

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

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,"

SAIF AL ADEL,

a/k/a "Saif,"

MAMDOUH MAHMUD SALIM,

a/k/a "Abu Hajer al Iraqi,"

a/k/a "Abu Hajer,"

ABDULLAH AHMED ABDULLAH,

a/k/a "Abu Mohamed el Masry,"

a/k/a "Saleh,"

a/k/a "Abu Marium,"

MUHSIN MUSA MATWALLI ATWAH,

a/k/a "Abdel Rahman al Muhajer,"

a/k/a "Abdel Rahman,"

(Caption continued on next page)

INDICTMENT

S(10) 98 Cr. 1023(LBS)

KHALID AL FAWWAZ, :
 a/k/a "Khaled Abdul Rahman Hamad :
 al Fawwaz," :
 a/k/a "Abu Omar," :
 a/k/a "Hamad," :
 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," :
 ANAS AL LIBY, :
 a/k/a "Nazih al Raghie," :
 a/k/a "Anas al Sebai," :
 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," :
 AHMED MOHAMED HAMED ALI, :
 a/k/a "Ahmed the Egyptian," :
 a/k/a "Shuaib," :
 a/k/a "Abu Islam al Surir," :
 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 next page)

MOHAMED SULEIMAN AL NALFI, :
 a/k/a "Nalfi," :
 a/k/a "Abu Musab," :
 a/k/a "Mohamed Suleiman Adam," :
 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. 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 mailis 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, SAIF AL ADEL, MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer," and ABDULLAH AHMED ABDULLAH, a/k/a "Abu Mohamed el Masry," a/k/a "Saleh," among others, sat on the mailis 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. SAIF AL ADEL also served on the military committee, reporting to MUHAMMAD ATEF, a/k/a "Abu Hafs."

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," SAIF AL ADEL, a/k/a "Saif," MAMDOUH MAHMUD SALIM, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," ABDULLAH AHMED ABDULLAH, a/k/a "Abu Mohamed el Masry," a/k/a "Saleh," a/k/a "Abu Marium," MUHSIN MUSA MATWALLI ATWAH, a/k/a "Abdel Rahman al Muhajer," a/k/a "Abdel Rahman," KHALID AL FAWWAZ, a/k/a "Khaled Abdul Rahman Hamad al Fawwaz," a/k/a "Abu Omar," a/k/a "Hamad," 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," ANAS AL LIBY, a/k/a "Nazih al Raghie," a/k/a "Anas al Sebai," 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," AHMED MOHAMED HAMED ALI, a/k/a
"Ahmed the Egyptian," a/k/a "Shuaib," a/k/a "Abu Islam al Surir,"
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 SULEIMAN AL NALFI,
a/k/a "Nalfi," a/k/a "Abu Musab," a/k/a "Mohamed Suleiman Adam,"
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 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 defendant 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, SAIF AL ADEL, MUHSIN MUSA MATWALLI ATWAH, a/k/a "Abdel Rahman al Muhajer," Ali Mohamed, named as a co-conspirator but not as a defendant herein, 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;

MOHAMED SULEIMAN AL NALFI Establishes the Sudanese Jihad Group

d. In or about 1989, Abu Ubaidah al Banshiri, a coconspirator not named as a defendant herein, advised MOHAMED

SULEIMAN AL NALFI to form a Sudanese jihad group that would be based on the principles of al Qaeda and would be used to recruit Sudanese nationals. AL NALFI thereafter formed this group and acted as its emir or leader.

Financial and Business Dealings

e. 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

f. In or about 1990 and 1991, MOHAMED SULEIMAN AL NALFI conducted studies concerning the feasibility of moving USAMA BIN LADEN from Afghanistan and Pakistan to the Sudan.

g. In or about 1991, Ali Mohamed, named as a co-conspirator but not as a defendant herein, together with another 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

h. 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 Thamar al Mubarak," 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 defendant MOHAMED SULEIMAN AL NALFI helped to establish Taba Investments in the Sudan on behalf of USAMA BIN LADEN. 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

i. 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

j. 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

k. 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;

