

APPROVED:

[Handwritten signatures]
DAVID M. KELLEY
MICHAEL J. GARCIA
Assistant United States Attorneys

BEFORE: HONORABLE SHARON E. GRUBIN
United States Magistrate Judge
Southern District of New York

98 MAG. 2018

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v - :

MOHAMED RASHED DAUD AL-'OWHALI, :
a/k/a "Khalid Salim Saleh Bin Rashed," :
Defendant. :

SEALED COMPLAINT

Violation of
Title 18, United
States Code,
Sections 1111, 1117,
2332a and 2

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SOUTHERN DISTRICT OF NEW YORK, ss.:

DANIEL J. COLEMAN, being duly sworn, deposes and says that he is a Special Agent of the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNTS ONE THROUGH TWELVE: MURDER

1. On or about August 7, 1998, in the special maritime and territorial jurisdiction of the United States, as that term is defined in Title 18, United States Code, Section 7(3), and outside the jurisdiction of any particular state or district, MOHAMED RASHED DAUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," the defendant, together with others known and unknown, unlawfully, deliberately, and with malice aforethought, murdered the United

States nationals identified below, as well as hundreds of non-Americans, at the United States Embassy Compound, Nairobi, Kenya (the "Embassy").

COUNT

VICTIM

ONE
TWO
THREE
FOUR
FIVE
SIX
SEVEN
EIGHT
NINE
TEN
ELEVEN
TWELVE

NATHAN ALIGANGA
JULIAN HARTLEY
JAY HARTLEY
JEAN DALIZU
MOLLY HARDY
KEN HOBSON
PRABHI GUPTARA KAVALIER
ARLENE KIRK
LOUISE MARTIN
MICHELLE O'CONNOR
SHERRY OLDS
UTTAMLAL SHAH

(Title 18, United States Code, Sections 7(3), 1111, and 2.)

COUNT THIRTEEN: MURDER CONSPIRACY

2. From in or about March 1998 through the date of the filing of this Complaint, outside the jurisdiction of any particular state or district, MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," the defendant, together with others known and unknown, unlawfully, wilfully and knowingly combined, conspired, confederated and agreed together and with each other to murder the occupants of the United States Embassy Compound, Nairobi, Kenya, in the special maritime and territorial jurisdiction of the United States, as that term is defined in Title 18, United States Code, Section 7(3).

3. In furtherance of the conspiracy and to effect the object thereof, the defendant and others committed the following overt acts, among others:

a. On or about July 31, 1998, MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," the defendant, travelled from Lahore, Pakistan to Nairobi, Kenya;

b. On or about August 4, 1998, MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," the defendant, together with others known and unknown, reconnoitered the Embassy.

c. On or about August 7, 1998, MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," the defendant, along with a coconspirator not charged herein, travelled in a vehicle containing an improvised explosive device from a location in Nairobi, Kenya to the Embassy.

d. On or about August 7, 1998, MOHAMED RASHED DAUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," the defendant, threw a small grenade-like device toward a guard stationed outside the Embassy.

(Title 18, United States Code, Sections 1117.)

COUNT FOURTEEN: USE OF WEAPONS OF MASS DESTRUCTION

4. From in or about March 1998 through the date of the filing of this Complaint, in Nairobi, Kenya and outside the jurisdiction of any particular state or district, MOHAMED RASHED DAUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," the defendant, together with others known and unknown, unlawfully, willfully, and knowingly, and without lawful authority, combined, conspired, confederated and agreed together and with each other to use and threaten to use, weapons of mass destruction, against property that is owned, leased, and used by the United States, to wit, the defendant conspired to detonate an improvised explosive device inside and in the vicinity of the United States Embassy Compound, Nairobi, Kenya.

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

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

5. I have participated in the investigation of the above-captioned matter, and have spoken with other individuals, including federal agents, other law enforcement officials, and other witnesses. When I rely on statements made by others, such statements are related in part and in substance unless otherwise indicated. Moreover, because this affidavit is submitted for the limited purpose of establishing probable cause supporting the arrest of the defendant, I have not set forth each and every fact learned during the course of this investigation.

6. On August 7, 1998, at approximately 10:30 a.m. local time, a massive explosion occurred in the vicinity of the United States Embassy in Nairobi, Kenya, demolishing a secretarial college adjacent to the rear of the Embassy and severely damaging both the Embassy and a nearby building. At least 258 persons were killed, including 12 United States nationals.

7. On or about August 9, 1998, the defendant was contacted in Nairobi by Kenyan officials. At the time the defendant was contacted, he appeared to have suffered several injuries, including lacerations and abrasions about the hands and face, as well as a large wound on his back. The defendant was subsequently taken into custody by Kenyan officials.

8. On or about August 12, 1998, after having been arrested by Kenyan officials, MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," the defendant, was advised of his Miranda rights by Special Agents of the FBI. After waiving those rights, ~~the defendant stated~~, among other things, that he was standing in the bank near the Embassy on the day of the bombing with a companion. Defendant also claimed that the clothes he was wearing when arrested were the same clothes that he was wearing on the day of the bombing, despite the fact that his clothes bore no traces of blood from defendant's injuries. The defendant later admitted, however, that the clothes he was wearing at the time of his arrest were not the clothes he was wearing on the day of the bombing. On or about August 20, 1998, again after having been read his rights, and after having waived those rights, the defendant made additional statements concerning the bombing of the Embassy.

9. On or about August 20, 1998, the defendant stated among other things, the following:

a. That he was trained in a number of camps in Afghanistan, including a number of camps affiliated with al Qaeda, an international terrorist group, led by Usama Bin Laden, dedicated to opposing non-Islamic governments with force and violence.

b. The defendant stated that, while in the Afghanistan camps, he was trained in explosives, hijacking, and kidnapping.

c. He attended conferences and meetings with Usama Bin Laden, including a press conference, in Khost, Afghanistan, which followed a recent interview of Bin Laden by ABC News.¹ The defendant also stated that he was aware of a fatwah against the United States by the International Islamic Front which was signed by Usama Bin Laden and the leaders of other jihad groups, stating that it was proper to kill Americans worldwide.


d. His role in the August 7, 1998 bombing of the Embassy included, among other things: travelling in late July from Lahore, Pakistan to Nairobi, Kenya; reconnoitering the Embassy on August 4; travelling with a coconspirator in a vehicle containing an improvised explosive device from a location in Nairobi, Kenya to the Embassy on the morning of the bombing; and tossing a grenade-like device (which did not include fragmentation casing) at a guard stationed at the Embassy.

e. The defendant also stated that the operation was supposed to be a martyrdom operation, which he did not expect to survive.

¹ I understand that the interview aired on ABC in May 1998.

10. The defendant also stated that, while being treated at a local hospital for the injuries he sustained from the blast, he discarded in a hospital bathroom 2 keys that fit the padlock on the rear of the bomb-laden vehicle, and 3 bullets for a gun he had left behind in the vehicle. Employees of the hospital where the defendant was treated recovered 2 keys and 3 bullets in the area described by the defendant.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant MOHAMED RASHED DAUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," and that he be imprisoned or bailed as the case may be.


DANIEL J. COLEMAN
Special Agent,
Federal Bureau of Investigation

Sworn to before me this
25th day of August, 1998


UNITED STATES MAGISTRATE JUDGE

SHARON E. GRUBIN
United States Magistrate Judge
Southern District of New York