

APPROVED: Patrick J. Fitzgerald
PATRICK J. FITZGERALD
Assistant United States Attorney

BEFORE: HONORABLE ANDREW J. PECK
United States Magistrate Judge
Southern District of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA :
- v - :

ALI ABDELSEUD MOHAMED, : Violation of
a/k/a "Abu Omar," : Title 18, United
a/k/a "Omar," : States Code,
Defendant. : Sections 2332
and 1001.
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SOUTHERN DISTRICT OF NEW YORK, ss.:

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

COUNT ONE: MURDER CONSPIRACY

1. From in or about 1992 through the date of the filing of this Complaint, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," the defendant, together with Usama Bin Laden and others known and unknown, unlawfully, wilfully and knowingly combined, conspired, confederated and agreed together and with each other to kill nationals of the United States, including nationals of the United States while such nationals were outside the United States.

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

a. At various times from at least as early as 1990, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," the defendant, met with members and associates of a terrorist group known as "Al Qaeda" in Afghanistan, the Sudan and elsewhere;

b. At various times from at least as early as 1990, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," and others known and unknown, provided training in various areas, including Afghanistan and the Sudan, for the use of Al Qaeda and

its affiliated groups;

c. At various times from at least as early as 1990, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," traveled to various places to deliver messages and engage in financial transactions for the benefit of Al Qaeda and its affiliated groups;

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d. In or about 1991, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," travelled to Afghanistan to escort Usama Bin Laden from Afghanistan to the Sudan;

e. At various times from in or about 1992, Usama Bin Laden and other ranking members of Al Qaeda stated privately to other members of Al Qaeda that the United States forces stationed on the Saudi Arabian peninsula, including both Saudi Arabia and Yemen, should be attacked;

f. At various times from in or about 1992, Usama Bin Laden and other ranking members of Al Qaeda stated privately to other members of Al Qaeda that the United States forces stationed in the Horn of Africa, including Somalia, should be attacked;

g. Beginning in or about early spring 1993, Al Qaeda members began to provide training and assistance to Somali tribes opposed to the United Nations' intervention in Somalia;

h. In or about 1993, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," provided training to members and associates of al Qaeda in Khartoum, the Sudan.

i. In or about 1993, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," travelled to Somalia.

j. At various times in 1994, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," and others known and unknown, provided training to the personal bodyguards of Usama Bin Laden in the Sudan;

k. In or about 1994, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," operated various businesses in Kenya on behalf of Usama Bin Laden.

l. At various times from in or about 1996, Usama Bin Laden stated publicly that the United States forces stationed on the Saudi Arabian peninsula should be attacked.

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

COUNTS TWO THROUGH SEVEN: FALSE STATEMENTS TO FEDERAL AUTHORITIES

COUNT TWO

3. In or about December 1994, in the Northern District of California, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully: (i) falsified, concealed and covered up by a trick, scheme and device a material fact; and (ii) made materially false, fictitious and fraudulent statements and representations; to wit, the defendant falsely stated to a

Special Agent of the Federal Bureau of Investigation ("FBI") that he had not trained mujahideen in Afghanistan when in fact he had done so on repeated occasions, including 1988 and 1991 at least.

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

COUNT THREE

4. In or about January 1995, in the Northern District of California, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully: (i) falsified, concealed and covered up by a trick, scheme and device a material fact; and (ii) made materially false, fictitious and fraudulent statements and representations; to wit, the defendant falsely stated in a questionnaire submitted to the ~~Department of Defense~~ that he had never been affiliated with a group which advocates disrupting United States Government activities through force or violence.

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

COUNT FOUR

5. In or about January 1995, in the Northern District of California, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully: (i) falsified, concealed and covered up by a trick, scheme and device a material fact; and (ii) made materially false, fictitious and fraudulent statements and representations; to wit, the defendant falsely stated in a questionnaire submitted to the Department of Defense that his previous foreign travel consisted of travel from December 1989 to December 1994 to Egypt, the United Arab Emirates, Saudi Arabia and Kenya, whereas in truth and fact ALI ABDELSEUD MOHAMED travelled to numerous other places, specifically including the Sudan, Pakistan, Afghanistan and Somalia.

