan, and elements of the Government of Iran to work together against the United States, Israel and other Western countries;

k. At various times between in or about 1992 and in or about 1996, the defendant MAMDOUH MAHMUD SALIM worked together with a ranking official in the National Islamic Front to obtain communications equipment on behalf of the Sudanese intelligence service;

l. At various times between in or about 1992 and in or about 1996, al Qaeda (and the affiliated Egyptian Islamic Jihad) sent some of its members to Lebanon to receive training from members of the terrorist group Hizballah, a Shiite terrorist group;



The Fatwah Against American Troops in Somalia

m. At various times from in or about 1992 until in or about 1993, the defendant USAMA BIN LADEN, working together with members of the fatwah committee of al Qaeda, disseminated fatwahs to other members and associates of al Qaeda that the United States forces stationed in the Horn of Africa, including Somalia, should be attacked;

n. On various occasions in or about 1993, the defendant MAMDOUH MAHMUD SALIM lectured al Qaeda members that the United States forces do not belong on any Arab lands, and that the presence of the United Nations forces in Somalia was a reflection of the United States' plans to attack the Muslim world;

The Training of Fazul Abdullah Mohamed

o. In Afghanistan in or about 1991 and 1992, the defendant ALI MOHAMED trained members of al Qaeda, including FAZUL ABDULLAH MOHAMED, a/k/a "Harun," in various military techniques including urban fighting, guerilla fighting and evasion of surveillance;

The Establishment of Training Camps for Somalia

p. In or about late 1992 and 1993, the defendant MUHAMMAD ATEF traveled to Somalia on several occasions for the purpose of determining how best to cause violence to the United States and United Nations military forces stationed there and

reported back to the defendant USAMA BIN LADEN and other al Qaeda members at USAMA BIN LADEN's facilities located in Khartoum, the Sudan;

q. Beginning in or about early spring 1993, al Qaeda members, including the defendants MUHAMMAD ATEF, FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," and MOHAMED SADEEK ODEH, along with "Abu Ubaidah al Banshiri," a co-conspirator not named herein as a defendant, provided military training and assistance to Somali tribes opposed to the United Nations' intervention in Somalia;

The Establishment of the Kenya Base of Operations

r. In or about 1993, various members of al Qaeda, including the defendant KHALID AL FAWWAZ, began to establish businesses (including the business "Asma Limited,") and residences in Kenya, particularly in Nairobi;

s. In or about 1994, the defendant MOHAMED SADEEK ODEH moved to Mombasa, Kenya, and set up a fishing business with al Qaeda money which was used to support al Qaeda members in Kenya. While in Kenya, ODEH was visited by the military commanders of al Qaeda, the defendant MUHAMMAD ATEF and "Abu Ubaidah al Banshiri";

t. In or about 1994, the defendant WADIH EL HAGE moved from Khartoum in the Sudan to Nairobi, Kenya, and established businesses (including the business known as

"Tanzanite King") and other organizations (including "Help Africa People") in Kenya. While in Kenya, the defendant WADIIH EL HAGE met repeatedly with one of the military commanders of al Qaeda, "Abu Ubaidah al Banshiri";

Ali Mohamed Obtains a False Passport

u. On or about May 6, 1993, the defendant ALI MOHAMED obtained by mail from San Francisco, California, an Egyptian passport bearing MOHAMED's photograph and the false name "Ahmed Bahaa Eldin Mohamed Adam";

v. At various times in 1994, ALI MOHAMED used the Egyptian passport bearing ALI MOHAMED's photograph and the false name "Ahmed Bahaa Eldin Mohamed Adam" to travel to and from Nairobi, Kenya;

w. On or about October 25, 1994, the defendant KHALID AL FAWWAZ transferred the Kenyan business known as "Asma Limited" to "Abu Ubaidah al Banshiri," (who was using the alias "Galal Fouad Elmeligy Abdeldaim"), one of the military commanders of al Qaeda;

x. In or about 1996, in Mombasa, Kenya, the defendant FAHID MOHAMMED ALLY MSALAM displayed TNT and detonators obtained in Tanzania to the defendant MOHAMED SADEEK ODEH;

The Attacks on the United States Forces in Somalia

y. On October 3 and 4, 1993, in Mogadishu, Somalia, persons who had been trained by al Qaeda (and by

trainers trained by al Qaeda) participated in an attack on United States military personnel serving in Somalia as part of Operation Restore Hope, which attack resulted in the killing of 18 United States Army personnel, namely, Donovan L. Briley, Daniel D. Busch, James M. Cavaco, William D. Cleveland, Thomas J. Field, Earl Fillmore, Raymond Frank, Gary I. Gordon, James C. Joyce, Richard W. Kowalski, James Martin, Timothy Martin, Dominick M. Pilla, Matthew L. Rierson, Lorenzo M. Ruiz, Randall D. Shughart, James E. Smith, and Clifton Wolcott.

The Shipment of Weapons and Explosives to Saudi Arabia

z. On at least two occasions in the period from in or about 1992 until in or about 1995, members of al Qaeda transported weapons and explosives from Khartoum in the Sudan to the coastal city of Port Sudan for transshipment to the Saudi Arabian peninsula using vehicles associated with Usama Bin Laden's businesses;

The Fatwah Regarding Deaths of Nonbelievers

aa. On various occasions the defendant MAMDOUH MAHMUD SALIM advised other members of al Qaeda that it was Islamically proper to engage in violent actions against "infidels" (nonbelievers), even if others might be killed by such actions, because if the others were "innocent," they would go to paradise, and if they were not "innocent," they deserved to die;

The Efforts to Obtain Nuclear Weapons and Their Components

bb. At various times from at least as early as 1992, the defendants USAMA BIN LADEN and MAMDOUH MAHMUD SALIM, and others known and unknown, made efforts to obtain the components of nuclear weapons;

The Efforts to Obtain Chemical Weapons and Their Components

cc. At various times from at least as early as 1993, the defendant USAMA BIN LADEN, and others known and unknown, made efforts to obtain the components of chemical weapons;

Ali Mohamed Attempts to Work as Translator at the FBI

dd. On or about May 10, 1993, in California, the defendant ALI MOHAMED submitted an application to the Federal Bureau of Investigation ("FBI") to work as a translator;

ee. On or about May 14, 1993, the defendant ALI MOHAMED made false statements in the course of using legal process to change his name to "Taymour Ali Nasser";

Ali Mohamed Attempts to Smuggle Co-conspirator One through Canada

ff. In or about June 1993, Co-conspirator One traveled from Pakistan to Vancouver, Canada, using a false identity. In or about June 1993, defendant ALI MOHAMED traveled to Vancouver, Canada, to meet with Co-conspirator One for the purpose of assisting in Co-conspirator One's attempted entry into the United States;

gg. At various times from June 1993 until at least 1997, defendant ALI MOHAMED traveled to Vancouver, Canada, to meet with Co-conspirator One;

The Surveillance of the United States Embassy in Nairobi, Kenya

hh. Beginning in the latter part of 1993, members of al Qaeda discussed with defendant ALI MOHAMED a possible attack against the United States Embassy in Nairobi, Kenya, in retaliation for the United States' participation in Operation Restore Hope in Somalia;

ii. On or about December 9, 1993, the defendant ALI MOHAMED entered Nairobi, Kenya;

jj. On or before January 23, 1994, the defendant ALI MOHAMED left Kenya;

kk. On or about January 23, 1994, the defendant ALI MOHAMED returned to Nairobi, Kenya, using the Egyptian passport bearing MOHAMED's photograph and the false name "Ahmed Bahaa Eldin Mohamed Adam";

ll. On or about February 3, 1994, the defendant ALI MOHAMED entered the United States Embassy building in Nairobi, Kenya, with his United States passport;

mm. In or about 1994, members of al Qaeda reviewed with the defendant ALI MOHAMED files concerning possible terrorist attacks against: (i) the United States Embassy in Nairobi, Kenya; (ii) the building then housing the United States

Agency for International Development in Nairobi, Kenya; and (iii) British, French and Israeli targets in Nairobi, Kenya;

nn. In or about 1994, members of al Qaeda discussed with the defendant ALI MOHAMED possible terrorist attacks against targets in various countries other than Kenya;  
The Training of Usama Bin Laden's Bodyguards in the Sudan

oo. At various times in 1994, the defendant ALI MOHAMED used the Egyptian passport bearing MOHAMED's photograph and the false name "Ahmed Bahaa Eldin Mohamed Adam" to travel to and from Khartoum, Sudan;

pp. In or about the summer of 1994, in Khartoum, Sudan, the defendant ALI MOHAMED provided communications equipment and security training to the al Qaeda bodyguard unit and the members of the Sudanese intelligence service who were protecting USAMA BIN LADEN in Khartoum, the Sudan;

Khalfan Khamis Mohamed Receives Training in Afghanistan

qq. In or about 1994, the defendant KHALFAN KHAMIS MOHAMED traveled to a camp in Afghanistan where he received training in explosives;

The Opening of the London Office

rr. On or about July 11, 1994, the defendant USAMA BIN LADEN created the London office of al Qaeda, naming it the "Advice and Reformation Committee" and placing the defendant KHALID AL FAWWAZ in charge;

Ali Mohamed Lies to the FBI in December 1994

ss. On or about December 9, 1994, in San Francisco, California, the defendant ALI MOHAMED made false statements to Special Agents of the FBI concerning ALI MOHAMED's involvement in terrorist training in New York;

Ali Mohamed and Wadih el Hage Maintain Contact

tt. In or about early 1995, the defendant ALI MOHAMED sent from California a document concerning the then ongoing trial of Sheik Omar Abdel Rahman to the defendant WADIH EL HAGE, a/k/a "the Manager," in Nairobi, Kenya, for hand delivery to the defendant USAMA BIN LADEN, a/k/a "the Supervisor";

uu. In or about March 1995, the defendant ALI MOHAMED sent from California a letter to defendant WADIH EL HAGE in Kenya which was addressed to "Wad'a Norman" at WADIH EL HAGE's address;

Eidarous Becomes Leader of Egyptian Islamic Jihad Cell in Baku

vv. In or about August 1995, the defendant IBRAHIM EIDAROUS began organizing the Egyptian Islamic Jihad cell in Baku, Azerbaijan;

Wadih el Hage Visits Ali Mohamed in California

ww. In or about December 1995, the defendant WADIH EL HAGE visited the defendant ALI MOHAMED in Santa Clara, California;



Wadih el Hage Visits Khalid Al Fawwaz in London

xx. In or about December 1995, the defendant WADIH EL HAGE visited the defendant KHALID AL FAWWAZ in London, England;

Wadih El Hage Passes Message to a Co-conspirator in Florida

yy. On or about January 5, 1996, WADIH EL HAGE sent a letter to a co-conspirator in Orlando, Florida ("Co-conspirator Two"), which reported in code that MUHAMMED ATEF was in Afghanistan;

Al Fawwaz Supplies Communication Equipment to Bin Laden and al Qaeda

zz. From at least as early as 1995 until September 1998, the defendant KHALID AL FAWWAZ provided the defendant USAMA BIN LADEN, as well as other al Qaeda members, with various means of communications, including a satellite telephone ("Bin Laden Satellite Telephone"), for the purpose of facilitating communications between al Qaeda members and associates;

The Drowning of "Abu Ubaidah al Banshiri" and its Aftermath

aaa. In or about May 1996, "Abu Ubaidah al Banshiri," a ranking military commander of al Qaeda, was traveling by ferry through Lake Victoria when the boat sank and "Abu Ubaidah" drowned;

bbb. In or about May 1996, the defendants WADIH EL HAGE and FAZUL ABDULLAH MOHAMMED went to Lake Victoria to investigate the circumstances of the drowning of "Abu Ubaidah al

Banshiri" and to report back to the defendant USAMA BIN LADEN;

ccc. In or about the spring of 1996, the defendant WADIH EL HAGE sent a copy of a report concerning the circumstances of the drowning of "Abu Ubaidah al Banshiri" to the defendant ALI MOHAMED;

Al Zawahiri Appoints Abdel Bary to Head London Cell of Egyptian Islamic Jihad

ddd. In or about May 1996, the defendant AYMAN AL ZAWAHIRI appointed the defendant ADEL ABDEL BARY to be the leader of the London cell of Egyptian Islamic Jihad;

Al-'Owhali Receives Training in al Qaeda Camps

eee. Beginning in or about 1996, the defendant MOHAMED RASHED DAOUD AL-'OWHALI was trained in a number of camps in Afghanistan, including a number of camps affiliated with al Qaeda. AL-'OWHALI was trained in explosives, hijacking, kidnaping, assassination and intelligence techniques;

The August 1996 Declaration of War

fff. On or about July 31, 1996, the defendant KHALID AL FAWWAZ created, using a computer in his residence in London, England, a file entitled "the Message";

ggg. On or about August 23, 1996, a Declaration of Jihad indicating that it was from the Hindu Kush mountains in Afghanistan entitled "Message from Usamah Bin-Muhammad Bin-Laden to His Muslim Brothers in the Whole World and Especially in the Arabian Peninsula: Declaration of Jihad Against the Americans

Occupying the Land of the Two Holy Mosques; Expel the Heretics from the Arabian Peninsula" (hereafter the "Declaration of Jihad") was disseminated;

hhh. In or about August and September 1996, the defendant KHALID AL FAWWAZ maintained in a computer in his residence computer file copies of the "Message from Usamah Bin-Muhammad Bin-Laden to His Muslim Brothers in the Whole World and Especially in the Arabian Peninsula: Declaration of Jihad Against the Americans Occupying the Land of the Two Holy Mosques; Expel the Heretics from the Arabian Peninsula";

iii. In or about August or September 1996, the defendant KHALID AL FAWWAZ forwarded a copy of USAMA BIN LADEN's Declaration of Jihad to another person in England for further dissemination to the media for publication and thereafter KHALID AL FAWWAZ vouched for the Declaration's authenticity;

Al-'Owhali Meets with Bin Laden

jjj. In or about 1996, following his training in a number of camps in Afghanistan, including a number of camps affiliated with al Qaeda, the defendant MOHAMED RASHED DAOUD AL-'OWHALI met with the defendant USAMA BIN LADEN and asked him for a "mission";

El Hage Delivers False Passports

kkk. On or about December 21, 1996, WADIIH EL HAGE sent a coded letter to Baku, Azerbaijan, confirming that he had

shipped three false passports to persons in Azerbaijan;

Wadih el Hage Meets with al Qaeda Leaders

lll. In or about late January 1997, the defendant WADIH EL HAGE traveled to Peshawar, Pakistan, to meet with leaders of al Qaeda;

mmm. In or about late 1996 or early 1997, the defendant FAZUL ABDULLAH MOHAMED, a/k/a "Harun," sent a message in code to Co-conspirator Two in Florida stating that WADIH EL HAGE met with MUHAMMAD ATEF, a/k/a "Abu Hafs," in Peshawar, Pakistan;

nnn. In or about 1996, the defendants WADIH EL HAGE and FAZUL ABDULLAH MOHAMED transported \$7,000 received from USAMA BIN LADEN to Mombasa, Kenya;