1. 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;

m. 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;

n. 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

o. 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;

p. 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

q. In Afghanistan in or about 1991 and 1992, Ali Mohamed, named as a co-conspirator but not as a defendant herein, trained members of al Qaeda, including defendant 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

r. 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;

s. In or about 1992 or 1993, MOHAMED SULEIMAN AL NALFI was instructed by Abu Ubaidah al Banshiri, a coconspirator

not named as a defendant herein, to arrange to have members of his Sudanese jihad group prepared to travel to Somalia on short notice to assist in the effort to expel United States and United Nations troops from that country.

t. Beginning in or about early spring 1993, al Qaeda members, including the defendants MUHAMMAD ATEF, SAIF AL ADEL, ABDULLAH AHMED ABDULLAH, a/k/a "Abu Mohamed el Masry," a/k/a "Saleh," MUHSIN MUSA MATWALLI ATWAH, a/k/a "Abdel Rahman al Muhajer," a/k/a "Abdel Rahman," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun," AHMED MOHAMED HAMED ALI, a/k/a "Ahmed the Egyptian," a/k/a "Shuaib," a/k/a "Abu Islam al Surir," 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

u. 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;

v. 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";

w. 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 WADIH EL HAGE met repeatedly with one of the military commanders of al Qaeda, "Abu Ubaidah al Banshiri";

x. 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;

y. 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

z. 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

aa. 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

bb. 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

cc. 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

dd. 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;

The Surveillance of the United States Embassy in Nairobi, Kenya

ee. Beginning in the latter part of 1993, ANAS AL LIBY and other members of al Qaeda discussed with Ali Mohamed, named as a co-conspirator but not as a defendant herein, a possible attack against the United States Embassy in Nairobi, Kenya, in retaliation for the United States' participation in Operation Restore Hope in Somalia;

ff. In or about the latter part of 1993, defendant ANAS AL LIBY and Ali Mohamed, named as a co-conspirator but not as a defendant herein, conducted visual and photographic surveillance of the United States Embassy in Nairobi, Kenya;

gg. In or about 1994, defendant ANAS AL LIBY, together with other members of al Qaeda and Ali Mohamed, named as a co-conspirator but not as a defendant herein, reviewed 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;

hh. In or about 1994, members of al Qaeda discussed with Ali Mohamed, named as a co-conspirator but not as a defendant herein, possible terrorist attacks against targets in various countries other than Kenya;

Khalfan Khamis Mohamed Receives Training in Afghanistan

ii. 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

jj. 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 and Wadih el Hage Maintain Contact

kk. In or about early 1995, Ali Mohamed, named as a co-conspirator but not as a defendant herein, sent from California a document concerning the then ongoing trial of Sheikh 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";

ll. In or about March 1995, Ali Mohamed, named as a co-conspirator but not as a defendant herein, 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;

Eidarus Becomes Leader of Egyptian Islamic Jihad Cell in Baku

mm. 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

nn. In or about December 1995, the defendant WADIH EL HAGE visited Ali Mohamed, named as a co-conspirator but not as a defendant herein, in Santa Clara, California;

Wadih el Hage Visits Khalid Al Fawwaz in London

oo. 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

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

Al Fawwaz Supplies Communication Equipment to Bin Laden and al Qaeda

qq. 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

rr. 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 al Banshiri" drowned;

ss. 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;

tt. 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 Ali Mohamed, named as a co-conspirator but not as a defendant herein;

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

uu. 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

vv. 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

ww. 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";

xx. 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;

yy. 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";

zz. 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

aaa. 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

bbb. On or about December 21, 1996, the defendant WADIH 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

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

ddd. 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 defendant WADIH EL HAGE met with defendant MUHAMMAD ATEF, a/k/a "Abu Hafs," in Peshawar, Pakistan;

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

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

fff. 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 defendant MUHAMMAD ATEF;

ggg. 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 defendant USAMA BIN LADEN to militarize the East African cell of al Qaeda;

hhh. 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 defendant WADIH EL HAGE had just returned from meeting with members of defendant USAMA 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;

iii. On or about February 25, 1997, the defendant WADIH EL HAGE faxed a copy of a report prepared by defendant 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";

jjj. On or about February 26, 1997, Co-conspirator Two in Orlando, Florida, wrote a letter in code to defendant