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

COUNT FIVE

6. In or about August 1995, in the Northern District of California, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully: (i) falsified, concealed and covered up by a trick, scheme and device a material fact; and (ii) made materially false, fictitious and fraudulent statements and

representations; to wit, the defendant falsely stated to the Department of Defense that his previous foreign travel to Africa and the Gulf States consisted of travel from December 1989 to December 1994 to Egypt, the United Arab Emirates, Saudi Arabia, Kenya, Tanzania, Ethiopia, Niger, Djibouti, Uganda, Morocco, Kuwait, and Oman whereas in truth and fact ALI ABDELSEUD MOHAMED travelled to other places in Africa and the Gulf States, specifically including the Sudan and Somalia.

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

COUNT SIX

7. In or about August 1995, in the Northern District of California, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully: (i) falsified, concealed and covered up by a trick, scheme and device a material fact; and (ii) made materially false, fictitious and fraudulent statements and representations; to wit, the defendant falsely stated to the Department of Defense that his two brothers were the only people he had contact with outside of the United States whereas in truth and fact ALI ABDELSEUD MOHAMED had contact with numerous other persons outside the United States, including Usama Bin Laden and other members and associates of al Qaeda and its affiliated terrorist groups.

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

COUNT SEVEN

8. In or about August 1995, in the Northern District of California, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully: (i) falsified, concealed and covered up by a trick, scheme and device a material fact; and (ii) made materially false, fictitious and fraudulent statements and representations; to wit, the defendant falsely stated to the Department of Defense that he:

never had any contact such as personal meetings, written correspondence, telephonic contact or any other form of communication with anyone representing a non US intelligence/security service or group, movement or association that advocates or practices violence against the US government, its citizens or its allies. I have never been asked to work for a non US intelligence/security service or group, movement or association that advocates or practices violence against the US government, its citizens or its allies. I have never worked for or volunteered to

work for any non U.S. intelligence/security service or group, movement or association which advocates or practices violence against the US government, its citizens or its allies...

whereas in truth and fact ALI ABDELSEUD MOHAMED had contact with Usama Bin Laden and other members and associates of al Qaeda and its affiliated terrorist groups, which advocated and practiced violence against the United States, its citizens and its allies.

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

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

9. 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.

10. A review of various government files, including the military file of ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," indicates that MOHAMED was born in Egypt and served in the Egyptian military for approximately 13 years from 1971 to 1984, where he has claimed to have received intelligence and special forces training. MOHAMED then worked in counter-terrorism security for Egypt Airlines from 1984 to 1986, when he emigrated to the United States. In 1986, MOHAMED enlisted in the United States Army and was eventually stationed at Fort Bragg, North Carolina, where he was assigned to the John F. Kennedy Special Warfare Center.

Confidential Source One

11. A confidential source ("CS-1") who was a member of the "Al Qaeda" organization for a number of years and was personally familiar with Usama Bin Laden, has admitted participating in terrorist efforts against American interests and has advised the following:

(a) the "Al Qaeda" organization grew out of an earlier organization known as "Mektab al Khidemat" (the "Services Office") which had been a support organization for the jihad in Afghanistan. Al Qaeda was founded by Usama Bin Laden and several others with the intent to use the military experience gained by the mujahideen in Afghanistan to attempt to fight Western governments (including Israel and the United States) and

overthrow governments in Muslim countries which were not deemed to be Islamically correct. From 1989 until in or about 1991, the group was headquartered in Afghanistan and Peshawar, Pakistan. In or about 1991, the leadership of Al Qaeda, including its "emir" (or prince) 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, Bin Laden and Al Qaeda relocated to Afghanistan.

(b) The al Qaeda organization had members who made bayat (i.e. swore allegiance) to the emir (prince) of the organization, Usama Bin Laden. Other persons were closely associated with al Qaeda even though they may have elected not to pledge full allegiance to Bin Laden.

(c) Usama Bin Laden had a particular need for United States citizens to aid al Qaeda as persons with United States passports could travel freely without raising suspicion.

(d) In particular, in the period from 1990 to the present, Usama Bin Laden provided and managed numerous guesthouses and training camps in Afghanistan, Pakistan and the Sudan.