Wadih el Hage Reports to Others about al Qaeda and the Taliban

ooo. On or about February 21, 1997, the defendant WADIH EL HAGE wrote a letter in code to Co-conspirator Two in Orlando, Florida, advising that WADIH EL HAGE had just returned from meeting with MUHAMMAD ATEF;

ppp. In late February or early March 1997, the defendant WADIH EL HAGE met and spoke with the defendant MUSTAFA FADHL and provided him with a new policy from USAMA BIN LADEN to militarize the East African cell of al Qaeda;

qqq. On or about February 24, 1997, the defendant WADIH EL HAGE wrote a letter in code to a co-conspirator in

Europe (Co-conspirator Three) advising that WADIH EL HAGE had just returned from meeting with members of BIN LADEN's al Qaeda group and that BIN LADEN and the Taliban were cooperating and promising to forward a report concerning the status of al Qaeda and its relations with the Taliban;

rrr. On or about February 25, 1997, the defendant WADIH EL HAGE faxed a copy of a report prepared by MUHAMMAD ATEF concerning the Taliban to co-conspirators in Florida, Texas and Oregon, together with instructions to share the report with the "brothers in work";

sss. On or about February 26, 1997, Co-conspirator Two in Orlando, Florida, wrote a letter in code to WADIH EL HAGE asking EL HAGE to tell USAMA BIN LADEN that Co-conspirator Two was willing to help BIN LADEN;

ttt. On or about March 9, 1997, Co-conspirator Two in Orlando, Florida, wrote a letter to the defendant FAZUL ABDULLAH MOHAMED to advise him of Co-conspirator Two's new fax number in Orlando, Florida;

uuu. On or about March 13, 1997, the defendant FAZUL ABDULLAH MOHAMED wrote a letter in code to WADIH EL HAGE which included the new telephone number for Co-conspirator Two in Orlando, Florida;

vvv. On or about June 28, 1997, Co-conspirator Two in Orlando, Florida, sent a message in code asking WADIH EL HAGE

to tell USAMA BIN LADEN and MUHAMMAD ATEF to be careful about possible apprehension by American authorities;

Abdel Bary Leases the Beethoven Street Office

www. On or about March 20, 1997, the defendant ADEL ABDEL BARY leased the premises known as Unit 5, 1a Beethoven Street, London, England (hereafter "the Beethoven Street Office");

Ali Mohamed and El Hage Engage in Coded Correspondence

xxx. At various times during the course of the conspiracy, the defendants ALI MOHAMED and WADIH EL HAGE engaged in coded correspondence with other members and associates of the al Qaeda organization;

Wadih el Hage Obtains Money from the Sudan

yyy. On or about June 23, 1997, the defendant WADIH EL HAGE wrote to Co-conspirator Four in the Sudan to request that \$10,000 be transferred to an account in Kenya;

zzz. On or about July 3, 1997, approximately \$10,000 was transferred to an account in Kenya controlled by WADIH EL HAGE;

Al Fawwaz Leases the Beethoven Street Office

aaaa. On or about September 4, 1997, KHALID AL FAWWAZ leased the Beethoven Street Office, which lease was witnessed by the defendant ADEL ABDEL BARY;

Harun Hides El Hage's Files and Prepares a Security Report on the Kenyan al Qaeda Cell

bbbb. In or about the summer of 1997, the defendant WADIH EL HAGE possessed in his files at a location in Nairobi, Kenya, various coded letters and documents, including documents referring to "Nawawi," business records for "Asma Limited" and for the defendant KHALID AL FAWWAZ and "Abu Ubaidah al Banshiri," mobile telephone records for the defendant KHALID AL FAWWAZ, and passport sized photographs;

cccc. In or about the summer of 1997, the defendant FAZUL ABDULLAH MOHAMED, a/k/a "Harun," hid the files and papers of WADIH EL HAGE at a location in Nairobi, Kenya;

dddd. In or about the summer of 1997, the defendant FAZUL ABDULLAH MOHAMED, a/k/a "Harun," contacted KHALID AL FAWWAZ in London, England, and was directed by AL FAWWAZ to prepare a report concerning the status of the al Qaeda cell in East Africa;

eeee. In or about the summer of 1997, the defendant FAZUL ABDULLAH MOHAMED, a/k/a "Harun," prepared a report concerning the status of the al Qaeda cell in East Africa;

Eidarous Moves from Baku to London to Head Egyptian Islamic Jihad Cell

ffff. On or about September 23, 1997, IBRAHIM EIDAROUS traveled from Baku, Azerbaijan, to London, England, to become the leader of the London cell of the Egyptian Islamic

Jihad;

El Hage Lies to the FBI in September 1997

gggg. On or about September 23, 1997, in the Southern District of New York, the defendant WADIH EL HAGE made false statements concerning the nature of his contacts with al Qaeda and Egyptian Islamic Jihad to a Special Agent of the FBI conducting a criminal investigation of al Qaeda;

El Hage Lies to the Grand Jury in September 1997

hhhh. On or about September 24, 1997, in the Southern District of New York, the defendant WADIH EL HAGE made false statements concerning the nature of his contacts with al Qaeda and Egyptian Islamic Jihad to a federal Grand Jury conducting an investigation of al Qaeda;

Ali Mohamed Lies to the FBI in October 1997

iiii. On or about October 14, 1997, in Sacramento, California, the defendant ALI MOHAMED made false statements concerning the nature of his contacts with al Qaeda and Egyptian Islamic Jihad to Special Agents of the FBI conducting a criminal investigation of al Qaeda;

El Hage Lies to the FBI in October 1997

jjjj. On or about October 17, 1997, in Texas, the defendant WADIH EL HAGE made false statements concerning the nature of his contacts with al Qaeda to Special Agents of the FBI conducting a criminal investigation of al Qaeda;



Eidarus Corresponds with Al Zawahiri

kkkk. On or about October 29, 1997, the defendant IBRAHIM EIDAROUS sent correspondence from London, England, to the defendant AYMAN AL ZAWAHIRI in Afghanistan asking him to call the number 956375892;

llll. On or about October 30, 1997, a co-conspirator made several calls from the Bin Laden Satellite Telephone to 956375892, a mobile phone belonging to the defendant ABDEL BARY;

Ali Mohamed Contacts Wadih el Hage Through a Texas Co-Conspirator

mmmm. In or about early January 1998, the defendant ALI MOHAMED received a letter from Co-conspirator Two, then overseas, suggesting that ALI MOHAMED contact WADIH EL HAGE through a co-conspirator, residing in Arlington, Texas (Co-Conspirator Five);

nnnn. On or about January 13, 1998, the defendant ALI MOHAMED placed a telephone call to Co-conspirator Five residing in Arlington, Texas;

Al Zawahiri Appoints Deputies and Announces Draft Fatwah

oooo. On or about January 18, 1998, the defendant AYMAN AL ZAWAHIRI issued a letter naming four deputies for Egyptian Islamic Jihad and discussing a "draft agreement" of the fatwah to kill American citizens;

Abdel Bary Leases the Beethoven Street Office

pppp. On or about February 20, 1998, the defendant ADEL ABDEL BARY leased the Beethoven Street Office, which he maintained until on or about September 23, 1998;

The February 1998 Fatwah Against American Civilians

qqqq. On or about February 22, 1998, the defendant KHALID AL FAWWAZ called the office of the publication, Al-Quds al-'Arabi, in London, England numerous times;

rrrr. On or about February 22, 1998, a co-conspirator placed numerous calls using the Bin Laden Satellite Telephone to the defendant KHALID AL-FAWWAZ in London, England;

ssss. In February 1998, the defendants USAMA BIN LADEN and AYMAN AL ZAWAHIRI endorsed a fatwah under the banner of the "International Islamic Front for Jihad on the Jews and Crusaders." This fatwah, published in the publication Al-Quds al-'Arabi on February 23, 1998, stated that Muslims should kill Americans -- including civilians -- anywhere in the world where they can be found;

tttt. In or about April 1998, the defendant MOHAMED SADEEK ODEH discussed the fatwahs issued by BIN LADEN and al Qaeda against America with MUSTAFA MOHAMED FADHIL in Kenya; Egyptian Islamic Jihad Cell Member Communicates with Eidarous

uuuu. On or about March 7, 1998, Co-conspirator Six in Albania sent correspondence to the defendant IBRAHIM

EIDAROUS in London;

The May 1998 Fatwah

vvvv. On or about May 7, 1998, the defendant MUHAMMAD ATEF, a/k/a "Abu Hafs," sent to the defendant KHALID AL FAWWAZ a letter discussing the endorsement by USAMA BIN LADEN of a fatwah issued by the "Ulema Union of Afghanistan" which termed the United States Army the "enemies of Islam" and declared a jihad against the United States and its followers, and defendant MUHAMMAD ATEF suggested how KHALID AL FAWWAZ should have the fatwah published;

www. Between on or about May 7, 1998, and on or about May 14, 1998, the defendant KHALID AL FAWWAZ caused to be published in the newspaper Al-Quds al-'Arabi the fatwah issued by the "Ulema Union of Afghanistan";

Bin Laden Endorses the Nuclear Bomb of Islam

xxxx. On or about May 29, 1998, the defendant USAMA BIN LADEN issued a statement entitled "The Nuclear Bomb of Islam," under the banner of the "International Islamic Front for Fighting the Jews and the Crusaders," in which he states that "it is the duty of the Muslims to prepare as much force as possible to terrorize the enemies of God";

Harun Relocates from the Sudan to Nairobi, Kenya

yyyy. On or about March 4, 1998, the defendant FAZUL ABDULLAH MOHAMED, a/k/a "Harun," traveled from Khartoum in

the Sudan to Nairobi, Kenya;

zzzz. On or about April 28, 1998, the defendant FAZUL ABDULLAH MOHAMED, a/k/a "Harun," traveled from Khartoum in the Sudan to Nairobi, Kenya;

aaaaa. On or about May 10, 1998, the defendant FAZUL ABDULLAH MOHAMED, a/k/a "Harun," traveled from Khartoum in the Sudan to Nairobi, Kenya;

bbbbb. In or about May 1998, the defendant FAZUL ABDULLAH MOHAMMED rented a villa located at 43 New Runda Estates in Nairobi, Kenya;

#### The May 1998 Press Conference

cccc. On or about May 17, 1998, AL-'OWHALI, using a passport in the alias "Khaled Salem Saleh Bin Rashed" traveled from Sanaa, Yemen, to Karachi, Pakistan, arriving in Karachi on May 18, 1998;

ddddd. In the days immediately following a May 1998 press interview, the defendant USAMA BIN LADEN held a press conference in Khost, Afghanistan, attended also by the defendants MUHAMMAD ATEF and MOHAMED RASHED DAOUD AL-'OWHALI, where USAMA BIN LADEN repeated his intention to kill Americans;

#### Eidarous and Abdel Bary Facilitate Delivery of Fake Passports

eeee. In or about June 1998, the defendants IBRAHIM EIDAROUS and ADEL ABDEL BARY made efforts to facilitate the delivery of fake travel documents to co-conspirators who were

members or associates of Egyptian Islamic Jihad in Holland and Albania;

Preparation for the Bombings of United States Embassies

fffff. In or about March or April 1998, in Dar es Salaam, Tanzania, the defendant KHALFAN KHAMIS MOHAMED met with the defendant MUSTAFA MOHAMED FADHIL and agreed to participate in a "jihad job";

ggggg. On or about May 4, 1998, the defendant KHALFAN KHAMIS MOHAMED applied for a Tanzanian passport in the name "Zahran Nassor Maulid";

hhhhh. In or about June 1998, the defendant MOHAMED RASHED DAOUD AL-'OWHALI and an individual known as "Azzam" filmed a videotape to celebrate their anticipated "martyrdom" in a bombing operation to be conducted against United States interests in East Africa, claiming credit in the name of a fictitious organization, the "Army for the Liberation of Islamic Holy Places";

iiiiii. On or about June 19, 1998, a co-conspirator ("Azzam"), using a passport in the name of "Gihad Ali" traveled from Karachi, Pakistan, to Nairobi, Kenya, arriving in Nairobi on June 19, 1998;

jjjjj. In or about June 1998, the defendants KHALFAN KHAMIS MOHAMED and FAHID MOHAMMED ALLY MSALAM purchased a white Suzuki Samurai ("the Suzuki Samurai") at a location in Dar

es Salaam, Tanzania;

kkkkk. In or about June 1998, the defendants MUSTAFA MOHAMED FADHIL and KHALFAN KHAMIS MOHAMED rented house number 213 in the Ilala District of Dar es Salaam, Tanzania;

lllll. In or about late June or early July 1998, the defendants FAHID MOHAMMED ALLY MSALAM and SHEIKH AHMED SALIM SWEDAN purchased a Toyota Dyna truck ("the Nairobi Bomb Truck") in Mombasa, Kenya, and made alterations to the back of the truck;

mmmmm. At various times in or about the summer of 1998, the defendants MUSTAFA MOHAMED FADHIL, KHALFAN KHAMIS MOHAMED, AHMED KHALFAN GHAILANI, and FAHID MOHAMMED ALLY MSALAM met at a residence located at 15 Amani Street in Dar es Salaam, Tanzania;

nnnnn. In or about July 1998, the defendants AHMED KHALFAN GHAILANI and SHEIKH AHMED SALIM SWEDAN purchased a 1987 Nissan Atlas truck in Dar es Salaam, Tanzania ("the Dar es Salaam Bomb Truck");

ooooo. In or about July 1998, the defendant SHEIKH AHMED SALIM SWEDAN arranged for mechanical and welding work to be done on the Dar es Salaam Bomb Truck at various locations in Dar es Salaam, Tanzania;

ppppp. In or about July 1998, the defendant SHEIKH AHMED SALIM SWEDAN purchased two large truck batteries from a location in Dar es Salaam, Tanzania;

qqqqq. In or about July 1998, the defendants AHMED KHALFAN GHAILANI and FAHID MOHAMMED ALLY MSALAM purchased oxygen and acetylene tanks in Dar es Salaam, Tanzania;

rrrrr. In or about July 1998, the defendant MOHAMED SADEEK ODEH discussed with another member of al Qaeda in Kenya the fact that defendant USAMA BIN LADEN had formed a united front against the United States with other Islamic extremist groups;

sssss. On or about July 31, 1998, MOHAMED RASHED DAOUD AL-'OWHALI, using a passport in the alias "Khaled Salem Saleh Bin Rashed," traveled from Karachi, Pakistan, to Nairobi, Kenya, arriving in Nairobi on August 2, 1998;

ttttt. Prior to August 2, 1998, the defendant MOHAMED SADEEK ODEH obtained a false passport to facilitate his travel with other al Qaeda members to Afghanistan to meet with the defendant USAMA BIN LADEN;

uuuuu. In or about early August 1998, in Dar es Salaam, Tanzania, the defendant KHALFAN KHAMIS MOHAMED obtained visas for Yemen and South Africa;

