

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," ABDULLAH AHMED ABDULLAH, a/k/a "Abu Mohamed el Masry," a/k/a "Saleh," a/k/a "Abu Marium," 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," ABDULLAH AHMED ABDULLAH, a/k/a "Abu Mohamed el Masry," a/k/a "Saleh," a/k/a "Abu Marium," 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," ABDULLAH AHMED
ABDULLAH, a/k/a "Abu Mohamed el Masry," a/k/a "Saleh," a/k/a "Abu
Marium," 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 further 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 WADII 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

WADIH 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 WADIH 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 WADIH EL HAGE in the murder of Rashad Khalifa in Tucson, Arizona, in 1990 and the identity of the person from New York who visited WADIH EL HAGE in Tucson prior to the murder;

(7) the nature of the relationship between defendant WADIH EL HAGE and Mustafa Elnore, a/k/a "Mustafa Saif," named as a co-conspirator but not as a defendant herein;

(8) the nature and extent of the defendant WADIH 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 WADIH EL HAGE, Muhammad Atef, as well as Ali Mohamed and "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 WADII EL HAGE, as well as code names for other al Qaeda members and associates; and (vi) the extent to which WADII 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 WADII 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 WADII 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 WADIIH 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 contained 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 WADIIH 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 WADIIH 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 WADIIH 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 Banshiri?

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.

*

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*

(b) Q. Did you look for Abu Ubaidah al Banshiri 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.

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(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 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. 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.

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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 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. 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.

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(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.

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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.

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- (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.

- (E) 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.

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

A. No.

*

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(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.

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

A. I don't know.

(e) Q. Is it you?

A. No.

*

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(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.

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(e) Q. Are you familiar with a person by the name of Abu Ubaidah al Banshiri? 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 Banshiri?

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.

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(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.

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(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 Banshiri?

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 Banshiri?

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.

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(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
MARY JO WHITE
United States Attorney