

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 "al Qaga," :

a/k/a "the Director," :

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," :

WADIH EL HAGE, :

a/k/a "Abdus Sabbur," :

a/k/a "Abd al Sabbur," :

a/k/a "Norman," :

a/k/a "Wa'da Norman," :

FAZUL ABDULLAH MOHAMMED, :

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," and :

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," :

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 MUHAMMED 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 MUHAMMED 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.

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. Al Qaeda functioned both on its own and through some of the terrorist organizations that operated under its umbrella, including: the Al Jihad group based in Egypt, led by, among others, Dr. Ayman al Zawahiri, named as a co-conspirator but not as a defendant herein; 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 and the United States.

5. 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. USAMA BIN LADEN and MUHAMMED ATEF, a/k/a "Abu Hafs," the defendants, among others, sat on the mailis al shura (or consultation council) of al Qaeda.

6. Al Qaeda also had a "military committee" which considered and approved "military" matters. MUHAMMED 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 1996. Among his other duties, MUHAMMED ATEF, a/k/a "Abu Hafs," the defendant, had the principal responsibility for the training of al Qaeda members.

7. 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 Hezbollah, for the purpose of working together against their perceived common enemies in the West, particularly the United States.

COUNT ONE

The Conspiracy to Kill United States Nationals

8. From at least 1991 until the date of the filing of this Indictment, in the Southern District of New York, in Afghanistan, Pakistan, the Sudan, Saudi Arabia, Yemen, Somalia, Kenya, Tanzania, 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 Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director," 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," WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," FAZUL ABDULLAH MOHAMMED, 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," and 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," 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 and others known and unknown to the Grand

Jury, unlawfully, willfully and knowingly combined, conspired, confederated and agreed to kill nationals of the United States in violation of Title 18, United States Code, Section 2332(a).

9. The objectives of the conspiracy included: (i) killing United States nationals employed by the United States military who were serving in Somalia and on the Saudi Arabian peninsula; (ii) killing United States nationals employed at the United States Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania; and (iii) engaging 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 and providing false information to the authorities in various countries.

Overt Acts

10. In furtherance of the 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, USAMA BIN LADEN, the defendant, 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 Recruitment of American Citizens

b. At various times from at least as early as

1989, USAMA BIN LADEN, the defendant, and others known and unknown, made efforts to recruit United States citizens, including the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," 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;

Financial Dealings

c. At various times from at least as early as 1989 until the date of the filing of this Indictment, defendant USAMA BIN LADEN, 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; 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;

Establishment of Businesses in the Sudan

d. Following al Qaeda's move to the Sudan in or about 1991, defendant USAMA BIN LADEN established a headquarters in the Riyadh section of Khartoum. USAMA BIN LADEN, the defendant, also established a series of businesses in the Sudan, including a holding company known as "Wadi al Aqiq", a construction business known as "Al Hijra," an agricultural

company known as "al Themar al Mubaraka," an investment company known as "Ladin International," an investment company known as "Taba Investments," 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 WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," worked for various of the Bin Laden companies and also served as Bin Laden's personal secretary;

Mohamed Sadeek Odeh Joins al Qaeda

e. In or about 1992, defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," 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 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

f. 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, issued 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;

The Fatwah Against American Troops in Somalia

g. At various times from in or about 1992 until in or about 1993, USAMA BIN LADEN, the defendant, working together with members of the fatwah committee of al Qaeda, issued 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;

The Establishment of Training Camps for Somalia

h. In or about late 1992 and 1993, MUHAMMED ATEF, a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs," the defendant, travelled 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 defendant USAMA BIN LADEN and other al Qaeda members at USAMA BIN LADEN's facilities located in Khartoum, the Sudan;

i. Beginning in or about early spring 1993, al Qaeda members, including the defendants MUHAMMED ATEF, a/k/a "Abu Hafs el Masry," FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," and MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," 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 Attacks on the United States Forces in Somalia

j. 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;

The Shipment of Weapons and Explosives to Saudi Arabia

k. 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;

The Efforts to Obtain Nuclear Weapons and Their Components

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

The Efforts to Obtain Chemical Weapons and Their Components

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

The Establishment of the Kenya Base of Operations

n. In or about 1994, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan,"

a/k/a "Hydar," 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, defendant MUHAMMED ATEF, a/k/a "Abu Hafs el Masry," and "Abu Ubaidah al Banshiri";

o. In or about 1994, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," moved from Khartoum in the Sudan to Nairobi, Kenya, and set up businesses and other organizations in Kenya. While in Kenya, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," met repeatedly with one of the military commanders of al Qaeda, "Abu Ubaidah al Banshiri";

p. In or about 1996, in Mombasa, Kenya, an individual associated with al Qaeda displayed TNT and detonators obtained in Tanzania to the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar";
The Drowning of "Abu Ubaidah al Banshiri" and its Aftermath

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

r. In or about the spring of 1996, the defendants WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," "Norman," a/k/a "Wa'da Norman," and FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan,"

went to Lake Victoria to investigate the circumstances of the drowning of "Abu Ubaidah al Banshiri" and to report back to defendant USAMA BIN LADEN;

Al-'Owhali Receives Training in al Qaeda Camps

s. Beginning in or about 1996, the defendant 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," 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, kidnapping, assassination and intelligence techniques;

The August 1996 Declaration of War

t. On or about August 23, 1996, USAMA BIN LADEN, the defendant, signed and issued a Declaration of Jihad 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") from the Hindu Kush mountains in Afghanistan;

Al-'Owhali Meets with Bin Laden

u. 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, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," met with defendant USAMA

BIN LADEN and asked him for a "mission";

El Hage Engages in Coded Correspondence

v. At various times during the course of the conspiracy, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," engaged in coded correspondence with other members and associates of the al Qaeda organization;

El Hage Lies to the FBI in September 1997

w. 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 "Norman," a/k/a "Wa'da Norman," made false statements concerning the nature of his contacts with al Qaeda to a Special Agent of the Federal Bureau of Investigation conducting a criminal investigation of al Qaeda;

El Hage Lies to the Grand Jury in September 1997

x. 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 "Norman," a/k/a "Wa'da Norman," made false statements concerning the nature of his contacts with al Qaeda to a federal Grand Jury conducting an investigation of al Qaeda;

El Hage Lies to the FBI in October 1997

y. On or about October 17, 1997, in Texas, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," made false

statements concerning the nature of his contacts with al Qaeda to Special Agents of the Federal Bureau of Investigation conducting a criminal investigation of al Qaeda;

The February 1998 Fatwah Against American Civilians

z. In February 1998, USAMA BIN LADEN, the defendant, endorsed a fatwah under the banner of the "International Islamic Front for Jihad on the Jews and Crusaders." This fatwah stated that Muslims should kill Americans -- including civilians -- anywhere in the world where they can be found;

aa. In or about April 1998, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," discussed the fatwahs issued by BIN LADEN and al Qaeda against America with another member of al Qaeda in Kenya;

The May 1998 Fatwah

ab. In early May 1998, USAMA BIN LADEN, the defendant, caused to be published in the newspaper Al-Ouds al-'Arabi 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;

The May 1998 Press Conference

ac. In the days immediately following a May 1998 press interview, USAMA BIN LADEN, the defendant, held a press conference in Khost, Afghanistan, attended also by the defendants MUHAMMED ATEF, a/k/a "Abu Hafs el Masry," and MOHAMED RASHED

DAOUD AL-'OWHALI, where USAMA BIN LADEN repeated his intention to kill Americans;

Preparation for the Bombings of United States Embassies

ad. In or about May 1998, the defendant FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," rented a villa located at 43 Rundu Estates in Nairobi, Kenya;

ae. In or about July 1998, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," discussed with another member of al Qaeda in Kenya the fact that defendant USAMA BIN LADEN had formed a united front against the United States with other Islamic extremist groups;

af. On or about July 31, 1998, the defendant 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," travelled from Lahore, Pakistan, to Nairobi, Kenya;

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

ah. Prior to August 2, 1998, the defendant

MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," obtained a false passport to facilitate his travel with other al Qaeda members to Afghanistan to meet with defendant USAMA BIN LADEN;

ai. On or about August 1, 1998, an al Qaeda member advised the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," that all members of al Qaeda had to leave Kenya by Thursday, August 6, 1998;

aj. In or about early August 1998, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," and other members of al Qaeda travelled from Mombasa, Kenya, to Nairobi, Kenya;

The Final Preparations for the Bombings

ak. During the first week of August 1998, the defendants FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," and 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," together with "Azzam" and other members of al Qaeda, met at a villa located at number 43 Rundu Estates in Nairobi, Kenya, to make final preparations for the bombing of the United States Embassy in Nairobi, Kenya;

al. On or about August 2, 1998, the defendants MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," and FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan,"

together with other members of al Qaeda, met at the Hilltop Hotel in Nairobi, Kenya;

am. From on or about August 2 through on or about August 6, 1998, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," stayed together with other members of al Qaeda at the Hilltop Hotel in Nairobi, Kenya;

an. On or about August 4, 1998, the defendants FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," and 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," together with "Azzam" and other members of al Qaeda, reconnoitered the United States Embassy in Nairobi, Kenya;

ao. On or about August 5, 1998, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," shaved his beard and obtained new clothing in preparation for travel outside of Kenya to Afghanistan to meet with defendant USAMA BIN LADEN;

ap. On or about August 5, 1998, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar," walked along Moi Avenue in Nairobi, Kenya, in the vicinity of the United States Embassy;

Odeh's Flight from Nairobi the Night Before the Bombings

aq. On or about August 6, 1998, in the evening, the defendant MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a

"Noureldine," a/k/a "Marwan," a/k/a "Hydar," based on instructions from al Qaeda members, left Nairobi, Kenya, for Pakistan under an assumed name on Pakistani International Airways flight # 746;

The Bombing in Nairobi

ar. On August 7, 1998, beginning at approximately 9:30 a.m., the defendant FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," drove a pick-up truck from the villa located at 43 Rundu Estates to the vicinity of the United States Embassy in Nairobi, Kenya, while the defendant 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," rode in another vehicle containing a large bomb driven by "Azzam" (the "Nairobi Bomb Truck") to the United States Embassy in Nairobi, Kenya. The defendant 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," possessed four stun-grenade type devices, a handgun and keys to the padlocks on the Nairobi Bomb Truck;

as. On August 7, 1998, at approximately 10:30 a.m., the defendant 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," 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;

at. 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;

au. 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;

av. Following the August 7, 1998, bombing of the Embassy building, the defendant 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," 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

aw. On August 7, 1998, at approximately 10:40 a.m., a co-conspirator detonated an explosive device contained in a vehicle 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;

"Harun" Flees After the Bombing

ax. In the days immediately following the bombings, the defendant FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," hired persons to clean the villa located at 43 Rundu Estates in Nairobi, Kenya;

ay. On or about August 14, 1998, the defendant FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan," went to the Comoros Islands;

El Hage Lies to the FBI in August 1998

az. On or about August 20, 1998, in Texas, the defendant WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," made false statements concerning the nature of his contacts with al Qaeda to Special Agents of the Federal Bureau of Investigation conducting a criminal investigation of al Qaeda and the August 1998 bombings in Africa; and

El Hage Lies to the Grand Jury in September 1998

ba. 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 "Norman," a/k/a "Wa'da Norman," made false statements concerning the nature of his contacts with al Qaeda to a federal Grand Jury conducting an investigation of al Qaeda and the August 1998 bombings in Africa.

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

COUNTS TWO THROUGH TWO HUNDRED TWENTY SEVEN:
THE AFRICA BOMBINGS

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

The Grand Jury further charges:

11. The allegations contained in paragraphs 1 through 7 are repeated herein.

12. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director," 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," FAZUL ABDULLAH MOHAMMED, 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," and MOHAMED RASHED DAUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly did maliciously damage and destroy, and attempted to damage and destroy, by means of fire and an explosive, buildings, vehicles and other personal and real property in whole and in part owned and possessed by, and leased to, the United States, to wit, the defendants, together with other members of al Qaeda, an international terrorist organization,

detonated an explosive device that damaged and destroyed the United States Embassy in Nairobi, Kenya, and as a result of such conduct directly and proximately caused the deaths of at least 213 persons, including Kenyan and American citizens.

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

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

The Grand Jury further charges:

13. The allegations contained in paragraphs 1 through 7 are repeated herein.

14. On or about August 7, 1998, in Dar es Salaam, Tanzania, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director," 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," FAZUL ABDULLAH MOHAMMED, 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," and 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," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly did maliciously damage and destroy, and attempted to damage and destroy, by means

of fire and an explosive, buildings, vehicles and other personal and real property in whole and in part owned and possessed by, and leased to, the United States, to wit, the defendants, together with other members of al Qaeda, an international terrorist organization, detonated an explosive device that damaged and destroyed the United States Embassy in Dar es Salaam, Tanzania, and as a result of such conduct directly and proximately caused the deaths of at least 11 persons, including Tanzanian citizens.

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

COUNTS FOUR THROUGH TWO HUNDRED SIXTEEN:
MURDERS IN NAIROBI, KENYA

The Grand Jury further charges:

15. The allegations contained in paragraphs 1 through 7 are repeated herein.

16. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director," 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," FAZUL ABDULLAH MOHAMMED, 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," and 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,"