Ali Mohamed Lies to the FBI in Summer 1998

vvvvv. At various times in the summer of 1998, ALI MOHAMED made false statements to a Special Agent of the Federal Bureau of Investigation conducting a criminal investigation of al Qaeda and the affiliated Egyptian Islamic Jihad;

Al Zawahiri Reaffirms Eidarous as London Cell Leader of Egyptian Islamic Jihad

wwwww. On or about June 28, 1998, the defendant AYMAN AL ZAWAHIRI sent a letter to London stating that the defendant IBRAHIM EIDAROUS was the leader for the Egyptian Islamic Jihad cell in London;

Abdel Bary Reaffirms Commitment to Egyptian Islamic Jihad

xxxxx. In or about early July 1998, the defendant ADEL ABDEL BARY reaffirmed his commitment, among other things, to the general objectives of the Egyptian Islamic Jihad and to follow all orders of the Egyptian Islamic Jihad leadership;

The Threat from Egyptian Islamic Jihad

yyyyy. On or about August 4, 1998, a statement was issued by Egyptian Islamic Jihad threatening to retaliate against America for its claimed involvement in the apprehension of Egyptian Islamic Jihad members in Albania;

zzzzz. On or about August 4, 1998, ABDEL BARY received the threat issued by Egyptian Islamic Jihad to retaliate against the United States by facsimile at the Beethoven Street Office;

The Final Preparations for the Bombings

aaaaaa. In or about late July 1998, in Dar es Salaam, Tanzania, the defendants KHALFAN KHAMIS MOHAMED, MUSTAFA MOHAMED FADHIL, and other co-conspirators, participated in the grinding of TNT;



bbbbbb. During the last week of July and the first week of August 1998, the defendants MUSTAFA MOHAMED FADHIL, KHALFAN KHAMIS MOHAMED, FAHID MOHAMMED ALLY MSALAM, together with "Ahmed the German," a co-conspirator not named as a defendant herein, met at the residence located at house 213 in the Ilala district of Dar es Salaam, Tanzania, to make final preparations for the bombing of the United States Embassy in Dar es Salaam, Tanzania;

cccccc. In or about late July and early August 1998, the defendants KHALFAN KHAMIS MOHAMED, FAHID MOHAMMED ALLY MSALAM, AHMED KHALFAN GHAILANI, MUSTAFA MOHAMED FADHIL, and other co-conspirators loaded boxes of TNT, cylinder tanks, batteries, detonators, fertilizer, and sand bags into the back of the Dar es Salaam Bomb Truck;

dddddd. On or about August 1, 1998, an al Qaeda member advised the defendant MOHAMED SADEEK ODEH that all members of al Qaeda had to leave Kenya by Thursday, August 6, 1998;

eeeeee. In or about early August 1998, the defendant MOHAMED SADEEK ODEH and other members of al Qaeda traveled from Mombasa, Kenya, to Nairobi, Kenya;

ffffff. During the first week of August 1998, the defendants FAZUL ABDULLAH MOHAMMED and MOHAMED RASHED DAUD AL-'OWHALI, together with "Azzam" and other members of al Qaeda, met at a villa located at number 43 New Runda Estates in Nairobi,

Kenya, to make final preparations for the bombing of the United States Embassy in Nairobi, Kenya;

gggggg. On or about August 1, 1998, the defendant AHMED KHALFAN GHAILANI checked into the Hilltop Hotel in Nairobi, Kenya;

hhhhh. On or about August 2, 1998, the defendants MOHAMED SADEEK ODEH and FAZUL ABDULLAH MOHAMMED, together with other members of al Qaeda, met at the Hilltop Hotel in Nairobi, Kenya;

iiiiii. On or about August 2, 1998, the defendants SHEIKH AHMED SALEM SWEDAN and MUSTAFA MOHAMED FADHIL left Nairobi, Kenya, on Pakistan International Airlines Flight No. 744 to Karachi, Pakistan, via Dubai, United Arab Emirates;

jjjjjj. From on or about August 2 through on or about August 6, 1998, the defendant MOHAMED SADEEK ODEH stayed together with other members of al Qaeda at the Hilltop Hotel in Nairobi, Kenya;

kkkkkk. On or about August 3, 1998, the defendant FAHID MOHAMMED ALLY MSALAM purchased tickets for Pakistani International Air Flight No. 746 for himself and the defendant MOHAMED SADEEK ODEH in Mombasa, Kenya;

llllll. On or about August 4, 1998, the defendants FAZUL ABDULLAH MOHAMMED and MOHAMED RASHED DAOUD AL-'OWHALI, together with "Azzam" and other members of al Qaeda,

reconnoitered the United States Embassy in Nairobi, Kenya;

mmmmmm. On or about August 5, 1998, a co-conspirator called the Hilltop Hotel in Nairobi, Kenya, from a location in Dar es Salaam, Tanzania;

nnnnnn. On or about August 5, 1998, the defendant MOHAMED SADEEK ODEH shaved his beard and obtained new clothing in preparation for travel outside of Kenya to Afghanistan to meet with the defendant USAMA BIN LADEN;

oooooo. On or about August 5, 1998, the defendant MOHAMED SADEEK ODEH walked along Moi Avenue in Nairobi, Kenya, in the vicinity of the United States Embassy;

pppppp. On or about August 5, 1998, the defendant MOHAMED RASHED DAOUD AL-'OWHALI, using the alias "Khalid Salim," contacted a certain telephone number in Yemen ("Yemen Telephone One") from 43 New Runda Estates in Nairobi, Kenya;

qqqqqq. On or about August 6, 1998, the defendant MOHAMED RASHED DAOUD AL-'OWHALI, using the alias "Khalid Salim," contacted Yemen Telephone One twice from 43 New Runda Estates in Nairobi, Kenya;

rrrrrr. On or about August 7, 1998, at 9:19 a.m. (Nairobi Local Time), the defendant MOHAMED RASHED DAOUD AL-'OWHALI, using the alias "Khalid Salim," contacted Yemen Telephone One twice from 43 New Runda Estates in Nairobi, Kenya;

Odeh's, Msalam's and Ghailani's Flight from Nairobi the Night Before the Bombings

ssssss. On or about August 6, 1998, the defendant AHMED KHALFAN GHAILANI left Nairobi, Kenya, for Karachi, Pakistan, on Kenya Airways Flight No. 310;

tttttt. On or about August 6, 1998, in the evening, the defendant MOHAMED SADEEK ODEH, based on instructions from al Qaeda members and using an assumed name, and the defendant FAHID MOHAMMED ALLY MSALAM left Nairobi, Kenya, for Karachi, Pakistan, on Pakistani International Airways flight No. 746;

Claims of Responsibility Sent to London Before the Bombings

uuuuuu. In the early hours of August 7, 1998, facsimiles were sent to London, England, claiming responsibility for the embassy bombings in the name of the "Islamic Army for the Liberation of the Holy Places" for further distribution by co-conspirators, which claims indicated that the Nairobi bombing was carried out by two Saudi nationals and that the Dar es Salaam bombing was carried out by an Egyptian national;

The Bombing in Nairobi

vvvvvv. On August 7, 1998, beginning at approximately 9:30 a.m. local time, the defendant FAZUL ABDULLAH MOHAMMED drove a pick-up truck from the villa located at 43 New Runda Estates to the vicinity of the United States Embassy in Nairobi, Kenya, while the defendant MOHAMED RASHED DAOUD AL-

'OWHALI rode in the Nairobi Bomb Truck driven by "Azzam" (a Saudi national) containing a large bomb to the United States Embassy in Nairobi, Kenya. The defendant MOHAMED RASHED DAOUD AL-'OWHALI possessed four stun-grenade type devices, a 9 millimeter Beretta handgun, bullets, and keys to the padlocks on the Nairobi Bomb Truck;

wwwww. On August 7, 1998, at approximately 10:30 a.m., the defendant MOHAMED RASHED DAOUD AL-'OWHALI got out of the Nairobi Bomb Truck as it approached the rear of the Embassy building and brandished a stun grenade before throwing it in the direction of a security guard and then seeking to flee;

xxxxxx. On August 7, 1998, at approximately 10:30 a.m., "Azzam" drove the Nairobi Bomb Truck to the rear of the Embassy building and fired a handgun at the windows of the Embassy building;

yyyyyy. On August 7, 1998, at approximately 10:30 a.m., "Azzam" detonated the explosive device contained in the Nairobi Bomb Truck at a location near the rear of the Embassy building, demolishing a multi-story secretarial college and severely damaging the United States Embassy building and the Cooperative Bank Building, causing a total of more than 213 deaths, as well as injuries to more than 4,500 people, including citizens of Kenya and the United States;

zzzzzz. Following the August 7, 1998, bombing of

the Embassy building, the defendant MOHAMED RASHED DAOUD AL-'OWHALI sought to secrete bullets and keys to the padlock on the Nairobi Bomb Truck in a hospital clinic in Nairobi;

The Dar es Salaam Bombing

aaaaaaa. On or about August 7, 1998, the defendant KHALFAN KHAMIS MOHAMED accompanied "Ahmed the German," an Egyptian national named as a co-conspirator but not as a defendant herein, in the Dar es Salaam Bomb Truck during a portion of the ride to the United States Embassy;

bbbbbbb. On August 7, 1998, at approximately 10:40 a.m., "Ahmed the German" detonated an explosive device contained, along with oxygen and acetylene tanks and truck batteries, in the Dar es Salaam Bomb Truck in the vicinity of the United States Embassy building located in Dar es Salaam, Tanzania, severely damaging the United States Embassy building and causing the deaths of at least 11 persons, including Tanzanian citizens, on the Embassy property, as well as injuries to at least 85 people;

The Claims of Responsibility are Sent from London

ccccccc. On or about August 7 and August 8, 1998, the defendants ADEL ABDEL BARY and IBRAHIM EIDAROUS participated in the dissemination of claims of responsibility for the bombings of the American embassies in the name of "Islamic Army for the Liberation of the Holy Places" to media organizations in Paris, France; Doha, Qatar; and Dubai, United Arab Emirates;

Al-'Owhali and Others Contact Yemen Telephone

dddddd. On or about August 8, 1998, the defendant MOHAMED RASHED DAOUD AL-'OWHALI, using the alias "Khalid Salim," contacted Yemen Telephone One from a pay telephone in Nairobi, Kenya, twice;

eeeeeee. On or about August 9, 1998, the defendant MOHAMED RASHED DAOUD AL-'OWHALI, using the alias "Khalid Salim," contacted Yemen Telephone One from a pay telephone in Nairobi, Kenya, twice;

ffffff. On or about August 10, 1998, a co-conspirator using the Bin Laden Satellite Telephone contacted Yemen Telephone One from Afghanistan;

Al-'Owhali Contacts Yemen and Receives Money

ggggggg. On or about August 11, 1998, a co-conspirator using the Bin Laden Satellite Telephone contacted Yemen Telephone One twice from Afghanistan;

hhhhhhh. On or about August 11, 1998, the defendant MOHAMED RASHED DAOUD AL-'OWHALI, obtained \$1000 from a money exchange house in Nairobi, Kenya, which also had a branch office in Yemen;

"Harun" Flees After the Bombing

iiiiiii. In the days immediately following the bombings, the defendant FAZUL ABDULLAH MOHAMMED hired persons to clean the villa located at 43 New Runda Estates in Nairobi,

Kenya;

jjjjjjj. On or about August 14, 1998, the defendant FAZUL ABDULLAH MOHAMMED went to the Comoros Islands;

Khalfan Khamis Mohamed Flees After the Bombing

kkkkkkk. On or about August 7, 1998, the defendant KHALFAN KHAMIS MOHAMED cleaned the premises located at #213 Ilala and made arrangements to clean and discard the grinder used to prepare the TNT;

lllllll. On or about August 8, 1998, the defendant KHALFAN KHAMIS MOHAMED left Dar es Salaam for Cape Town, South Africa, via Mozambique;

El Hage Lies to the FBI in August 1998

mmmmmmm. On or about August 20, 1998, in Texas, the defendant WADIIH EL HAGE made false statements concerning the nature of his contacts with al Qaeda to Special Agents of the Federal Bureau of Investigation conducting a criminal investigation of al Qaeda, Egyptian Islamic Jihad, and the August 1998 bombings in Africa;

Ali Mohamed Possesses Terrorist Training Materials

nnnnnnn. In or late August 1998, the defendant ALI MOHAMED possessed, among other things:

-- documents concerning techniques of surveilling various targets, including military, diplomatic and government targets;

-- documents concerning the planning of terrorist operations and the structuring of a terrorist group into



different cells;

- documents concerning how intelligence agencies operate;

- documents regarding various explosives, including documents concerning the planting of explosives in buildings;

- documents regarding assassination techniques;

- documents regarding the firing of various weapons, including the rocket-propelled grenade ("RPG");

- documents concerning a military-style training program;

- documents concerning codes;

- coded correspondence;

- a report on the drowning death of "Abu Ubaidah al Bانشiri" a/k/a "Galal";

- copies of a document which had been forwarded to USAMA BIN LADEN;

- a coded letter from a co-conspirator advising of WADIH EL HAGE'S 1997 trip to visit Usama Bin Laden and his subsequent interview by American authorities; and

- an Egyptian passport in the name of "Ahmed Bahaa Eldin Mohamed Adam" bearing MOHAMED's photograph;

#### Ali Mohamed Lies to the Grand Jury in September 1998

oooooo. On or about September 10, 1998, in the Southern District of New York, the defendant ALI MOHAMED made false statements to a federal Grand Jury conducting an investigation of al Qaeda, Egyptian Islamic Jihad, and the August 1998 bombings in Africa.

El Hage Lies to the Grand Jury in September 1998

ppppppp. On or about September 16, 1998, in the Southern District of New York, the defendant WADIIH EL HAGE made false statements concerning the nature of his contacts with al Qaeda to a federal Grand Jury conducting an investigation of al Qaeda, Egyptian Islamic Jihad, and the August 1998 bombings in Africa.

Mamdouh Mahmud Salim Lies to Law Enforcement in September 1998

qqqqqqq. On or about September 16, 17, 18, 21, 23 24, 25, and 28, in Munich, Germany, the defendant MAMDOUH MAHMUD SALIM made false statements to German law enforcement officials conducting an investigation of al Qaeda activity in Germany.

rrrrrrr. On or about September 17 and 18, 1998, in Munich, Germany, the defendant MAMDOUH MAHMUD SALIM made false statements to a Special Agent of the FBI conducting an investigation of al Qaeda, Egyptian Islamic Jihad, and the August 1998 bombings in Africa.

Usama Bin Laden Issues Further Threats in June 1999

sssssss. In or about June 1999, in an interview with an Arabic-language television station, USAMA BIN LADEN issued a further threat indicating that all American males should be killed.

(Title 18, United States Code, Section 2332(b).)