(e) At various times from in or about 1992, Usama Bin Laden and other ranking members of Al Qaeda stated privately to other members of Al Qaeda that: (i) Al Qaeda should put aside its differences with Shiite Muslim terrorist organizations, including the Government of Iran and its affiliated terrorist group Hezbollah, to cooperate against the perceived common enemy, the United States and its allies; (ii) the United States forces stationed on the Saudi Arabian peninsula, including both Saudi Arabia and Yemen, should be attacked; and (iii) the United States forces stationed in the Horn of Africa, including Somalia, should be attacked.

(f) In or about 1993, al Qaeda forces trained local tribesmen in Somalia to attack the United Nations and United States forces because al Qaeda was afraid that the U.S. presence was a staging ground for a later attack on the Sudan.

Confidential Source Two

12. Confidential Source Two ("CS-2") is a person familiar with al Qaeda who has engaged in criminal activity and has advised that he personally saw ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," in Khost, Afghanistan, in about September 1992, where MOHAMED was training persons who were commanders in al Qaeda. MOHAMED was in this camp for at least 4 weeks.

Confidential Source Three

13. Confidential Source Three ("CS-3") is a person who was intimately familiar with various persons involved in jihad in the New York area in the period from 1988 to 1990 and participated in criminal activity. In 1990, CS-3 met an "Omar" in a mosque in Santa Clara, California -- the town in which MOHAMED resided in 1990. CS-3 described "Omar" as someone who received American military experience in bomb-making, who served as Bin Laden's bodyguard and who then lived in California.

Confidential Source Four

14. Confidential Source Four ("CS-4") indicates that in 1992, ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," was training mujahideen in Afghanistan and was also translating training manuals from English into Arabic.

The 1993 Royal Canadian Mounted Police Interview

15. In 1993, MOHAMED advised the Royal Canadian Mounted Police ("RCMP") that he had provided intelligence and counter-intelligence training in Afghanistan to a particular identified individual. MOHAMED indicated that he met the individual in 1988 and last saw him in Afghanistan in 1991. MOHAMED admitted that he had travelled to Vancouver, Canada, in the spring of 1993 to facilitate the entry of that individual into the United States. The identified person had been stopped by Canadian customs officials and was found to be in the possession of a false passport and the driver's license of MOHAMED. MOHAMED further admitted that he and the individual had transported Usama Bin Laden from Afghanistan to the Sudan in 1991, at which point MOHAMED had left his driver's license with the individual. MOHAMED told RCMP that he was in the process of applying for a job as an FBI interpreter and did not want this incident to jeopardize the application. (In fact, MOHAMED then had such an application pending though he was never hired as a translator.)

The 1993 San Francisco FBI Interviews

16. Also in 1993, ALI MOHAMED told Special Agents of the FBI that Usama Bin Laden ran an organization called al Qaeda and was building an army which may be used to overthrow the Saudi Government. MOHAMED further stated that Bin Laden was operating camps in the Sudan and that MOHAMED himself was training people in the Sudan. MOHAMED also advised the FBI that he had provided anti-hijacking and intelligence training in Afghanistan to the particular individual referred to in the previous paragraph. MOHAMED indicated that he met that individual in 1988 and last saw him in Afghanistan in 1991.

The 1994 Interview by the FBI

17. In December 1994, MOHAMED, who was listed as a potential defense witness in the then pending trial of Sheik Omar Abdel Rahman and others for seditious conspiracy, was interviewed by an FBI agent then assigned to the New York Office. MOHAMED indicated that he was then working in Kenya in the scuba diving business and admitted that he made two prior trips to Pakistan: one in 1988 as an "observer"; the second in 1991 in response to a request by the late Mustafa Shalabi to move Usama Bin Laden out of Afghanistan.

The January 1995 Department of Defense Questionnaires

18. In 1995, MOHAMED sought a security clearance to work as a security guard at a classified area within a facility maintained by a private company that did business on behalf of the Department of Defense. In a January 1995 Department of Defense questionnaire, Mohamed stated in an attachment in response to a question as to what countries he had travelled to in the last 5 years that he travelled to Egypt, the United Arab Emirates, Saudi Arabia and Kenya as part of his import-export business. Mohamed did not mention travel to Afghanistan, Pakistan, the Sudan or Somalia. Indeed, in his actual job application, Mohamed did not even list his overseas employment, later admitting that he did so deliberately because he had been advised that recent overseas employment would disqualify him from consideration.

