

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,"

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 kill the persons listed below during the course of an attack on a federal facility involving the use of a dangerous weapon, to wit, the defendants 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:

<u>Count</u>	<u>Victim</u>
4	BONTIA ACHOLA
5	SAMSON ODUOR AHOMO
6	MARGARET AKINYI
7	JESSE NATHANIEL ALIGANGA
8	SYLIA AMBASA
9	ELIZABETH ANYANGO
10	MONICA APONDI
11	PATRICIA ATIENO
12	ALLAN SABATO BANDO
13	ROSETTA BARAZA
14	JULIAN LEOTIS BARTLEY JR.
15	JULIAN LEOTIS BARTLEY SR.
16	CHRISPINE BONYO
17	DANIEL KIPRONO CHERUIYOT
18	JEAN DALIZU
19	SHEIKH FAHAT
20	EVA NYANJAU GACHERU

21 JANE WANGUI GACHERU  
22 ALICE NDUTA GACHIRI  
23 RAPHAEL JOHNSON GATHUMBI  
24 AGNES WANJIRU GITAU  
25 LAWRENCE AMBROSE GITAU  
26 JOEL KAMAU GITHUMBI  
27 BENARD MUGAMBI GITONGA  
28 SUSAN WAIRIMU GITU  
29 ROSEMARY NJERI GITUMA  
30 HASSAN HUKAY GURACHA  
31 BURHAN ADEN HANSHI  
32 MOLLY H. HARDY  
33 KENNETH RAY HOBSON  
34 ANTHONY KIHATO IRUNGU  
35 GEORGE IRUNGU  
36 JANE WANGARI ITOTIA  
37 DORINE ALUOCH JOW  
38 JOHN KAROKI KAHUTHU  
39 GEOFFREY KALEO  
40 FRANCIS KIHARA KAMUTI  
41 LAWRENCE GITAU KAMUTI  
42 MARGARET WANJIKU KANGI  
43 CHARLES MUGO KARANJA  
44 LUCY NYAWIRA KARIGI  
45 MOSES KARIUKI  
46 CHRISTINE WAIRUMU KARUMBA

47 PRABHI KAVALER  
48 FRANCIS KIBE  
49 JACKLINE NYAWIRA KIBERA  
50 FELISTUS NJERI KIMANI  
51 RAEL MBURI KIMANI  
52 STEPHEN MAINA KIMANI  
53 SIMON KINUTHIA  
54 JOE KIONGO  
55 ARLENE BRADLEY KIRK  
56 FRANCIS KABATHI KIU  
57 DOMINIC KIVUVA  
58 DAVID NDULA KOIMBURI  
59 JULIAN KWALI  
60 PETER MBEVI KYELO  
61 MOSES MULI KYULE  
62 EMMANUEL MACHAMBELE  
63 DENIS R. MADEGWA  
64 ANN MUMBI MAINA  
65 FRANK MAINA  
66 LIDIAH NDINDA MAINGI  
67 CECELIA MAMBOLEO  
68 MARY LOUISE MARTIN  
69 JAMES OTIENO MASEA  
70 ANNE NYAMBURA MATHENGE  
71 PITY MWIHAKI MATHENGE  
72 SIMON PETER NGUMO MATU

73 JUNE MARY MAWEU  
74 LYDIA MUKURI MAYAKA  
75 DOREEN MBAYAKI  
76 FRANCIS MBOGO  
77 FRANCIS NDUNGU MBOGUA  
78 RACHAEL KABENDI MBOYA  
79 LUCY WARUTHI MBUNYA  
80 STEPHEN WAWERU MBURU  
81 JAMES MATHENGE MIGWI  
82 ELIZABETH ONYANGO MITO  
83 AHMED WARKO MOHAMMED  
84 LUCIANO MUGAMBI  
85 JUSTUS NJERU MUGENDI  
86 GILBERT MUGO  
87 PETER IRUNGU MUGO  
88 JOSPHAT MUTUA MUIA  
89 EDWARD MUKAYA  
90 LOISE NJERI MUKOMA  
91 SAMUEL VONDO MULALIA  
92 FRANCIS MUKENYE MULEKI  
93 THOMAS MUNDANYI  
94 BENSON WATHIGU MUNIRI  
95 CAROLINE MUMBI MURAGURI  
96 TIRUS MURAGURI  
97 CATHERINE MUREITHI  
98 FRIDA WAMBUI MURITU

99	ALICE WARUGURU MURIUKI
100	MARY WANJIKU MURIUKI
101	ROBERT MIGWI MURIUKI
102	RUTH MWKAI MUSYOKA
103	WILSON KIPKORIR MUTAI
104	FLORENCE MWENDE MUTHAMA
105	EMMANUEL NJAGA MUTHURIA
106	DANIEL MAUNDU MUTINDA
107	JOSPHINE NZILANI MUTINDA
108	CATHERINE NDUMI MUTUA
109	CAROLINE KARAMBO MUTUIIRI
110	GLORIA NGATHA MUTUIIRI
111	GEOFFREY MUNYIRI MUTUNGA
112	PATRICK KARIUKI MUTURI
113	GABRIEL MWANDIME
114	HARRISON NJUGUNA MWANGI
115	NAFTALI MWANGI
116	ROSELINE WANJIKU MWANGI
117	SAMUEL GITHUA MWANGI
118	MOSES ASTON MWANI
119	ANN MWANIKI
120	ISACK MUGERA MWARIA
121	PAMELA MBOYA MWENGE
122	EDWIN MUNGAI MWEYA
123	ABDALLA MUSYOKI MWILU
124	NKRUMA TONNY MYIZALA

125	MOSES NAMAYI
126	MARY NYAGA NDIRANGO
127	CAROLINE NDOLO
128	MARTIN K. NDUATI
129	JULIUS NDULU
130	EDWIN PAUL NDUMBI
131	EPHRAHIM KINGORI NDUNGU
132	PETER NJOROGE NDUNGU
133	JOYCE NJERI NG'ANG'A
134	JOHN MWANGI NGARAGARI
135	PETER MACHARIA NGUGI
136	ABEL MUGAMBI NJAU
137	SIMON MWANGI NJIMA
138	CATHERINE WAMBARA NJOKA
139	AGATHA NJOKI
140	JACINTA NJOKI
141	FRANCIS NDUNGU NJOROGE
142	GRACE NYAMBURA NJOROGE
143	WILLIAM WAITHAKA NJOROGE
144	GODFREY MUCHORI NJUGUNA
145	PATRICK NJUGUNA
146	BEATRIC NYAMBURA
147	MICHAEL ODUOR NYANDEBA
148	ELIZABETH NYAROTSO
149	VINCENT KAMAU NYOIKE
150	JANET NDOOME NZIOKA

151 KIMEU NZIOKA  
152 MAGDALINE MBITHE NZIOKA  
153 JOSEPH NGOVE NZWILI  
154 MARGRET ATIENO OBONYA  
155 JOSHUA ANEAH OBONYO  
156 FREDRICK EBRA OCHIENG  
157 MICHAEL OCHIENG  
158 FRANCIS OLEWE OCHILO  
159 LAWRENCE OLUM OCHOKA  
160 ANN MICHELLE O'CONNOR  
161 DUNCAN ODHIAMBO  
162 EMMA ODHIAMBO  
163 JOHN ODHIAMBO ODUOR  
164 MAURICE OKACH OHOLLA  
165 SIMON OTIENO OLANG  
166 SHERRY LYNN OLDS  
167 KITALIAN OLOTONO  
168 HANSON NYABERA OMAE  
169 HINDU OMARI  
170 EDWIN OMORI  
171 ENOCK OMWENO  
172 LUCY ONONO  
173 ERIC OBUR ONYANGO  
174 JOHN OUKO ONYANGO  
175 CAROLINE OPATI  
176 SILVIA ORIENDO



177	GODFREY OKORO ORONO
178	ELIZABETH ACHIENG ORWA
179	EVANS OSONGO
180	DOMINIC ALANGO OTIENO
181	ELIAS OTIENO
182	JULIUS OTIENO
183	MATHEW WALUNYA OTIENO
184	ROGERS OTORO
185	ELIJAH NGITO OWINO
186	JOSIAH ODERA OWUOR
187	RACHAEL PUSSY
188	MARGRET LLELLO RADING
189	RUTH MUKAMI RUNGU
190	JOSEPH ONDARI SALAMBA
191	TIMOTHY ODHIAMBO SANDE
192	UTTAMLAL THOMAS SHAH
193	HASSAN JARSO SOKA
194	SHADRACK NYAGA THITO
195	SAMUEL MBUGUA THUO
196	PHAEMA VRONTAMIS
197	GLORIA WANGECHI WACHIRA
198	SHADRACK MWANGI WAGANYU
199	JAMES MWANGI WAINAINA
200	TERESIA KIONGO WAIRIMU
201	SABENA WALTER
202	ADAMS WAMAI

203	RACHEL WAMBUI
204	JOHN GITAU WAMUTWE
205	DAVID SOITA WANABACHA
206	JOHN AMOS WANGAI
207	SHARON WANGECHI
208	GLADYS WANGUI
209	MARGARET WANGUI
210	MERCY WANJIKU
211	JOHN MWANGI WANYOIKE
212	MARGARET WASIKE
213	MARGRET NJERI WAWERU
214	FREDRICK MALOBA YAFES
215	ANN MUMO ZAKAYO
216	UNIDENTIFIED MALE

(Title 18, United States Code, Sections 930(c) and 2.)

COUNTS TWO HUNDRED SEVENTEEN THROUGH TWO HUNDRED TWENTY SEVEN  
MURDERS IN DAR ES SALAAM, TANZANIA

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

18. 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 kill the persons listed below during the course of an attack on a federal facility involving the use of a dangerous weapon, to wit, the defendants 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:

<u>Count</u>	<u>Victim</u>
217	ABDULAHAMAN ABDULAH
218	ELISHA PAULO ELIA
219	HASSAN SIYAD HARANE
220	RAMADHANI H. MAHUNDI
221	MTENDEJE RAJABU MBEGU
222	ABDALLAH MOHAMED
223	ABAS WILLIAM MWILA
224	ALMOSARIA YUSSUF MZEE
225	SHAMTE YUSUPH NDALE
226	BAKARI YUSUPH NYUMBO
227	DOTTO SELEMAN

(Title 18, United States Code, Sections 930(c) and 2.)

COUNTS 228 THROUGH 235: PERJURY BEFORE FEDERAL GRAND JURIES

The Grand Jury charges:

Background

19. 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 WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," 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 Muhammed Atef, a/k/a "Abu Hafs el Masry."

20. It was material to the Grand Jury sitting in the Southern District of New York to ascertain, among other things:

a. the tactical goals, and corresponding terrorism targets, of Usama Bin Laden and al Qaeda;

b. the identities, code names, aliases and whereabouts of any al Qaeda members and associates;

c. the names of persons with whom 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," associated while living in the Sudan and Kenya and while travelling in Pakistan and Afghanistan;

d. the nature and extent of the defendant WADIH EL HAGE's contacts with Usama Bin Laden and Muhammed Atef, a/k/a "Abu Hafs el Masry," as well as with "Abu Ubaidah al Banshiri," particularly in the period from 1993 through the fall of 1997;

e. 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, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," and Muhammed Atef, a/k/a "Abu Hafs el Masry," as well as "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;

f. 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;

g. the particular reason for the travels of "Abu Ubaidah al Banshiri" at the time of his drowning death in the summer of 1996;

h. the nature of the work conducted by Fazul Abdullah Mohammed, the deputy of 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," in Kenya and whether Fazul Abdullah Mohammed was working for Usama Bin Laden; and

i. whether 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," was still working for Usama Bin Laden's al Qaeda organization in 1997.

21. On or before September 24, 1997, 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," was served with a Grand Jury subpoena calling for him to testify before a Grand Jury sitting in the Southern District of New York.

22. 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, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," testified before a Grand Jury sitting in the Southern District of New York.

23. Following the appearance of 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," 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 EL HAGE's 1997 Grand Jury appearance, including, but not limited to: (i) the February 1998 fatwah signed by Usama Bin Laden 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 WADIH EL HAGE, as well as code names for other al Qaeda members and associates; and (vi) the extent to which WADIH EL HAGE's international travels concerned efforts to procure chemical weapons and their components on behalf of Usama Bin Laden.

24. In addition to the matters recited in paragraph 21

above, it was material to the Grand Jury sitting in the Southern District of New York to ascertain, among other things:

a. the identities, code names, aliases and whereabouts of al Qaeda members and associates referred to in certain seized documents, including "Norman," "Abu Suliman," "Tayseer" (or "Taysir"), "Adel Habib," "Jalal" and "the Dr.";

b. the efforts of 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 obtain chemical weapons and/or their components at various times in the 1990's;

c. the nature and extent of contacts by the defendant WADIH EL HAGE with Fazul Abdullah Mohammed and Mohamed Sadeek Odeh in the period leading up to the bombing of the United States embassies; and

d. the nature and extent of WADIH EL HAGE's contacts with al Qaeda members and associates since the time of his last Grand Jury appearance.

25. On or about September 15, 1998, 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," 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.

26. 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 WADIH



EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," testified before a Grand Jury sitting in the Southern District of New York.

COUNT 228: Statutory Allegation

27. 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," 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.

\*

\*

\*

(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.

\* \* \*

(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.

(Title 18, United States Code, Section 1623.)

COUNT 229: Statutory Allegation

28. 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," 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 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.

\* \* \*

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.

(b) Q. You are positive?

A. Yes.

(c) 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.

(Title 18, United States Code, Section 1623.)

COUNT 230: Statutory Allegation

29. 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," 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. 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.

(f) Q. You have no recollection?

A. Right.

(Title 18, United States Code, Section 1623.)

COUNT 231: Statutory Allegation

30. 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," 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.

\* \* \*

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

A. No.

\* \* \*

(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.

\* \* \*

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

A. I don't know.

(e) Q. Is it you?

A. No.

\*

\*

\*

(f) Q. Are you still telling this Grand Jury that you're not known as Norman or Wa'da Norman?

A. Yes, I'm not Norman.

\*

\*

\*

(g) 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 232: Statutory Allegation

31. 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," 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.

\* \* \*

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

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.

\* \* \*

(e) Q. Does Adel Habib have another name?

A. Not that I know of.

(f) Q. Isn't Adel Habib known as Abu Ubaidah al Bانشiri?

A. Not that I know of.

\* \* \*

(g) Q. How do you know?

A. Well, I never knew that he was there.

\*

\*

\*

(h) Q. Wasn't Abu Ubaidah al Banshiri also known as Jalal?

A. I never heard that.

(i) 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.

\*

\*

\*

(j) 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.

(k) 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 233: Statutory Allegation

32. 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," 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 234: Statutory Allegation

33. 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," 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 it says "Dear Abu Suliman" at the top. Do you know who Abu Suliman is?

A. No.

\* \* \*

(b) Q. Now, in this letter written to Abu Suliman, apparently by Harun, do you know who Abu Suliman is?

A. No.

\* \* \*

(c) Q. It says Abu Suliman, okay. Do you know Abu Suliman?

A. No.

COUNT 235: Statutory Allegation

34. 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," 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. 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.

\* \* \*

(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.

\* \* \*

(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 236: FALSE STATEMENTS

The Grand Jury further charges:

35. 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," 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 Bانشiri" had died and that he believed that "Abu Ubaidah al Bانشiri" was then alive and well and living in Afghanistan with Usama Bin Laden when in truth and fact WADI EL HAGE knew that "Abu Ubaidah al Bانشiri" had died in Kenya in 1996.

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

COUNT 237: FALSE STATEMENTS

The Grand Jury further charges:

36. 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 "Norman," a/k/a "Wa'da Norman," 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 238: FALSE STATEMENTS

38. 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 "Norman," a/k/a "Wa'da Norman," 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.)

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FOREPERSON

  
\_\_\_\_\_  
MARY JO WHITE  
United States Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

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 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.

INDICTMENT

S(2) 98 Cr. 1023 (LBS)

(Title 18, U.S.C. Sections 2332(b), 844(f), 930(c), 1623, 1001)

MARY JO WHITE  
United States Attorney  
Southern District of New York

A TRUE BILL

\_\_\_\_\_  
Foreperson.