COUNT TWO:

CONSPIRACY TO MURDER, KIDNAP AND MAIM  
AT PLACES OUTSIDE THE UNITED STATES

The Grand Jury further charges:

13. The allegations contained in paragraphs 1 through 9 are repeated herein.

14. From at least 1991 until the date of the filing of this Indictment, within the jurisdiction of the United States, in the Southern District of New York, in Afghanistan, the United Kingdom, Pakistan, the Sudan, Saudi Arabia, Yemen, Somalia, Kenya, Tanzania, Azerbaijan, the Philippines and elsewhere, ALI MOHAMED, a/k/a "Ali Abdelseoud Mohamed," a/k/a "Abu Omar," a/k/a "Omar," a/k/a "Haydara," a/k/a "Taymour Ali Nasser," a/k/a "Ahmed Bahaa Eldin Mohamed Adam," and WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," defendants, together with other members and associates of al Qaeda, Egyptian Islamic Jihad, and others known and unknown to the grand jury, including Usama Bin Laden, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," Muhammad Atef, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh

Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," Ayman Al Zawahiri, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," Mamdouh Mahmud Salim, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," Khalid Al Fawwaz, a/k/a "Khaled Abdul Rahman Hamad al Fawwaz," a/k/a "Abu Omar," a/k/a "Hamad," Ibrahim Eidarous, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," Adel Abdel Bary, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," Fazul Abdullah Mohammed, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," Mohamed Sadeek Odeh, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," Mohamed Rashed Daoud Al-'Owhali, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," Mustafa Mohamed Fadhil, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," Khalfan Khamis Mohamed, a/k/a "Khalfan Khamis," Ahmed Khalfan Ghailani, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," Fahid Mohammed Ally Msalam, a/k/a "Fahad M. Ally," and Sheikh Ahmed Salim Swedan, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," unlawfully, wilfully and knowingly combined, conspired, confederated and agreed to

murder, kidnap, and maim nationals of the United States at places outside the United States.

15. It was a part and an objective of said conspiracy that the defendants, and others known and unknown, would and did: (i) kill United States nationals employed by the United States military who were serving in Somalia and on the Saudi Arabian peninsula; (ii) kill United States nationals employed at the United States Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, including internationally protected persons as that term is defined in Title 18, United States Code, Section 1116(b)(4); (iii) kill United States civilians anywhere in the world, and (iv) engage in conduct to conceal the activities and means and methods of the co-conspirators by, among other things, establishing front companies, providing false identity and travel documents, engaging in coded correspondence, providing false information to the authorities in various countries and seeking to detect and kill informants.

#### Overt Acts

16. In furtherance of said conspiracy, and to effect the objects thereof, the defendants, and others known and unknown to the grand jury, committed the overt acts set forth in Count One of this Indictment, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 956(a)(1) and (a)(2)(A).)

COUNT THREE:

CONSPIRACY TO MURDER

The Grand Jury further charges:

17. The allegations contained in paragraphs 1 through 9 are repeated herein.

18. From at least 1991 until the date of the filing of this Indictment, in the Southern District of New York, in Afghanistan, the United Kingdom, Pakistan, the Sudan, Saudi Arabia, Yemen, Somalia, Kenya, Tanzania, Azerbaijan, the Philippines and elsewhere out of the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," KHALID AL FAWWAZ, a/k/a "Khaled Abdul Rahman Hamad al Fawwaz," a/k/a "Abu Omar," a/k/a "Hamad," ALI MOHAMED, a/k/a "Ali Abdelseoud Mohamed," a/k/a "Abu Omar," a/k/a

"Omar," a/k/a "Haydara," a/k/a "Taymour Ali Nasser," a/k/a "Ahmed Bahaa Eldin Mohamed Adam," WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Nourelidine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Husseini," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants at least one of whom was first brought to and arrested in the Southern District of New York, together with other members and associates of al Qaeda, Egyptian Islamic Jihad,

and others known and unknown to the grand jury, unlawfully, wilfully and knowingly combined, conspired, confederated and agreed unlawfully to kill individuals.

19. It was a part and an objective of said conspiracy that the defendants, and others known and unknown, would and did: (i) kill officers and employees of the United States and agencies and branches thereof, while such employees were engaged in, and on account of, the performance of their official duties, and persons assisting such employees in the performance of their duties, in violation of Section 1114 of Title 18, United States Code, including members of the American military stationed in Saudi Arabia, Yemen, Somalia and elsewhere, and employees of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania; (ii) kill internationally protected persons, as that term is defined in Title 18, United States Code, Section 1116(b)(4); and (iii) engage in conduct to conceal the activities and means and methods of the co-conspirators by, among other things, establishing front companies, providing false identity and travel documents, engaging in coded correspondence, providing false information to the authorities in various countries and seeking to detect and kill informants.

Overt Acts

20. In furtherance of said conspiracy, and to effect the objects thereof, the defendants, and others known and unknown



to the grand jury, committed the overt acts set forth in Count One of this Indictment, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 1114, 1116 and 1117.)

COUNT FOUR:

CONSPIRACY TO USE WEAPONS OF MASS DESTRUCTION  
AGAINST NATIONALS OF THE UNITED STATES

The Grand Jury further charges:

21. The allegations contained in paragraphs 1 through 9 are repeated herein.

22. From at least 1991 until the date of the filing of this Indictment, in the Southern District of New York, in Afghanistan, the United Kingdom, Pakistan, the Sudan, Saudi Arabia, Yemen, Somalia, Kenya, Tanzania, Azerbaijan, the Philippines and elsewhere out of the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor,"

a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Nourelidine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Husseini," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants at least one of whom was first brought to and arrested in the Southern District of New York, together with other members and associates of al Qaeda, Egyptian Islamic Jihad, and others known and unknown to the grand jury, unlawfully, wilfully and knowingly combined, conspired, confederated and agreed unlawfully to use weapons of mass destruction, to wit, bombs, against nationals of the United

States while such nationals would be outside the United States and against property that is owned, leased and used by the United States and by departments and agencies of the United States.

23. It was a part and an object of said conspiracy that the defendants, and others known and unknown, would and did: (i) bomb the American embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, and employees of the American Government stationed at those embassies, and (ii) attack American military facilities in the Gulf region and the Horn of Africa, and members of the American military stationed in Saudi Arabia, Yemen, Somalia and elsewhere with bombs.

Overt Acts

24. In furtherance of said conspiracy, and to effect the objects thereof, the defendants, and others known and unknown to the grand jury, committed the overt acts set forth in Count One of this Indictment, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 2332a(a)(1) and (a)(3).)

COUNT FIVE:

CONSPIRACY TO DESTROY BUILDINGS AND PROPERTY OF THE UNITED STATES

The Grand Jury further charges:

25. The allegations contained in paragraphs 1 through 9 are repeated herein.

26. From at least 1991 until the date of the filing of

this Indictment, in the Southern District of New York, in Afghanistan, the United Kingdom, Pakistan, the Sudan, Saudi Arabia, Yemen, Somalia, Kenya, Tanzania, and elsewhere out of the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," KHALID AL FAWWAZ, a/k/a "Khaled Abdul Rahman Hamad al Fawwaz," a/k/a "Abu Omar," a/k/a "Hamad," ALI MOHAMED, a/k/a "Ali Abdelseoud Mohamed," a/k/a "Abu Omar," a/k/a "Omar," a/k/a "Haydara," a/k/a "Taymour Ali Nasser," a/k/a "Ahmed Bahaa Eldin Mohamed Adam," WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY,

a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Husseini," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants at least one of whom was first brought to and arrested in the Southern District of New York, together with other members and associates of al Qaeda, Egyptian Islamic Jihad, and others known and unknown to the grand jury, unlawfully, wilfully and knowingly combined, conspired, confederated and agreed unlawfully to maliciously damage and destroy, and attempt to damage and destroy, by means of fire and explosives, buildings, vehicles and other personal and real property in whole or in part owned and possessed by, and leased to, the United States and departments and agencies thereof, in

violation of Title 18, United States Code, Section 844(f) (1).

27. It was a part and an objective of said conspiracy that the defendants would and did: (i) bomb American facilities anywhere in the world, including the American embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, (ii) attack employees of the American Government stationed at those facilities, including the American embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, (iii) attack military installations and members of the American military stationed at such military installations in Saudi Arabia, Yemen, Somalia and elsewhere with bombs, and (iv) engage in conduct with the result of such conduct directly and proximately causing the death of persons, in violation of Title 18, United States Code, Section 844(f) (3).

Overt Acts

28. In furtherance of said conspiracy, and to effect the objects thereof, the defendants, and others known and unknown to the grand jury, committed the overt acts set forth in Count One of this Indictment, which are fully incorporated by reference herein.

(Title 18, United States Code, Section 844(n).)

COUNT SIX:

CONSPIRACY TO ATTACK NATIONAL DEFENSE UTILITIES

The Grand Jury further charges:

29. The allegations contained in paragraphs 1 through

9 are repeated herein.

30. From at least 1991 until the date of the filing of this Indictment, in the Southern District of New York, in Afghanistan, the United Kingdom, Pakistan, the Sudan, Saudi Arabia, Yemen, Somalia, Kenya, and elsewhere out of the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer al Iraqui," a/k/a "Abu Hajer," KHALID AL FAWWAZ, a/k/a "Khaled Abdul Rahman Hamad al Fawwaz," a/k/a "Abu Omar," a/k/a "Hamad," ALI MOHAMED, a/k/a "Ali Abdelseoud Mohamed," a/k/a "Abu Omar," a/k/a "Omar," a/k/a "Haydara," a/k/a "Taymour Ali Nasser," a/k/a "Ahmed Bahaa Eldin Mohamed Adam," WADIIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," IBRAHIM

EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants at least one of whom was first brought to and arrested in the Southern District of New York, together with other members and associates of al Qaeda, Egyptian Islamic Jihad and others known and unknown to the grand jury, unlawfully, wilfully and knowingly, and with intent to injure, interfere with and obstruct the national defense of the United States, combined, conspired, confederated and agreed together and with each other to injure, destroy, contaminate, and infect, and



attempt to injure, destroy, contaminate, and infect national-defense material, national-defense premises and national defense utilities of the United States.

Overt Acts

31. In furtherance of the said conspiracy, and to effect the objects thereof, the defendants, and others known and unknown to the grand jury, committed the overt acts set forth in paragraphs 12a through 12gg, paragraphs 12oo through 12xxxx, paragraphs 12cccc and 12dddd, paragraphs 12vvvv through 12zzzz, paragraphs 12mmmmmm through 12ssssss, outlined in Count One of this Indictment, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 2155(a) and (b).)

COUNTS SEVEN THROUGH TWO HUNDRED EIGHTY-SIX

THE AFRICA BOMBINGS

COUNT SEVEN:

BOMBING OF THE UNITED STATES EMBASSY IN  
NAIROBI, KENYA, RESULTING IN MORE THAN 200 DEATHS

The Grand Jury further charges:

32. The allegations contained in paragraphs 1 through 9 are repeated herein.

33. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid

Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Nourelidine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom

was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, wilfully, and knowingly did maliciously damage and destroy, and attempted to damage and destroy, by means of fire and an explosive, buildings, vehicles and other personal and real property in whole and in part owned and possessed by, and leased to, the United States, to wit, the defendants, together with other members and associates of al Qaeda and Egyptian Islamic Jihad, detonated an explosive device that damaged and destroyed the United States Embassy in Nairobi, Kenya, and as a result of such conduct directly and proximately caused the deaths of at least 213 persons, including Kenyan and American citizens, as listed in Counts 11 to 223.

(Title 18, United States Code, Sections 844(f)(1), (f)(3) and 2.)

COUNT EIGHT:

BOMBING OF THE UNITED STATES EMBASSY IN  
DAR ES SALAAM, TANZANIA, RESULTING IN AT LEAST 11 DEATHS

The Grand Jury further charges:

34. The allegations contained in paragraphs 1 through 9 are repeated herein.

35. On or about August 7, 1998, in Dar es Salaam, Tanzania, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the

Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and

others known and unknown, unlawfully, wilfully, and knowingly did maliciously damage and destroy, and attempted to damage and destroy, by means of fire and an explosive, buildings, vehicles and other personal and real property in whole and in part owned and possessed by, and leased to, the United States, to wit, the defendants, together with other members of al Qaeda, detonated an explosive device that damaged and destroyed the United States Embassy in Dar es Salaam, Tanzania, and as a result of such conduct directly and proximately caused the deaths of at least 11 persons, including Tanzanian citizens, as listed in Counts 224 to 234.

(Title 18, United States Code, Sections 844(f)(1), (f)(3) and 2.)

COUNT NINE:

USE AND ATTEMPTED USE OF WEAPONS OF MASS DESTRUCTION  
AGAINST NATIONALS OF THE UNITED STATES IN NAIROBI, KENYA

The Grand Jury further charges:

36. The allegations contained in paragraphs 1 through 9 are repeated herein.

37. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a

"Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Nourelidine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, wilfully, knowingly, and without lawful authority, did use and attempt to use a weapon of

mass destruction against nationals of the United States while such nationals were outside the United States, and against property that was owned, leased and used by the United States, and by an agency of the United States, to wit, the defendants attacked the American embassy in Nairobi, Kenya, and employees of the American Government stationed at this embassy with a bomb, which use and attempted use of such weapon of mass destruction resulted in death.

(Title 18, United States Code, Sections 2332a(a)(1) and (a)(3).)

COUNT TEN:

USE AND ATTEMPTED USE OF WEAPONS OF MASS DESTRUCTION  
AGAINST NATIONALS OF THE UNITED STATES IN DAR ES SALAAM, TANZANIA

The Grand Jury further charges:

38. The allegations contained in paragraphs 1 through 9 are repeated herein.

39. On or about August 7, 1998, in Dar es Salaam, Tanzania, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman

al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Nourelidine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, wilfully, knowingly, and without lawful authority, did use and attempt to use a weapon of mass destruction against nationals of the United States while such nationals were outside the United States, and against any



property that was owned, leased and used by the United States, and by an agency of the United States, to wit, the defendants attacked the American embassy in Dar es Salaam, Tanzania, and employees of the American Government stationed at this embassy with a bomb, which use and attempted use of such weapon of mass destruction resulted in death.

(Title 18, United States Code, Sections 2332a(a)(1) and (a)(3).)

COUNTS ELEVEN THROUGH TWO HUNDRED TWENTY-THREE:

MURDERS IN NAIROBI, KENYA

The Grand Jury further charges:

40. The allegations contained in paragraphs 1 through 9 are repeated herein.

41. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS,

a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, wilfully, deliberately, and maliciously, and with malice aforethought and with premeditation, did kill the persons listed below during the course of an attack on a federal facility involving the use of a dangerous weapon, to wit, the defendants detonated an explosive device that damaged and destroyed the United States Embassy in Nairobi, Kenya, and as a result of such conduct directly and proximately caused the

deaths of:

<u>Count</u>	<u>Victim</u>
11	BONITA ACHOLA
12	SAMSON ODUOR AHOMO
13	MARGARET AKINYI
14	JESSIE NATHANIEL ALIGANGA
15	EMMA ADHIAMBO ANULO
16	ELIZABETH ANYANGO
17	MONICAH APONDI
18	ROSETTA IVAYO BARASA
19	JULIAN LEOTIS BARTLEY JR.
20	JULIAN LEOTIS BARTLEY SR.
21	CHRISPINE BONYO
22	DANIEL KIPRONO CHERUIYOT
23	JEAN ROSE DALIZU
24	EVA NYANJAU GACHERU
25	ALICE NDUTA GACHIRI
26	JANE WANGUI GAKURU
27	RALPH JOHNSTONE GATHUMBI
28	JUSTUS NJERU GEOFFREY
29	AGNES WANJIKU GITAU
30	LAWRENCE AMBROSE GITAU
31	BENARD MUGAMBI GITONGA
32	SUSAN WAIRIMU GITU

33 ROSEMARY NJERI GITUMA  
34 HASSAN HUKAY GURACHA  
35 BURHAN ADEN HANSHI  
36 MOLLY H. HARDY  
37 KENNETH RAY HOBSON  
38 HINDU OMAR IDDI  
39 TONY KIHATO IRUNGU  
40 GEORGE IRUNGU  
41 JANE WANGARI ITUTIA  
42 DORINE ALUOCH JOW  
43 GILBERT MUGO KAHINDI  
44 JOHN KAROKI KAHUTHU  
45 GEOFFREY MULU KALIO  
46 JOEL GITUMBO KAMAU  
47 FRANCIS KIHARA KAMITI  
48 LAWRENCE GITAU KAMUTI  
49 MARGARET WANJIRU KANGI  
50 RACHEL WAMBUI KARABA  
51 CHARLES MUGO KARANJA  
52 LUCY NYAMIRA KARIGI  
53 BEATRICE NYAMBURA KARIUKI  
54 MOSES KARIUKI  
55 KRISTINE ANNE WAIRIMU KARUMBA  
56 PRABHI GUTPARA KAVALER

57 THOMAS MUDANYI KHAHENZI  
58 FRANCIS KIIRU KIBATHI  
59 JACKLINE NYAWIRA KIBERA  
60 RAELE BIIRI KIMAMI  
61 FELISTAS NJERI KIMANI  
62 STEPHEN MAINA KIMANI  
63 PHILIP MUNYAO KIOKO  
64 JOSEPH KAMAU KIONGO  
65 TERESA WAIRIMU KIONGO  
66 ARLENE BRADLEY KIRK  
67 DAVID NDURA KOIMBURI  
68 NAFTALI MWANGI KURIA  
69 JULIANA MBULI KWALI  
70 PETER MBITHI KYALO  
71 MOSES MULI KYULE  
72 TIRUS MURAGURI MACHARIA  
73 DENNIS EVANS RADCLIFFE MADEGWA  
74 FRANCIS WATORO MAINA  
75 LINDA NDINDI JACKSON MAINGI  
76 FRED YAFES MALOBA  
77 CECILIA MAMBOLEO  
78 MARY LOUISE MARTIN  
79 JAMES OTIENO MASEA  
80 ANNE NYAMBURA MATHENGE

81 JAMES MIGWI MATHENGE  
82 PITY MWIHAKI MATHENGE  
83 SIMON PETER NGUMO MATU  
84 DANIEL MUTINDA MAUNDU  
85 JUNE MARY MAWEU  
86 LYDIA MUKIRI MAYAKA  
87 ALLAN SABATO MBANDU  
88 DOREEN N. MBAYAKI  
89 PAMELA MBOYA  
90 RACHAEL KEBENDI MBOYA  
91 FRANCIS NDUNGU MBUGUA  
92 LUCY WARUTHI MBUNJA  
93 STEPHEN WAWERU MBURU  
94 CATHERINE MUKEITHI MIBERE  
95 ELIZABETH ANYANGO MITO  
96 AHMED WARKU MOHAMMED  
97 EDWARD MOKAYA  
98 LUCIAN MUGAMBI  
99 SHARON WANGECHI MUGO  
100 JOSEPHAT MUTUA MUIA  
101 EMMANUEL MUJYAMBERE  
102 SAMUEL VONDO MULALYA  
103 FRANCIS MUKENYE MULEHI  
104 EDWARD MWEA MUNGAI

105 JOHN AMOS MUNGAI  
106 DOMI MUNZALA  
107 TOMMY NKURUME MUNZALA  
108 CAROLINE MUMBI MURAGURI  
109 FIDDES WAMBUI MURITU  
110 ALICE WARUGURU MURIUKI  
111 MARY WANJIKU MURIUKI  
112 ROBERT MWIGWI MURIUKI  
113 DOMINIC KITHUVA MUSYOKA  
114 RUTH MUKAMI MUSYOKA  
115 WILSON KIPKORIR MUTAHI  
116 FLORENCE MWENDE MUTHAMA  
117 JOSEPHINE NZILANI MUTINDA  
118 EMMANUEL NYAGAH MUTIIRA  
119 CATHERINE NDOOME MUTUA  
120 PATRICK KARIUKI MUTUI  
121 CAROLINE KARUMBA MUTUIRI  
122 GLORIA NKATHA MUTUIRI  
123 GABRIEL MWADIME  
124 HARRISON NJUGUNA MWANGI  
125 ROSELYN WANJIKU MWANGI  
126 SAMUEL GITHUA MWANGI  
127 MOSES ASTON MWANI  
128 ANNA MWANIKI

129 ISAAC MUKERA MWARIA  
130 ABDALLA MUSYOKA MWILI MWILU  
131 ELIZABETH NYAROSTO NAKHALE  
132 GEOFFREY MOSES NAMAI  
133 MOSES ANDIKA NAMAYI  
134 MARY NYAGUTHI NDIRANGU  
135 SIMON KINUTHIA NDIRANGU  
136 CAROLINE ATIENO NDOLO  
137 MARTIN KIVATHE NDUATI  
138 JULIUS NDULU  
139 EDWIN PAUL NDUMBI  
140 PETER NJOROGE NDUNGU  
141 EPHRAIM KINGORI NDUNU  
142 JOYCE NJERI NG'ANG'A  
143 LOICE NJERI NGANGA  
144 JOHN MWANGI NGARAGARI  
145 PETER KABAU MACHARIA NGUGI  
146 JACINTA NJOKI NJAU  
147 SIMON MWANGI NJIIMA  
148 ABEL MUTEGI NJIRU  
149 AGATHA ANN NJOKI  
150 CATHERINE WAMBARA NJOROGE  
151 FRANCIS NDUNGU NJOROGE  
152 GRACE NYAMBURA NJOROGE



153 WILLIAM WAITHAKA NJOROGE  
154 FRANCIS KIBE NJUGUNA  
155 GODFREY MUCHORI NJUGUNA  
156 PATRICK MBIYU NJUGUNA  
157 FRANCIS MBOGO NJUIGE  
158 MICHAEL ODUOR NYADEMBA  
159 VINCENT KAMAU NYOIKE  
160 JANET NDUMI NZIOKA  
161 JOHNSON KIMEU NZIOKA  
162 MAGDALINE MBITHE NZOKA  
163 JOSEPH NGOVE NZWILI  
164 AINEAH JOSHUA OBONYO  
165 FREDRICK EZRA OCHIENG  
166 FRANCIS OLEWE OCHITO  
167 LAWRENCE OLUM OCHOLA  
168 ANN MICHELLE O'CONNOR  
169 DUNCAN ODHIAMBO  
170 JOHN ODUOR ODHIAMBO  
171 PATRICIA ATIENO OGOL  
172 MAURICE OKATCH OGOLA  
173 MICHAEL OCHIENG OKEYO  
174 SIMON OTIENO OLANG  
175 DOMINIC OTIENO OLANGO  
176 SHERRY LYNN OLDS

177 LEPEINE KITATIAN OLOTONO  
178 HANSON NYABERA OMAR  
179 MARGARET ATIENO OMBUNYA  
180 EDWIN OPIYO OMORI  
181 ENOCH OMWENO  
182 LUCY GRACE ONONO  
183 EVANS KIBIRO ONSONGO  
184 ERIC ABUOR ONYANGO  
185 JOHN OUKO ONYANGO  
186 CAROLINE SELLA OPATI  
187 SYLVIA ORIEDO  
188 GODFREY OKURO ORONO  
189 ELIZABETH ACHIENG ORWA  
190 JOSEPH ONDARI OSAMBA  
191 ELIAS OTIENO OSIR  
192 JULIUS OCHIENG OTIENO  
193 MATHEWS WALUNYA OTIENO  
194 ROGERS OTOLO  
195 ELIJAH NGITO OWINO  
196 JOSIAH ODERO OWUOR  
197 RACHEL MAGASIA PUSSY  
198 MARGARET OKELLO RADING  
199 PETER EVANS MUGO RUNGU  
200 RUTH MUKAMI RUNGU

201 TIMOTHY ODHIAMBO SANDE  
202 UTTAMLAL THOMAS SHAH  
203 FAHAT SHEIKH  
204 HASSAN JARSO SOKA  
205 SHADRACK NYAGAH THITU  
206 SAMUEL MBUGUA THUO  
207 PHAEDRA VRONTAMIS  
208 GLORIA WANGECHI WACHIRA  
209 SHADRACK MWANGI WAGAIYU  
210 JAMES MWANGI WAINAINA  
211 ADAMS TITUS WAMAI  
212 ANNE MUMBI WAMBUGU  
213 JOHN GITAU WAMUTWE  
214 DAVID SOITA WANABACHA  
215 MARGARET WAMBUI WANGETHI  
216 GLADYS WANGUI  
217 MERCY WANJIKU  
218 JOHN MWANGI WANYOIKE  
219 MARGARET WASIKE  
220 SABINA WATERI  
221 BENSON WATHIGO  
222 MARGARET NJERI WAWERU  
223 ANN MUMO ZAKAYO

(Title 18, United States Code, Sections 930(c), 1111 and 2.)

COUNTS TWO HUNDRED TWENTY-FOUR THROUGH TWO HUNDRED THIRTY-FOUR:

MURDERS IN DAR ES SALAAM, TANZANIA

42. The allegations contained in paragraphs 1 through 9 are repeated herein.

43. On or about August 7, 1998, in Dar es Salaam, Tanzania, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Nourelidine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED

DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, wilfully, deliberately, and maliciously, and with malice aforethought and with premeditation, did kill the persons listed below during the course of an attack on a federal facility involving the use of a dangerous weapon, to wit, the defendants detonated an explosive device that damaged and destroyed the United States Embassy in Dar es Salaam, Tanzania, and as a result of such conduct directly and proximately caused the deaths of:

<u>Count</u>	<u>Victim</u>
224	ABDURAHMAN ABDULLA
225	ELIAS ELISHA
226	HASSAN SIYAD HALANE
227	RAMADHANI MAHUNDI
228	ABDALLAH MOHAMED

229	ABAS WILLIAM MWILA
230	SHAMTE YUSUPH NDANGE
231	OMARI YUSUFU NYUMBU
232	MTENDEJE RAJABU
233	SAID ROGATHI
234	DOTTO SELEMANI

(Title 18, United States Code, Sections 930(c), 1111 and 2.)

COUNTS TWO HUNDRED THIRTY-FIVE THROUGH TWO HUNDRED SEVENTY-FIVE:

MURDER OF EMPLOYEES OF THE UNITED STATES  
IN NAIROBI, KENYA

The Grand Jury further charges:

44. The allegations contained in paragraphs 1 through 9 are repeated herein.

45. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS,

a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, wilfully, deliberately, and maliciously, and with malice aforethought and with premeditation, did murder officers and employees of the United States Government, while such officers and employees were engaged in and on account of the performance of their official duties, and persons assisting such United States Government officers and employees in the performance of their duties, on account of that

assistance. Namely, the defendants caused the deaths of the following persons by bombing the United States Embassy in Nairobi, Kenya:

<u>Count</u>	<u>Victim</u>
235	JESSIE NATHANIEL ALIGANGA
236	JULIAN LEOTIS BARTLEY JR.
237	JULIAN LEOTIS BARTLEY SR.
238	CHRISPINE BONYO
239	JEAN ROSE DALIZU
240	LAWRENCE AMBROSE GITAU
241	MOLLY H. HARDY
242	KENNETH RAY HOBSON
243	HINDU OMAR IDDI
244	TONY KIHATO IRUNGU
245	GEOFFREY MULU KALIO
246	JOEL GITUMBO KAMAU
247	LUCY NYAMIRA KARIGI
248	PRABHI GUTPARA KAVALER
249	JOSEPH KAMAU KIONGO
250	ARLENE BRADLEY KIRK
251	PETER KABAU MACHARIA
252	FRANCIS WATORO MAINA
253	FRED YAFES MALOBA
254	CECILIA MAMBOLEO



255 MARY LOUISE MARTIN  
256 LYDIA MUKIRI MAYAKA  
257 FRANCIS NDUNGU MBUGUA  
258 DOMINIC KITHUVA MUSYOKA  
259 FRANCIS KIBE NJUGUNA  
260 FRANCIS MBOGO NJUIGE  
261 VINCENT KAMAU NYOIKE  
262 FRANCIS OLEWE OCHITO  
263 ANN MICHELLE O'CONNOR  
264 MAURICE OKATCH OGOLA  
265 SHERRY LYNN OLDS  
266 EDWIN OPIYO OMORI  
267 LUCY GRACE ONONO  
268 EVANS KIBIRO ONSONGO  
269 ERIC ABUOR ONYANGO  
270 CAROLINE SELLA OPATI  
271 RACHEL MAGASIA PUSSY  
272 UTTAMLAL THOMAS SHAH  
273 FAHAT SHEIKH  
274 PHAEDRA VRONTAMIS  
275 ADAMS TITUS WAMAI

(Title 18, United States Code, Sections 1111, 1114 and 2.)

COUNT TWO HUNDRED SEVENTY-SIX:

ATTEMPTED MURDER OF EMPLOYEES OF THE UNITED STATES  
IN NAIROBI, KENYA

The Grand Jury further charges:

46. The allegations contained in paragraphs 1 through 9 are repeated herein.

47. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a

"Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, wilfully, deliberately, and maliciously, and with malice aforethought and with premeditation, did attempt to murder officers and employees of the United States Government, while such officers and employees were engaged in and on account of the performance of their official duties, and persons assisting such United States Government officers and employees in the performance of their duties by bombing the United States Embassy in Nairobi, Kenya.

(Title 18, United States Code, Sections 1111, 1114 and 2.)

COUNTS TWO HUNDRED SEVENTY-SEVEN AND TWO HUNDRED SEVENTY-EIGHT:

MURDER OF EMPLOYEES OF THE UNITED STATES  
IN DAR ES SALAAM, TANZANIA

The Grand Jury further charges:

48. The allegations contained in paragraphs 1 through 9 are repeated herein.

49. On or about August 7, 1998, in Dar es Salaam, Tanzania, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," KHALFAN KHAMIS

MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, deliberately, and maliciously, and with malice aforethought and with premeditation, did murder officers and employees of the United States Government, while such officers and employees were engaged in and on account of the performance of their official duties, and persons assisting such United States Government officers and employees in the performance of their duties, on account of that assistance, namely, the defendants caused the deaths of the following persons by bombing the United States Embassy in Dar es Salaam, Tanzania:

<u>Count</u>	<u>Victim</u>
277	SHAMTE YUSUPH NDANGE
278	SAID ROGATHI

(Title 18, United States Code, Sections 1111, 1114 and 2.)

COUNT TWO HUNDRED SEVENTY-NINE:

ATTEMPTED MURDER OF EMPLOYEES OF THE UNITED STATES  
IN DAR ES SALAAM, TANZANIA

The Grand Jury further charges:

50. The allegations contained in paragraphs 1 through

9 are repeated herein.

51. On or about August 7, 1998, in Dar es Salaam, Tanzania, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a

"Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, deliberately, and maliciously, and with malice aforethought and with premeditation, did attempt to murder officers and employees of the United States Government, while such officers and employees were engaged in and on account of the performance of their official duties, and persons assisting such United States Government officers and employees in the performance of their duties, by bombing the United States Embassy in Dar es Salaam, Tanzania.

(Title 18, United States Code, Sections 1111, 1114 and 2.)

COUNTS TWO HUNDRED EIGHTY AND TWO HUNDRED EIGHTY-ONE:

MURDER OF INTERNATIONALLY PROTECTED PERSONS IN NAIROBI, KENYA

The Grand Jury further charges:

52. The allegations contained in paragraphs 1 through 9 are repeated herein.

53. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a

"Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Nourelidine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi,"



a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, wilfully, knowingly, deliberately, and maliciously, and with malice aforethought and with premeditation, did murder representatives, officers, employees and agents of the United States Government, who at the time and place concerned were entitled pursuant to international law to special protection against attack upon their persons, freedom and dignity, namely the defendants caused the deaths of the following persons by bombing the United States Embassy in Nairobi, Kenya:

<u>Count</u>	<u>Victim</u>
280	JULIAN LEOTIS BARTLEY, SR.
281	PRABHI GUTPARA KAVALER

(Title 18, United States Code, Sections 1111, 1116 and 2.)

COUNT TWO HUNDRED EIGHTY-TWO:

ATTEMPTED MURDER OF INTERNATIONALLY PROTECTED PERSONS  
IN NAIROBI, KENYA

The Grand Jury further charges:

54. The allegations contained in paragraphs 1 through 9 are repeated herein.

55. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid

Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first

brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, wilfully, knowingly, deliberately, and maliciously, and with malice aforethought and with premeditation, did attempt to murder the Ambassador of the United States to Kenya, and other representatives, officers, employees and agents of the United States Government, who at the time and place concerned were entitled pursuant to international law to special protection against attack upon their persons, freedom and dignity, by bombing the United States Embassy in Nairobi, Kenya.

(Title 18, United States Code, Sections 1111, 1116 and 2.)

COUNT TWO HUNDRED EIGHTY-THREE:

ATTEMPTED MURDER OF INTERNATIONALLY PROTECTED PERSONS  
IN DAR ES SALAAM, TANZANIA

The Grand Jury further charges:

56. The allegations contained in paragraphs 1 through 9 are repeated herein.

57. On or about August 7, 1998, in Dar es Salaam, Tanzania, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir,"

a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, wilfully, knowingly, deliberately, and maliciously, and with malice aforethought and

with premeditation, did attempt to murder the Ambassador of the United States to Tanzania, and other representatives, officers, employees and agents of the United States Government, who at the time and place concerned were entitled pursuant to international law to special protection against attack upon their persons, freedom and dignity, by bombing the United States Embassy in Dar es Salaam, Tanzania.

(Title 18, United States Code, Sections 1111, 1116 and 2.)

COUNT TWO HUNDRED EIGHTY-FOUR:

USING AND CARRYING AN EXPLOSIVE DURING COMMISSION OF A FELONY

The Grand Jury further charges:

58. The allegations contained in paragraphs 1 through 9 are repeated herein.

59. From at least 1991 until the date of the filing of this Indictment, in Afghanistan, Pakistan, the Sudan, Saudi Arabia, Yemen, Somalia, Kenya, Tanzania, and elsewhere out of the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN

AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," KHALFAN KHAMIS MOHAMED, a/k/a "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, together with other members and associates of al Qaeda, Egyptian Islamic Jihad, and others known and unknown to the grand jury, unlawfully, wilfully, and knowingly did use and carry an explosive, as that

term is defined in Title 18, United States Code, Section 844(j), during the commission of a felony for which they might be prosecuted in a court of the United States, namely, the conspiracy to murder United States nationals, in violation of Title 18, United States Code, Section 2332(b), as set forth in Count One of this Indictment, which is incorporated by reference herein, to wit, the defendants used and carried bombs in connection with the attacks on the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania.

(Title 18, United States Code, Sections 844(h) (1),  
844(h) (2) and 2.)

COUNT TWO HUNDRED EIGHTY-FIVE:

USING AND CARRYING A DANGEROUS DEVICE DURING THE BOMBING OF THE  
UNITED STATES EMBASSY IN NAIROBI, KENYA

The Grand Jury further charges:

60. The allegations contained in paragraphs 1 through 9 are repeated herein.

61. Between in or about July 1998, and on or about August 7, 1998, in Nairobi, Kenya, and elsewhere out of the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor," MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a

"Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri," a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS, a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL, a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali," a/k/a "Khalid," a/k/a "Abu Jihad," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed Ally," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, together with other members and associates of al Qaeda, Egyptian Islamic Jihad and others known and unknown to the grand jury,



unlawfully, wilfully, and knowingly, and during and in relation to a crime of violence for which they may be prosecuted in a Court of the United States, namely, the bombing of the United States Embassy in Nairobi, Kenya, in violation of Title 18, United States Code, Sections 844(f)(1) and 844(f)(3), as set forth in Count Seven of this Indictment, which is incorporated by reference herein, did use and carry a firearm, as that term is defined in Title 18, United States Code, Section 921(a) to include any destructive device, to wit, the defendants did use and carry an explosive device during and in relation to the bombing of the United States Embassy in Nairobi, Kenya set forth in Count Seven of this Indictment.

(Title 18, United States Code, Sections 924(c) and 2.)

COUNT TWO HUNDRED EIGHTY-SIX:

USING AND CARRYING A DANGEROUS DEVICE DURING THE BOMBING OF THE UNITED STATES EMBASSY IN DAR ES SALAAM, TANZANIA

The Grand Jury further charges:

62. The allegations contained in paragraphs 1 through 9 are repeated herein.

63. Between in or about July 1998, and on or about August 7, 1998, in Dar es Salaam, Tanzania, and elsewhere out of the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the

Director," a/k/a "the Supervisor," a/k/a "the Contractor,"  
 MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a  
 "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh  
 Taysir Abdullah," a/k/a "Abu Fatima," a/k/a "Abu Khadija," AYMAN  
 AL ZAWAHIRI, a/k/a "Abdel Muaz," a/k/a "Dr. Ayman al Zawahiri,"  
 a/k/a "the Doctor," a/k/a "Nur," a/k/a "Ustaz," a/k/a "Abu  
 Mohammed," a/k/a "Abu Mohammed Nur al-Deen," IBRAHIM EIDAROUS,  
 a/k/a "Ibrahim Hussein Abdelhadi Eidarous," a/k/a "Daoud," a/k/a  
 "Abu Abdullah," a/k/a "Ibrahim," ADEL ABDEL BARY, a/k/a "Adel  
 Mohammed Abdul Almagid Abdel Bary," a/k/a "Abbas," a/k/a "Abu  
 Dia," a/k/a "Adel," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," a/k/a  
 "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan,"  
 MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a  
 "Marwan," a/k/a "Hydar," a/k/a "Abdullbast Awadah," a/k/a  
 "Abdulbasit Awadh Mbarak Assayid," MOHAMED RASHED DAOUD AL-  
 'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath,"  
 a/k/a "Abdul Jabbar Ali Abdel-Latif," MUSTAFA MOHAMED FADHIL,  
 a/k/a "Mustafa Ali Elbishy," a/k/a "Hussein," a/k/a "Hassan Ali,"  
 a/k/a "Khalid," a/k/a "Abu Jihad," KHALFAN KHAMIS MOHAMED, a/k/a  
 "Khalfan Khamis," AHMED KHALFAN GHAILANI, a/k/a "Fupi," a/k/a  
 "Abubakary Khalfan Ahmed Ghailani," a/k/a "Abubakar Khalfan  
 Ahmed," FAHID MOHAMMED ALLY MSALAM, a/k/a "Fahad M. Ally," and  
 SHEIKH AHMED SALIM SWEDAN, a/k/a "Sheikh Bahamadi," a/k/a "Ahmed  
 Ally," defendants, at least one of whom was first brought to and

arrested in the Southern District of New York, together with other members and associates of al Qaeda, Egyptian Islamic Jihad, and others known and unknown to the grand jury, unlawfully, wilfully, and knowingly, and during and in relation to a crime of violence for which they may be prosecuted in a Court of the United States, namely, the bombing of the United States Embassy in Dar es Salaam, Tanzania, in violation of Title 18, United States Code, Sections 844(f)(1) and 844(f)(3), as set forth in Count Eight of this Indictment, which is incorporated by reference herein, did use and carry a firearm, as that term is defined in Title 18, United States Code, Section 921(a) to include any destructive device, to wit, the defendants did use and carry an explosive device during and in relation to the bombing of the United States Embassy in Dar es Salaam, Tanzania set forth in Count Eight of this Indictment.

(Title 18, United States Code, Sections 924(c) and 2.)

COUNTS TWO HUNDRED EIGHTY-SEVEN THROUGH THREE HUNDRED EIGHT:

PERJURY BEFORE FEDERAL GRAND JURIES AND FALSE STATEMENTS

The Grand Jury charges:

Background

64. Beginning in 1996, the United States Attorney for the Southern District of New York and the Federal Bureau of Investigation, working with a number of other federal, state and local agencies, initiated a grand jury investigation into Usama

Bin Laden and the involvement of his organization (known as "al Qaeda") in international terrorism. The grand jury investigation included, among other things, the issuance of grand jury subpoenas calling for witnesses to testify before a grand jury sitting in the Southern District of New York and to produce documents to the Grand Jury. By September 1997, the Grand Jury investigation focused, in part, upon: (i) the structure and operational status of al Qaeda in countries including the Sudan, Saudi Arabia, Egypt, Yemen, Somalia, Eritrea, Afghanistan, Pakistan, Bosnia, Croatia, Algeria, Tunisia, Lebanon, the Philippines, Tajikistan and Azerbaijan, and the Chechnya region of Russia and the Kashmiri region of India, as well as in Kenya and the United States; (ii) the targets of al Qaeda's terrorist activities, including American interests, worldwide; (iii) the relationship between the defendant WADIH EL HAGE and the al Qaeda organization, including its leader Usama Bin Laden, al Qaeda's late military commander known as "Abu Ubaidah al Banshiri," and al Qaeda's current military commander: defendant Muhammad Atef, a/k/a "Abu Hafs el Masry."

65. It was material to the Grand Jury sitting in the Southern District of New York to ascertain, among other things:

- (1) the tactical goals, and corresponding terrorism targets, of Usama Bin Laden and al Qaeda;
- (2) the nature and timing of various statements,

public and private, where Usama Bin Laden indicated that the United States was an enemy of al Qaeda and should be attacked;

(3) the identities, code names, aliases and whereabouts of any al Qaeda members and associates;

(4) the names of persons with whom the defendant WADIIH EL HAGE associated while living in the Sudan and Kenya and while traveling in Pakistan and Afghanistan;

(5) the names of persons with whom the defendant WADIIH EL HAGE associated while living in Tucson, Arizona, and Arlington, Texas, and during his visits to New York;

(6) the nature of the role, if any, played by defendant WADIIH EL HAGE in the murder of Rashad Khalifa in Tucson, Arizona, in 1990 and the identity of the person from New York who visited WADIIH EL HAGE in Tucson prior to the murder;

(7) the nature of the relationship between defendant WADIIH EL HAGE and Mustafa Elnore, a/k/a "Mustafa Saif";

(8) the nature and extent of the defendant WADIIH EL HAGE's contacts with Usama Bin Laden, Muhammad Atef, Khalid Al Fawwaz and Ali Mohamed as well as with "Abu Ubaidah al Banshiri," particularly in the period from 1993 through the fall of 1997;

(9) the role played by Usama Bin Laden and the members and associates of the al Qaeda organization, particularly to include the defendants WADIIH EL HAGE, Ali Mohamed and Muhammad Atef, as well as "Abu Ubaidah al Banshiri," in the provision of

logistical support and training to the persons who attacked the United States and United Nations forces in Somalia in 1993 and the early part of 1994;

(10) whether "Abu Ubaidah al Banshiri" was working in Kenya and Tanzania on behalf of Usama Bin Laden and al Qaeda during the time preceding his drowning death in Lake Victoria in the summer of 1996;

(11) the nature of the work conducted by Fazul Abdullah Mohammed, the deputy of the defendant WADIH EL HAGE in Kenya, and whether Fazul Abdullah Mohammed was working for Usama Bin Laden;

(12) the nature of the work conducted by Ali Mohamed and whether Ali Mohamed was working for Usama Bin Laden;

(13) the nature of the relationship between Khalid Al Fawwaz and Usama Bin Laden;

(14) the identities of the persons with whom defendant WADIH EL HAGE met during trips to Afghanistan and Pakistan in 1996 and 1997 and the extent and substance of WADIH EL HAGE's contacts with Usama Bin Laden and Muhammad Atef during those trips; and

(15) whether the defendant WADIH EL HAGE was still working for Usama Bin Laden's al Qaeda organization in 1997.

66. On or before September 24, 1997, the defendant WADIH EL HAGE was served with a grand jury subpoena calling for

him to testify before a grand jury sitting in the Southern District of New York.

67. On or about September 24, 1997, after taking an oath to testify truthfully, after being advised of his constitutional rights and after being advised that if he failed to testify truthfully he could be prosecuted for perjury, the defendant WADIH EL HAGE testified before a Grand Jury sitting in the Southern District of New York.