19. As part of his background check, MOHAMED was interviewed on several occasions by representatives of the Department of Defense. In his first statement (dated 8/22/95 in Santa Clara), MOHAMED stated that from November 1989 to December 1994, he worked in the import/export overseas traveling to Saudi Arabia and Kuwait purchasing vehicles and selling them in Kenya and Tanzania and buying leather items in Africa for resale to the Gulf States. He stated that he did not list his import/export experience on his job application because he was told he needed to be in this country for 5 years to get the job.

20. In his second statement (dated 8/28/95 in Santa Clara), MOHAMED stated that from 1989 to 1994 he travelled to Kenya (15 times), Ethiopia (5 occasions), Niger (1 time), Djibouti (1 occasion), Tanzania (10 to 15 occasions), Uganda (10 to 15 occasions), Morocco (1 time), Kuwait, the United Arab Emirates, Oman, Saudi Arabia and Egypt as his travel to Africa and the Gulf States. MOHAMED did not mention travel to the Sudan or Somalia.

21. In that same statement, MOHAMED also stated that "My brothers are the only people I have contact with outside of the United States" after discussing his two blood brothers living

in Egypt. He further stated that "I have never had any contact such as personal meetings, written correspondence, telephonic contact or any other form of communication with anyone representing a non US intelligence/security service or group, movement or association that advocates or practices violence against the US government, its citizens or its allies. I have never been asked to work for a non US intelligence/security service or group, movement or association that advocates or practices violence against the US government, its citizens or its allies. I have never worked for or volunteered to work for any non U.S. intelligence/security service or group, movement or association which advocates or practices violence against the US government, its citizens or its allies..."

22. In his third statement (dated 11/8/95 in Santa Clara), MOHAMED stated that: "I have never belonged to a terrorist organization but I have been approached by organizations that could be called terrorist. I would prefer to call these organizations 'opposition groups' because they were opposing terrorist governments."

The 1997 Interview by the FBI

23. During an October 1997 interview by the FBI, MOHAMED admitted that he trained Usama Bin Laden's bodyguards in the Sudan following an unsuccessful assassination attempt against Bin Laden. (I know from other investigation that such attempt occurred in 1994). MOHAMED advised that the Sudanese intelligence service provided perimeter security for Bin Laden but that MOHAMED had trained the guards who provided the inner security. MOHAMED stated that he lived in Bin Laden's house in Khartoum at the time of such training.

24. MOHAMED also advised that he was in Somalia during the United States intervention overseas and knew that Bin Laden's people were responsible for the killing of the United States soldiers in Somalia. MOHAMED further confirmed that in or about 1991 he went to Afghanistan to take Bin Laden to Pakistan, then India and on to the Sudan. MOHAMED stated that he did this because he loved Bin Laden and believed in him. MOHAMED further admitted that he had done training in Afghanistan. Still later, MOHAMED admitted that he had trained people in "war zones" and added that war zones can be anywhere. MOHAMED indicated that he knew lots of people and was well trusted and could put people together with people that they need.

25. MOHAMED further stated that one did not need a fatwah to go against the United States since it was "obvious" that the United States was the enemy.

The 1998 Telephone Calls


26. During telephone calls with an FBI agent in August 1998, following the bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, MOHAMED advised an FBI agent, among other things, that:

(a) he formerly lived in Kenya in 1994 where he engaged in various businesses (including the Tanzanite and diamond businesses and the importation of trucks) on behalf of Usama Bin Laden;

(b) during the time he was in Kenya, he was shown a file concerning a plan to attack the United States embassy in Nairobi but had discouraged the persons who showed him the file from carrying out an attack in Kenya; and

(c) that he knew who had carried out the recent bombings but would not provide the names to the United States Government.

WHEREFORE, your deponent respectfully requests that the defendant ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," be imprisoned or bailed as the case may be.


DANIEL COLEMAN
Special Agent,
Federal Bureau of Investigation

Sworn to before me this
day of September 1998

UNITED STATES MAGISTRATE JUDGE