

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 Bانشيري," 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.

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(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 Bانشiri 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.

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*

(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 Bانشiri?

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.

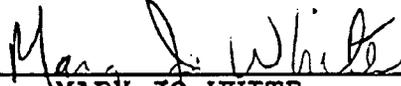
(Title 18, United States Code, Section 1001.)

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.)

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.