WADIH EL HAGE asking EL HAGE to tell defendant USAMA BIN LADEN that Co-conspirator Two was willing to help BIN LADEN;

kkk. 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;

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

mmm. On or about June 28, 1997, Co-conspirator Two in Orlando, Florida, sent a message in code asking defendant 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

nnn. 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

ooo. At various times during the course of the conspiracy, the defendant WADIH EL HAGE and Ali Mohamed, named as a co-conspirator but not as a defendant herein, engaged in coded correspondence with other members and associates of the al Qaeda

organization;

Wadih el Hage Obtains Money from the Sudan

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

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

Al Fawwaz Leases the Beethoven Street Office

rrr. On or about September 4, 1997, defendant 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

sss. 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;

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

uuu. In or about the summer of 1997, the defendant FAZUL ABDULLAH MOHAMED, a/k/a "Harun," contacted defendant KHALID AL FAWWAZ in London, England;

vvv. 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;

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

www. On or about September 23, 1997, the defendant 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

xxx. 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

yyy. 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;

El Hage Lies to the FBI in October 1997

zzz. 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

aaaa. 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, a mobile phone belonging to the defendant ABDEL BARY;

bbbb. On or about October 30, 1997, a co-conspirator made several calls from the Bin Laden Satellite Telephone to 956375892;

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

cccc. In or about early January 1998, Ali Mohamed, named as a co-conspirator but not as a defendant herein, received a letter from Co-conspirator Two, then overseas, suggesting that Ali Mohamed contact defendant WADIH EL HAGE through a co-conspirator, residing in Arlington, Texas ("Co-Conspirator Five");

dddd. On or about January 13, 1998, Ali Mohamed, named as a co-conspirator but not as a defendant herein, placed a telephone call to Co-conspirator Five residing in Arlington,

Texas;

Al Zawahiri Appoints Deputies and Announces Draft Fatwah

eeee. 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

ffff. 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

gggg. 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;

hhhh. 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;

iiii. 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;

jjjj. In or about April 1998, the defendant MOHAMED SADEEK ODEH discussed the fatwahs issued by BIN LADEN and al Qaeda against America with defendant MUSTAFA MOHAMED FADHIL in Kenya;

Egyptian Islamic Jihad Cell Member Communicates with Eidarus

kkkk. On or about March 7, 1998, a co-conspirator ("Co-conspirator Six") in Albania sent correspondence to the defendant IBRAHIM EIDAROUS in London;

The May 1998 Fatwah

llll. 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;

mmmm. 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

nnnn. 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 stated that "it is the duty of the Muslims to prepare as much force as possible to terrorizē the enemies of God";

Harun Relocates from the Sudan to Nairobi, Kenya

oooo. On or about March 4, 1998, the defendant FAZUL ABDULLAH MOHAMED, a/k/a "Harun," traveled from Khartoum in the Sudan to Nairobi, Kenya;

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

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

rrrr. 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

ssss. 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;

tttt. 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;

Eidarus and Abdel Bary Facilitate Delivery of Fake Passports

uuuu. 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

vvvv. 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";

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

xxxx. In or about June 1998, the defendant MOHAMED RASHED DAOUD AL-'OWHALI and an individual known as "Azzam," named as a co-conspirator but not as a defendant herein, 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";

YYYY. On or about June 19, 1998, Azzam, named as a co-conspirator but not as a defendant herein, using a passport in the name of "Gihad Ali" traveled from Karachi, Pakistan, to Nairobi, Kenya, arriving in Nairobi on June 19, 1998;

zzzz. 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;

aaaaa. 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;

bbbbb. 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;

cccc. 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;

ddddd. 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");

..... 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;

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

..... 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;

..... In or about July 1998, the defendant AHMED MOHAMED HAMED ALI advised the defendant MOHAMED SADEEK ODEH that defendant USAMA BIN LADEN had formed a united front against the United States with other Islamic extremist groups;

..... On or about July 31, 1998, defendant 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;