68. Following the appearance of the defendant WADIH EL HAGE before the Grand Jury in September 1997, the Grand Jury investigation continued and continues through the date of this Indictment. By the time of September 1998, the Grand Jury investigation was focused on the matters outlined above and other matters that had become of interest since the time of WADIH EL HAGE's 1997 Grand Jury appearance, including, but not limited to: (i) the February 1998 fatwah signed by Usama Bin Laden, Ayman al Zawahiri and others under the banner of the "International Islamic Front for Jihad on the Jews and Crusaders," stating that Muslims should kill Americans -- including civilians -- anywhere in the world where they can be found; (ii) subsequent televised threats issued by Usama Bin Laden in May 1998 that his group did not distinguish between military and civilian personnel; (iii) the August 7, 1998, bombing of the United States Embassy in Nairobi, Kenya, which resulted in the deaths of at least 213

persons, including 12 Americans and the wounding of more than 4500 people; (iv) the nearly simultaneous August 7, 1998, bombing of the United States Embassy in Dar es Salaam, Tanzania, which resulted in the death of 11 persons and the wounding of more than 85 persons; (v) the meaning of certain documents recovered in searches conducted in Nairobi, Kenya, in August 1998, following the bombings, which bore the name and code name of WADIIH EL HAGE, as well as code names for other al Qaeda members and associates; and (vi) the extent to which WADIIH EL HAGE's international travels concerned efforts to procure chemical weapons and their components on behalf of Usama Bin Laden and Mamdouh Mahmud Salim.

69. In addition to the matters recited in paragraph 65 above, it was material to the Grand Jury sitting in the Southern District of New York to ascertain, among other things:

(1) the identities, code names, aliases and whereabouts of al Qaeda members and associates referred to in certain seized documents, including "Norman," "Abu Suliman," "Nawawi," "Tayseer" (or "Taysir"), "Adel Habib," "Jalal," "the Director" and "the DR";

(2) the efforts of the defendant WADIIH EL HAGE and Mamdouh Mahmud Salim to obtain chemical weapons and/or their components at various times in the 1990's;

(3) the nature of the relationship between WADIIH EL HAGE and Mohamed Sadeek Odeh in Nairobi, Kenya, from in or



about 1993 forward;

(4) the nature of the work conducted by Khalid Al Fawwaz in Nairobi, Kenya, in 1993 and 1994;

(5) the nature and extent of contacts by the defendant WADIH EL HAGE with Fazul Abdullah Mohammed a/k/a "Harun" and Mohamed Sadeek Odeh in the period leading up to the bombing of the United States embassies;

(6) the identities of persons whose photographs were recovered in files recovered during an August 1998 search in Nairobi, Kenya;

(7) the identities of any and all persons living in the United States who were associated with Usama Bin Laden or al Qaeda;

(8) the nature and extent of WADIH EL HAGE's contacts with al Qaeda members and associates since the time of his last Grand Jury appearance; and

(9) the meaning of certain coded correspondence seized in a search in Nairobi, Kenya, in August 1998.

70. On or about September 15, 1998, the defendant WADIH EL HAGE was served with a grand jury subpoena calling for him to testify further before a grand jury sitting in the Southern District of New York.

71. On or about September 16, 1998, after taking an oath to testify truthfully, after being advised of his

constitutional rights and after being advised that if he failed to testify truthfully he could be prosecuted for perjury, the defendant WADIH EL HAGE testified before a Grand Jury sitting in the Southern District of New York.

COUNT TWO HUNDRED EIGHTY-SEVEN: Statutory Allegation

72. On or about September 24, 1997, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

- (a) Q. When was the last time you saw Usama Bin Laden in person?
- A. In '94.
- (b) Q. You are positive?
- A. Yes.
- Q. Under oath your testimony is that you have not seen Usama Bin Laden in 1995, 1996 or 1997; is that correct?
- A. Yes.
- \* \* \*
- (c) Q. So since 1994, other than the one phone call involving the tractor

transaction in Slovakia, you have not spoken to Usama Bin Laden at all?

A. Yes.

\* \* \*

(d) Q. When you went to Pakistan just before returning to Kenya for the last time, did you see Bin Laden?

A. No.

(e) Q. You are positive under oath?

A. Yes.

Q. You took a trip to Pakistan earlier this year?

A. Yes.

Q. Did you see Usama Bin Laden at that time?

A. No.

Q. You have taken two trips in the last year to Pakistan and not seen Usama Bin Laden?

A. Yes.

\* \* \*

(f) Q. Did you get any messages from Usama Bin Laden on either trip when you went back to Pakistan in 1997?

A. No, no messages.

\* \* \*

(g) Q. Now, you have told this Grand Jury the last time you dealt with Usama Bin Laden, the last time you worked for him was 1994?

A. Yes.

Q. That is the last time you have seen him?

A. Yes.

(h) Q. I am going to ask you again so that the record is crystal clear that you have been warned that to lie is punishable as perjury which you can spend five years in jail. I want to be crystal clear you understood what my questions are.

I am going to ask you again.

A. Yes.

Q. Have you seen Usama Bin Laden anyplace in the world in 1995, 1996 or 1997?

A. I haven't seen him anywhere after I left Sudan.

(i) Q. And after you left Sudan in what year?

A. '94.

Q. So it is your testimony that you have not seen Usama Bin Laden anywhere in the world in 1995, 1996, or 1997?

A. Yes.

Q. And you have not told anyone that you have seen Usama Bin Laden anywhere in the world in 1995, 1996 or 1997?

A. Yes.

(Title 18, United States Code, Section 1623.)

COUNT TWO HUNDRED EIGHTY-EIGHT: Statutory Allegation

73. On or about September 24, 1997, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Did you speak to him [Abu Hafs el Masry] in 1994, 1995, 1996 or 1997?

A. No.

(b) Q. Did you communicate with Abu Hafs al Masry in 1994 or 1995, 1996, 1997 in any way, by phone, in person, by fax, by e-mail or by internet?

A. In 1994 just in Khartoum before I left.

Q. You spoke to him in person?

A. Yes.

Q. After you left Khartoum in 1994, did you ever communicate with Abu Hafs al Masry by phone, by internet, by mail or by fax?

A. No.

\* \* \*

(c) Q. Did you see Abu Hafs when you went back to Pakistan in 1997?

A. No.

(d) Q. Who is Taysir, T-a-y-s-i-r?

A. Tyson?

Q. Taysir. Taysir the Egyptian?

A. I don't know Taysir.

(Title 18, United States Code, Section 1623.)

COUNT TWO HUNDRED EIGHTY-NINE: Statutory Allegation

74. On or about September 24, 1997, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. ... What I am going to ask you to do, Mr. El Hage, is to look through this book ... and just look at each number, read the number out loud and tell the Grand Jury whether or not you recognize the person in the picture, and when you have done that, we will go back and ask you particular questions about who the people are and how it is that you know them. Do you understand that?

A. Yes.

\* \* \*

Q. Why don't you move on to photograph 34?

A. I don't recognize.

\* \* \*

(b) Q. Do you know any people working for Bin Laden in California?

A. No.

(c) Q. Have you --

A. I don't know who is working for Bin Laden except the ones I met in Sudan.

Q. Who is Norman?

A. I don't know.

\* \* \*

(d) Q. Do you keep in touch with anyone in California?

A. I have my sister there.

Q. Other than your sister?

A. Through the years back, few years, Saad al Sharif, he was in California. I can't recall anyone else.

(Title 18, United States Code, Section 1623.)

COUNT TWO HUNDRED NINETY: Statutory Allegation

75. On or about September 24, 1997, in the Southern

District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

Q. The next one is marked Grand Jury Exhibit 9 with the date 9-24-97, a man standing. Take a good look at the picture and tell me if you recognize who that is.

A. I don't.

(Title 18, United States Code, Section 1623.)

COUNT TWO HUNDRED NINETY-ONE: Statutory Allegation

76. On or about September 24, 1997, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Do you know Khalid Al Fawwaz?



A. Yes.

Q. Is he in London?

A. Yes.

Q. Does he work for Usama Bin Laden?

A. Yes.

Q. How long do you know Khalid Al Fawwaz?

A. Since '95 when I visited London.

(b) Q. When in 1995 did you visit London?

A. December '95.

\* \* \*

Q. Did you meet Khalid Al Fawwaz at that time?

A. Yes, I stayed one night at his place.

Q. Is that the first time you met Khalid Al Fawwaz?

A. Yes.

(Title 18, United States Code, Section 1623.)

COUNT TWO HUNDRED NINETY-TWO: Statutory Allegation

77. On or about September 24, 1997, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the

Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Now, when was the last time you saw Abu Ubaidah al Bانشiri?

A. In Sudan before I left.

Q. 1994 before you left?

A. Yes.

Q. Do you know where he is today?

A. Either in Sudan or in Afghanistan.

\* \* \*

(b) Q. Did you look for Abu Ubaidah al Bانشiri when you went to Lake Victoria in the summer of 1996?

A. No.

(c) Q. Did anyone tell you Abu Ubaidah had drowned in that ferry accident?

A. No.

(d) Q. No one ever told you at any time that Abu Ubaidah drowned in the summer of 1996?

A. No.

(e) Q. To this day has anyone ever told you from any sources that Abu Ubaidah was killed in that boat in the summer of 1996 when it sank at Lake Victoria?

A. Nobody told me.

\* \* \*

(f) Q. But just so we are clear, before whatever conversation the FBI had with you yesterday, you had never heard from anyone or seen on any TV show or read in any newspaper that Abu Ubaidah al Banshiri had drowned in the ferry accident in the summer of 1996?

A. No. Never.

(g) Q. And you were not sent to that lake to try to find Abu Ubaidah al Banshiri?

A. No. I went looking for Adel Habib.

\* \* \*

(h) Q. My question was, did you ever discuss with him, Haroun, whether or not al Banshiri drowned in Lake Victoria?

A. No.

(i) Q. So up until yesterday at no time did you have any conversation with anyone ever indicating that Abu Ubaidah al Banshiri drowned in that accident in the summer of '96?

A. Yes.

(Title 18, United States Code, Section 1623.)

COUNT TWO HUNDRED NINETY-THREE: Statutory Allegation

78. On or about September 24, 1997, in the Southern District of New York, the defendant WADIIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify

truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Okay. So in '87 Al Qaida was formed to fight the Russians as a unified force?

A. Yes.

Q. What happened with al Qaida after the Russians left?

A. I don't know.

(b) Q. When did you hear Al Qaida began to target the United States?

A. In the latest interview with Usama Bin Laden, CNN.

Q. Approximately how long ago did you see Bin Laden state on CNN that the United States was now the target?

A. When I came back to Nairobi about three weeks ago.

\* \* \*

Q. Had you ever heard Usama Bin Laden state that the American forces should be attacked, prior to seeing it on CNN television?

A. No, never.

(c) Q. You are positive?

A. Yes.

(d) Q. You are swearing that under oath, under the penalties of perjury --

strike the word swear.

You are stating that under oath, under the penalties of perjury, that prior to hearing it on CNN you had not heard Usama Bin Laden declare that America should be attacked?

A. Yes. Never heard that before.

(e) Q. You have heard Bin Laden say at least as late as the CNN interview that the United States was the enemy of Islam, correct?

A. Yes.

Q. And you have heard him say that before, have you not?

A. No. That's the first time I heard him.

(Title 18, United States Code, Section 1623.)

COUNT TWO HUNDRED NINETY-FOUR: Statutory Allegation

79. On or about September 16, 1998, in the Southern District of New York, the defendant WADIIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. In 1994 through 1997, when you were in Kenya, were you doing any work

on behalf of Usama Bin Laden?

A. Me?

Q. Yes.

A. No.

(b) Q. Did you have any contact with Usama Bin Laden in the period from 1994 to 1997?

A. Personally?

Q. Yes, first personally.

A. No.

(c) Q. You never saw him in those four years?

A. No.

\* \* \*

(d) Q. In those five years have you sent any messages to Usama Bin Laden in any way, shape or form?

A. No.

\* \* \*

(e) Q. Other than that message from Abu Fadhl al Makkee, did you get any other communications from Usama Bin Laden from 1994 to the present in any way, shape or form?

A. No.

(f) Q. Did you have any communications from any of Usama Bin Laden's representatives in any way, shape or form in those five years besides the one message from Abu Fadhl al Makkee?

A. No.

(Title 18, United States Code, Section 1623.)

COUNT TWO HUNDRED NINETY-FIVE: Statutory Allegation

80. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Do you know a person by the name of T-a-y-s-i-r or T-a-y-s-e-e-r, and what I'll do is, so that we're clear, we'll mark it as a Grand Jury exhibit and I'll write it out in case my pronunciation is not up to par.

And we're way ahead in numbers, so I'm going to call this -- we're jumping ahead to Grand Jury Exhibit 66 and I'll put today's date on it, which is 9/16/98, and ask you if you know who this name refers to, Taysir, T-a-y-s-i-r or T-a-y-s-e-e-r?

A. I have known people called Taysir before. I can't recall who it refers to.

Q. Have you ever hear of Abu Hafs referred to as Taysir?

A. I don't recall that.

(b) Q. Okay. When this letter was written by Harun to Abu Suliman, he's telling people that you have taken a trip with Taysir. Where did you go and who was Taysir?

A. I don't know what he's talking about.

\* \* \*

(c) Q. Do you have any idea as you sit here today who Taysir might be?

A. I can't recall.

(d) Q. As you sit here today, it remains your testimony that you have no idea who Taysir is?

A. I have no idea, no.

(Title 18, United States Code, Section 1623.)

COUNT TWO HUNDRED NINETY-SIX: Statutory Allegation

81. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly,



and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Okay, let me show you an exhibit you have seen before that's Grand Jury Exhibit 9, which is also marked with a sticker Grand Jury Exhibit 3 with the date September 24, 1997, and this is a book of photographs that you have seen previously.

I want to direct your attention to one particular picture which you've been shown previously and ask you if you recognize the person in the picture, which is picture No. 34 in the book marked Grand Jury Exhibit 3 dated September 24, 1997.

Do you recognize that person?

A. No, I don't.

\* \* \*

(b) Q. After seeing the person depicted in Grand Jury Exhibit 65 in New York, perhaps at that office, did you ever see him again?

A. I don't recall.

(c) Q. Did you ever see him in Afghanistan?

A. I don't recall.

Q. Did you ever see him in Kenya or Tanzania?

A. I don't recall that.

\* \* \*

(d) Q. Do you know the name, sir, Ali, A-

l-i, M-o-h-a-m-e-d?

A. Ali Mohamed?

Q. Yes, I'll write that on Grand Jury Exhibit 66, Ali Mohamed, A-l-i, M-o-h-a-m-e-d.

Do you recall that name?

A. I can't recall.

(e) Q. Sir, isn't it a fact that the person depicted in Grand Jury Exhibit 65 is Ali Mohamed, yes or no?

A. I don't know.

(Title 18, United States Code, Section 1623.)

COUNT TWO HUNDRED NINETY-SEVEN: Statutory Allegation

82. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Do you know any people living in America who are contacts of Usama Bin Laden?

A. No.

(b) Q. Has anyone in America ever contacted you on behalf of Usama Bin Laden?

A. No.

\* \* \*

Q. Do you know of any contacts of Usama Bin Laden living in Florida?

A. No.

(c) Q. Do you know of any contacts of Usama Bin Laden living in California?

A. No.

(Title 18, United States Code, Section 1623.)

COUNT TWO HUNDRED NINETY-EIGHT: Statutory Allegation

83. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. And where was Nawawi living?

A. I think in Sudan.

Q. Did you ever call him any place other than in the Sudan?

A. No.

\* \* \*

(b) Q. Did you ever hear of Nawawi living in the United States?

A. No.

(c) Q. Did you ever hear of Nawawi traveling to the United States?

A. No.

\* \* \*

(d) Q. If you look in the Arabic, does this letter not say, "Finally Brother Nawawi had sent me a fax and he sends you his regards. His old fax number has been changed. His new fax number is 407-658-6371."

And before you answer the next question I'll tell you that area code 407 is located in Florida.

Now, can you tell this Grand Jury how it is that if you do not know who that is -- if you do not know anyone in Florida, why is it that a year ago Harun is writing you that Brother Nawawi sends you, Wadih el Hage, his regards and tells you his change in phone number?

A. I have no idea.

Q. You have no idea?

A. No.

(e) Q. Brother Nawawi would not be a

friend of Usama Bin Laden living in Florida, would he?

A. I wouldn't know.

\* \* \*

(f) Q. Let me ask you and we'll finish for lunch before we go through this letter [Grand Jury Exhibit 42].

"Dear Mr. Nawawi." Would that be to a person who lives in Florida who is a friend of Usama Bin Laden?

A. You're asking me?

Q. Yes.

A. I don't know.

(Title 18, United States Code, Section 1623.)

COUNT TWO HUNDRED NINETY-NINE: Statutory Allegation

84. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Let me show you what's been marked as Grand Jury Exhibit 42. Again, it's in a plastic envelope to

protect for fingerprints, and I'll ask you if you recognize what that document is.

A. Do you want me to read it?

Q. Read it and tell me if you recognize it.  
For the benefit of the Grand Jury, I'll hand out copies of that document.  
Having looked at Grand Jury Exhibit 42, do you recognize it, sir?

A. No.

\* \* \*

(b) Q. You don't know. Continuing on.  
The middle where it says, "Tayseer and his friends are still hiking and they enjoy it very much."

Is Tayseer a reference to Abu Hafs al Masry, one of the military commanders for Usama Bin Laden, yes or no?

A. I don't know.

(c) Q. When it says, "They called me yesterday," it continues, "From a place where they were having a curry meal," that was an indication that Abu Hafs is in training somewhere near India?

A. I don't know.

(d) Q. Continuing on. "The fishing business is all right."

Do you know who was in the fishing business in Kenya?

A. Anyone in the fishing business?  
Yeah, I know some Kenyan people in

the fishing business.

Q. What are the names of the people in the fishing business?

A. I can't recall any right now.

(e) Q. Was one of the people in the fishing business the person depicted in Grand Jury Exhibit 5 with today's date?

A. I don't know.

(f) Q. You have never seen this letter before?

A. No.

Q. You did not write this letter?

A. No.

Q. And the letter which is in a plastic covering has never been touched by you, as far as you remember, correct?

A. Correct.

Q. Okay, you have no reason to believe your fingerprints would be on this letter?

A. I don't think so, no.

(Title 18, United States Code, Section 1623.)

COUNT THREE HUNDRED: Statutory Allegation

85. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a

"the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony concerning a photograph of Mohamed Sadeek Odeh:

(a) Q. And I'll show you Grand Jury Exhibit 5 from September 10th of 1998 and ask whether you recognize the person depicted in Grand Jury exhibit 5?

A. I've seen this picture on TV.

Q. You've seen this picture on the TV?

A. Yes.

Q. How recently did you see it on the TV?

A. Two or three weeks ago.

Q. Have you ever seen this person in person?

A. No, I have never seen him in person.

\* \* \*

(b) Q. Who is Mohamed Oudeh?

A. I don't know.

\* \* \*

(c) Q. Do you recognize Grand Jury Exhibit 5 as Mohamed Oudeh?

A. I have never seen this person before.

\* \* \*



(d) Q. Is it your testimony to this Grand Jury under oath that you've never met this person depicted in Grand Jury Exhibit 5 in your entire life?

A. I don't recall meeting him at all.

\* \* \*

(e) Q. Do you recall attending a wedding of a person depicted in Grand Jury exhibit 5 in Kenya?

A. His wedding?

Q. His wedding.

A. In Kenya? No.

Q. Do you recall driving the groom, the person depicted in Grand Jury Exhibit 5, around after the wedding, yes or no?

A. No, never seen this person.

\* \* \*

(f) Q. As you sit here today, you're telling this Grand Jury you have no recollection of the person depicted in Grand Jury Exhibit 5?

A. Yes, sir. I don't.

(g) Q. You have no recollection?

A. Right.

\* \* \*

(h) Q. Were you aware that Mohamed Odeh had a boat in Mombasa, Kenya?

A. I don't know Mohamed Odeh.

(Title 18, United States Code, Section 1623.)

COUNT THREE HUNDRED ONE: Statutory Allegation

86. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Let me ask you another name. Norman, N-O-R-M-A-N. Do you know who Norman is? And I'll write it out even though it's just -- so there's no confusion of the spelling, N-o-r-m-a-n.

A. No.

\* \* \*

(b) Q. Have you ever been called Norman?

A. No.

\* \* \*

(c) Q. Let me write out one more name. Wa'da Norman, W-a, apostrophe, d-a Norman, N-o-r-m-a-n. Who is that?

A. I don't know.

\*

\*

\*

(d) Q. Who is Wa'da Norman?

A. I don't know.

(e) Q. Is it you?

A. No.

\*

\*

\*

(f) Q. Have you ever written any letters  
and signed them with the name  
Norman at the bottom?

A. No, never.

(Title 18, United States Code, Section 1623.)

COUNT THREE HUNDRED TWO: Statutory Allegation

87. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Do you know of any other "Jalal"'s  
besides the fellow in Louisiana?

A. No.

\* \* \*

(b) Q. How many people in Kenya did you know that personally knew Usama Bin Laden?

A. People who knew Usama Bin Laden in Kenya, nobody. You mean know him personally, right?

Q. People who knew him personally had met with him personally?

A. No, I don't remember anyone who did.

\* \* \*

(c) Q. Did you know any members of al Qaeda who lived in either Kenya or Tanzania?

A. No.

(d) Q. Did you know any members of al Qaeda who ever visited Kenya or Tanzania?

A. No.

\* \* \*

(e) Q. Are you familiar with a person by the name of Abu Ubaidah al Bانشري? And I'll write it on [Grand Jury Exhibit] 66 so if my pronunciation is off it doesn't confuse. Do you know the person by the name of Abu Ubaidah al Bانشري?

A. Yes.

Q. Was he a person who worked for Usama Bin Laden?

A. Yes.

Q. Did he ever visit Nairobi or Kenya -- I'm sorry, Kenya or Tanzania?

A. I don't think so.

\* \* \*

(f) Q. Does Adel Habib have another name?

A. Not that I know of.

(g) Q. Isn't Adel Habib known as Abu Ubaidah al Banshiri?

A. Not that I know of.

\* \* \*

(h) Q. And didn't he come to Kenya in secret in 1994, Abu Ubaidah al Banshiri?

A. I don't know anything about that.

\* \* \*

(i) Q. Wasn't Abu Ubaidah al Banshiri also known as Jalal?

A. I never heard that.

(j) Q. Didn't you also hear that Adel Habib was also known as Jalal, J-a-l-a-l?

A. No.

Q. So your testimony is that you've never heard that Abu Ubaidah was known by the nickname or alias as J-a-l-a-l, correct?

A. Correct.

Q. You've never heard that Adel Habib was known by the nickname Jalal, J-a-l-a-l, is that your testimony?

A. Right.

\* \* \*

(k) Q. Okay. You're on the document. Who is Jalal Fuad?

A. I don't know.

\* \* \*

(l) Q. Is Jalal Fuad another name for Abu Ubaidah al Bانشiri?

A. I don't know.

\* \* \*

(m) Q. And it's your testimony under oath to this Grand Jury that you were never told that the person that drowned was Abu Ubaidah al Bانشiri?

A. Never.

(n) Q. And you were never told that the person that drowned was also known as Jalal?

A. Never.

(Title 18, United States Code, Section 1623.)

COUNT THREE HUNDRED THREE: Statutory Allegation

88. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly,

and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

Q. Have you ever heard him called the H-a-j-j, have you heard of Usama Bin Laden referred to as the Hajj?

A. No.

(Title 18, United States Code, Section 1623.)

COUNT THREE HUNDRED FOUR: Statutory Allegation

89. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Do you know of anyone that you have spoken to in the 1990's that you call Abu Suliman?

A. No, I don't.

\* \* \*

(b) Q. Now, in this letter written to Abu Suliman, apparently by Harun, do you know who Abu Suliman is?

A. No.

\* \* \*

- (c) Q. All right. Let's move on to another exhibit.  
Let me show you what's been marked as Grand Jury Exhibit 38 and Grand Jury Exhibit 38-T. 38 is a copy of an Arabic document, 38-T is the transcript.
- Do you recognize that document?
- A. No.
- (d) Q. And do you recognize the handwriting on that document?
- A. Yes.
- Q. What do you recognize about the handwriting?
- A. It's very close to mine.
- Q. Very close to yours?
- A. Right.
- Q. But your testimony is that it is not your handwriting?
- A. That's not my handwriting.
- (e) Q. And you'll agree with me it's written at the bottom and signed Wadih?
- A. Yes, it's written.
- Q. And it's spelled the way you spell your name?
- A. Yes, the same spelling.
- Q. And it's signed the way you sign your name?
- A. No, that's not my signature.
- Q. Does it look like your signature?



A. Well, I sign my first and last names always.

Q. Does the first name Wadih, is it signed the way you sign your first name, Wadih?

A. It's very close.

Q. Very close, but you did not write this document?

A. I did not write this document.

(f) Q. Or to be clear, you didn't write the document of which this is a copy of?

A. Right.

(g) Q. And it says "Dear Abu Suliman" at the top. Do you know who Abu Suliman is?

A. No.

(Title 18, United States Code, Section 1623.)

COUNT THREE HUNDRED FIVE: Statutory Allegation

90. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," having taken an oath to testify truthfully in a proceeding before a Grand Jury sitting in the Southern District of New York, unlawfully, wilfully, knowingly, and contrary to such oath, did make false material declarations, to wit, he gave the following underlined testimony:

(a) Q. Let me approach you with what's been marked as a Grand Jury exhibit with today's date. It consists of two pages and they are in a plastic envelope to preserve fingerprints and one is marked Page 69, Page 1, and one is marked Page 69 Page 2. It's a fax, an original fax.

If you can look at that and see if you recognize it and also take a look at the handwriting.

A. Do you want me to read it?

Q. Read it to yourself and take whatever time you need to decide whether this is something that you have ever seen before.

Do you recognize that document?

A. No.

(b) Q. If you look at the top of the document, I don't know how good your eyes are, but I'll tell you something that may help you refresh your recollection, which is that the time and date stamp on the fax indicates that it was sent in February of 1997. Okay? I don't know if you can read that, but that may be of help to you. It says February 26, 1997, Page 1 and Page 2.

I'll also advise you so that you have full information on which to decide whether you recognize the document that it was found with the other documents bearing your name and with the phone bills you described that will be in your files.

Does that help you recognize whether or not you have seen

Government Exhibit 69, Page 1 or Page 2 before?

A. I don't recall seeing this.

(c) Q. Do you know who wrote it?

A. It says Abu Suliman.

Q. It says Abu Suliman, okay. Do you know Abu Suliman?

A. No.

\* \* \*

(d) Q. Now, sir, you don't know who this letter was written to, but let me put in front of you Grand Jury Exhibit 40 from Abu Suliman where he says, "Wadih, I am still waiting on you to give me an answer for what I have requested from you the ticket, et cetera, et cetera." And then point to Exhibit 69, Page 2 which then says, "Lastly, did you ever get the refund for the ticket I sent you? It's been seven months."

And I ask you whether or not Grand Jury Exhibit 69 is a letter written to you from Abu Suliman?

A. I said no.

(e) Q. You're sure? You're under oath.

A. Yes.

(Title 18, United States Code, Section 1623.)

COUNT THREE HUNDRED SIX: FALSE STATEMENTS

The Grand Jury further charges:

91. On or about September 23, 1997, in the Southern

District of New York, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," in a matter within the jurisdiction of the executive branch of the government, to wit, a criminal investigation based in the Southern District of New York, unlawfully, wilfully and knowingly, did make materially false statements and representations, to wit, the defendant falsely stated to a Special Agent of the Federal Bureau of Investigation that he had never heard that "Abu Ubaidah al Banshiri" had died and that he believed that "Abu Ubaidah al Banshiri" was then alive and well and living in Afghanistan with Usama Bin Laden when in truth and fact WADIH EL HAGE knew that "Abu Ubaidah al Banshiri" had died in Kenya in 1996.

(Title 18, United States Code, Section 1001.)

COUNT THREE HUNDRED SEVEN: FALSE STATEMENTS

The Grand Jury further charges:

92. On or about October 17, 1997, in Arlington, Texas, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," in a matter within the jurisdiction of the executive branch of the government, to wit, a criminal investigation based in the Southern District of New York, unlawfully, wilfully and

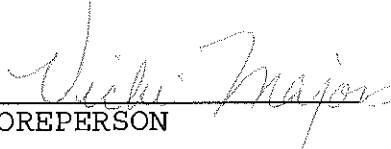
knowingly, did make materially false statements and representations, to wit, the defendant falsely stated to a Special Agent of the Federal Bureau of Investigation that he had never heard that "Abu Ubaidah al Banshiri," a military commander for Usama Bin Laden, had died when in truth and fact WADI EL HAGE knew that "Abu Ubaidah al Banshiri" had died in Kenya in 1996.

(Title 18, United States Code, Section 1001.)

COUNT THREE HUNDRED EIGHT: FALSE STATEMENTS

93. On or about August 20, 1998, in Dallas, Texas, and Arlington, Texas, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Wadia," a/k/a "Abu Abdullah al Lubnani," a/k/a "Norman," a/k/a "Wa'da Norman," a/k/a "the Manager," a/k/a "Tanzanite," in a matter within the jurisdiction of the executive branch of the government, to wit, a criminal investigation based in the Southern District of New York, unlawfully, wilfully and knowingly, did make materially false statements and representations, to wit, the defendant falsely stated to a Special Agent of the Federal Bureau of Investigation that he did not know Mohamed Sadeek Odeh and did not recognize his photograph when in truth and fact EL HAGE knew Mohamed Sadeek Odeh.

(Title 18, United States Code, Section 1001.)

  
FOREPERSON

  
MARY JO WHITE  
United States Attorney

Form No. USA-33S-27 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

USAMA BIN LADEN, et al.

Defendants.

INDICTMENT

S(7) 98 Cr. 1023 (LBS)

(Title 18, U.S.C. Sections 2332(b), 930(c), 1111, and others.)

MARY JO WHITE  
United States Attorney  
Southern District of New York

A TRUE BILL

Post 11-1-87

5/8/00  
Filed Ind.  
Ellis, J.

Vicki Majors  
Foreperson.