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

..... In or about early August 1998, in Dar es

Salaam, Tanzania, the defendant KHALFAN KHAMIS MOHAMED obtained visas for Yemen and South Africa;

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

lllll. 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

mmmmm. 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

nnnnn. 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;

ooooo. On or about August 4, 1998, defendant 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

ppppp. 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;

qqqqq. 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;

rrrrr. 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;

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

ttttt. In or about early August 1998, the defendants ABDULLAH AHMED ABDULLAH, a/k/a "Abu Mohamed el Masry," a/k/a "Saleh," MOHAMED SADEEK ODEH and other members of al Qaeda traveled from Mombasa, Kenya, to Nairobi, Kenya;

uuuuu. During the first week of August 1998, the defendants ABDULLAH AHMED ABDULLAH, a/k/a "Abu Mohamed el Masry," a/k/a "Saleh," FAZUL ABDULLAH MOHAMMED and MOHAMED RASHED DAOUD 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;

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

wwwww. 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;

xxxxx. 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;

yyyyy. 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;

zzzzz. 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;

aaaaaa. On or about August 4, 1998, the defendants ABDULLAH AHMED ABDULLAH, 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;

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

cccccc. 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;

ddddd. 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;

eeeeee. 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;

ffffff. 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;

gggggg. 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

hhhhhh. On or about August 6, 1998, the defendants ABDULLAH AHMED ABDULLAH, a/k/a "Abu Mohamed el Masry," a/k/a "Saleh," and AHMED KHALFAN GHAILANI left Nairobi, Kenya, for Karachi, Pakistan, on Kenya Airways Flight No. 310;

iiiiii. 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

jjjjjj. 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

kkkkkk. 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;

lllllll. 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;

mmmmmm. 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;

nnnnnn. 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;

oooooo. Following the August 7, 1998, bombing of the Embassy building in Nairobi, 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

pppppp. 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;

qqqqqq. 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

rrrrrr. 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

ssssss. 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;

tttttt. 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;

uuuuuu. 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

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

wwwww. 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

xxxxxx. 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;

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

Khalfan Khamis Mohamed Flees After the Bombing

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

aaaaaaa. 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

bbbbbbb. 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 FBI conducting a criminal investigation of al Qaeda, Egyptian Islamic Jihad, and the August 1998 bombings in Africa;

Ali Mohamed Possesses Terrorist Training Materials

ccccccc. In or late August 1998, Ali Mohamed, named as a co-conspirator but not as a defendant herein, possessed at his residence in California, 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 Banshiri" a/k/a "Galal";

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

- 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;

Ali Mohamed Lies to the Grand Jury in September 1998

ddddddd. On or about September 10, 1998, in the

Southern District of New York, Ali Mohamed, named as a co-conspirator but not as a defendant herein, 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

eeeeeee. On or about September 16, 1998, in the Southern District of New York, the defendant WADIH 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

ffffff. 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;

ggggggg. 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

hhhhhhh. In or about June 1999, in an interview with an Arabic-language television station, defendant 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, 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," the defendant, 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," Saif al Adel, a/k/a "Saif," Mamdouh Mahmud
Salim, a/k/a "Abu Hajer al Iraqi," a/k/a "Abu Hajer," Abdullah
Ahmed Abdullah, a/k/a "Abu Mohamed el Masry," a/k/a "Saleh,"
a/k/a "Abu Marium," Muhsin Musa Matwalli Atwah, a/k/a "Abdel
Rahman al Muhajer," a/k/a "Abdel Rahman," Khalid Al Fawwaz, a/k/a
"Khaled Abdul Rahman Hamad al Fawwaz," a/k/a "Abu Omar," a/k/a
"Hamad," Ali Mohamed, Anas al Liby, a/k/a "Nazih Al Raghie",
a/k/a "Anas al Sebai," 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," Ahmed Mohamed Hamed Ali,
a/k/a "Ahmed the Egyptian," a/k/a "Shuaib," a/k/a "Abu Islam al
Surir," 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
Suleiman al Nalfi, a/k/a "Nalfi," a/k/a "Abu Musab," a/k/a
"Mohamed Suleiman Adam," Mohamed Rashed Daoud Al-'Owhali, a/k/a
"Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul