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CLERK, U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

IN THE UNITED STATES DISTRICT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNDER SEAL

UNITED STATES v. AHMED OMAR ABU ALI, Defendant	)	Criminal No. 1:05CR53 Count 1: 18 U.S.C. § 2339B Conspiracy to Provide Material Support and Resources to Designated Foreign Terrorist Organization (Al-Qaeda) Count 2: 18 U.S.C. § 2339B Providing Material Support and Resources to Designated Foreign Terrorist Organization (Al-Qaeda) Count 3: 18 U.S.C. § 2339A Conspiracy to Provide Material Support to Terrorists Count 4: 18 U.S.C. § 2339A Providing Material Support to Terrorists Count 5: 50 U.S.C. § 1705(b); 31 C.F.R. § 595.204 Contribution of Services to Al-Qaeda Count 6: 50 U.S.C. § 1705(b); 31 C.F.R. § 595.204 Receipt of Funds and Services from Al-Qaeda

INDICTMENT

February 2005 Term – At Alexandria

General Allegations

THE GRAND JURY CHARGES THAT:

1. At all times relevant to this Indictment, al-Qaeda (also known as al-Qaida) was a worldwide, multinational, terrorist organization dedicated to opposing non-Islamic governments, particularly the United States, with force and violence. Al-Qaeda was founded by Usama bin Laden and other individuals.

2. Beginning in approximately 1989, bin Laden and al-Qaeda sponsored, managed, and financially supported training camps in Afghanistan and elsewhere. These camps were used to instruct members and associates of al-Qaeda and its affiliated terrorist groups in the use of firearms, explosives, chemical weapons, and other weapons. In addition to providing training in the use of various weapons, these camps were used to conduct operational planning against targets around the world. These camps also were used to train al-Qaeda members and associates in security and counterintelligence methods, such as the use of codes, passwords, and surveillance techniques.

3. Beginning in the 1990s, bin Laden and other individuals associated with al-Qaeda sought to recruit United States citizens and citizens of other Western countries in order to exploit their ability to blend into Western society and travel more freely within the United States and Western Europe in furtherance of al-Qaeda's operational and strategic objectives.

4. On or about January 23, 1995, President William J. Clinton, exercising his authority under the International Emergency Economic Powers Act, issued Executive Order 12947, in which he found that "grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process constitute an unusual and extraordinary threat to the national security,

foreign policy, and economy of the United States . . . ." In Section 1(b) of the Executive Order, President Clinton ordered that "any transaction or dealing by United States persons or within the United States in property or interests in property of the persons designated in or pursuant to this order is prohibited, including the making or receiving of any contribution of funds, goods, services to or for the benefit of such persons . . . ."

5. In or about February 1998, Bin Laden and Ayman al-Zawahiri, another senior al-Qaeda official, issued a declaration under the heading "International Islamic Front for Jihad on the Jews and Crusaders," which stated that "[k]illing Americans and their allies – civilian and military – is an individual duty for every Muslim who can do it in any country in which it is possible to do it . . . ."

6. On or about August 20, 1998, following terrorist attacks on the U.S. embassies in Kenya and Tanzania that resulted in the deaths of over two hundred people, President William J. Clinton issued Executive Order 13099 "in order to take additional steps with respect to grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process and the national emergency described and declared in Executive Order 12947 of January 23, 1995 . . . ." Section 1 of Executive Order 13099 amended the Annex to Executive Order 12947 to add the Islamic Army, also known as al-Qaida, to the list of "Terrorists Who Threaten to Disrupt the Middle East Peace Process."

7. As a result of Executive Order 13099, it became unlawful for United States persons to make any contribution of funds, goods, or services to or for the benefit of al-Qaeda, or to receive any funds, goods, or services from al-Qaeda.

8. On or about October 8, 1999, al-Qaeda was designated as a foreign terrorist organization by the Secretary of State pursuant to Section 219 of the Immigration and Nationality Act. As a result of this designation, it became unlawful for individuals within the United States, or individuals subject to United States jurisdiction, to knowingly provide material support or resources to al-Qaeda, or to attempt or conspire to do so.

9. For purposes of this Indictment, the term violent *jihad* refers to the use of armed force by, and on behalf of Muslims, to achieve objectives believed to be sanctioned by Islam.

10. On September 11, 2001, in a coordinated attack against the United States, Islamic extremists associated with al-Qaeda hijacked four commercial airplanes. They flew two of the planes into the World Trade Center towers in New York City, and one into the Pentagon in Virginia. The fourth plane crashed in Pennsylvania. Thousands of individuals were killed or injured, and there was enormous destruction of property.

11. On or about September 23, 2001, President George W. Bush, exercising his authority under the International Emergency Economic Powers Act, issued Executive Order 13224. In that Executive Order, President Bush found that "grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York City, Pennsylvania, and the Pentagon committed on September 11, 2001 . . . . and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security of the United States." President Bush therefore declared "a national emergency to deal with that threat."

12. Section 2(a) of Executive Order 13224 prohibited any future "transaction or dealing by United States persons or within the United States in property or interests in property blocked [under the Executive Order], including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order." The first entity named in the Annex to Executive Order 13224 was "Al Qaida/Islamic Army."

13. On or about May 7, 2003, the Saudi Government issued a public announcement that included the names and photographs of 19 individuals suspected of planning to conduct terrorist attacks within Saudi Arabia. Among the individuals named in the announcement were Coconspirator #2 and Coconspirator #4.

14. On or about May 12, 2003, terrorist attacks were carried out against residential compounds in Riyadh, Saudi Arabia, resulting in the deaths of approximately 34 individuals, including 9 Americans.

15. After the terrorist bombings on May 12, 2003, Saudi authorities located and arrested individuals who belonged to clandestine terrorist cells in Saudi Arabia.

16. On or about June 9, 2003, defendant AHMED OMAR ABU ALI ("ABU ALI"), a United States citizen who last resided in the United States in Falls Church, Virginia, in the Eastern District of Virginia, was arrested by Saudi authorities in Medina.

17. On or about June 16, 2003, defendant ABU ALI possessed at his residence in Falls Church, Virginia, in the Eastern District of Virginia, the following:

a. A six-page document regarding various forms of surveillance by the government and private entities, and how to avoid such surveillance;

b. An undated, two-page document praising the Taliban leader Mullah Omar and the terrorist attacks on September 11, 2001, and condemning U.S. military action in Afghanistan;

c. An issue of the magazine "Handguns" bearing a subscription label in the name of "Ahmed Ali";

d. Audio tapes in Arabic promoting violent *jihad*, the killing of Jews, and a battle by Muslims against Christians and Jews; and

e. A book written by al-Qaeda official Ayman al-Zawahiri, in which al-Zawahiri characterizes democracy as a new religion that must be destroyed by war, describes anyone who supports democracy as an infidel, and condemns the Muslim Brotherhood for renouncing violent *jihad* as a means to establish an Islamic state.

COUNT ONE

Conspiracy to Provide Material Support and Resources to a Designated Foreign Terrorist Organization (al-Qaeda)

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 17 of the General Allegations of this Indictment.

2. Beginning on a date unknown but by at least September 2002, and continuing through June 9, 2003, defendant ABU ALI, a United States citizen subject to the jurisdiction of the United States, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did knowingly and unlawfully combine, conspire, confederate, and agree, with others known and unknown to the grand jury, to knowingly provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), to a foreign terrorist organization, namely al-Qaeda.

3. In 2000, defendant ABU ALI, then living in Falls Church, Virginia, in the Eastern District of Virginia, traveled from Washington Dulles International Airport in the Eastern District of Virginia to Saudi Arabia to pursue religious studies in Medina. While in Medina, ABU ALI met and lived with Coconspirator #1. ABU ALI and Coconspirator #1 became friends.

4. On or about August 28, 2000, defendant ABU ALI returned from overseas to Washington Dulles International Airport in the Eastern District of Virginia. Following his return to the United States, ABU ALI kept in contact with Coconspirator #1.

5. In or around September 2002, defendant ABU ALI traveled from Washington Dulles International Airport in the Eastern District of Virginia to Saudi Arabia. At the time he departed the United States, he was residing in Falls Church, Virginia, in the Eastern District of Virginia.

6. After arriving in Saudi Arabia in or around September 2002, defendant ABU ALI communicated with Coconspirator #1 and advised Coconspirator #1 of his interest in joining al-Qaeda.

7. Between in or around September 2002 and on or about June 9, 2003, Coconspirator #1 introduced defendant ABU ALI to Coconspirator #2 in Medina.

8. It was defendant ABU ALI's intent to become a planner of terrorist operations like Muhammad Atta and Khalid Sheikh Muhammad, well known al-Qaeda terrorists associated with the attacks on September 11, 2001.

9. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI and Coconspirator #2 discussed plans for ABU ALI to assassinate President of the United States George W. Bush. ABU ALI and Coconspirator #2 discussed two options for assassinating President Bush: (1) an operation in which ABU ALI would get close enough to the President to shoot him on the street; and (2) an operation in which ABU ALI would detonate a car bomb.

10. Between in or around September 2002 and on or about June 9, 2003, ABU ALI spoke to Coconspirator #3 about the subject of ABU ALI's assassination of President Bush. ABU ALI obtained a religious blessing from Coconspirator #3 to assassinate President Bush.

11. Between in or around September 2002 and on or about June 9, 2003, Coconspirator #2 introduced defendant ABU ALI in Saudi Arabia to Coconspirator #4. ABU ALI knew and understood that Coconspirator #2 and Coconspirator #4 were associated with al-Qaeda.

12. Between in or around September 2002 and on or about June 9, 2003, ABU ALI met clandestinely with Coconspirator #4 in Saudi Arabia on several occasions.

13. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI decided to go to Afghanistan for violent *jihad* against American military personnel there. He applied for a visa to travel to Iran as a means to enter Afghanistan, but his application was denied.

14. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI offered himself to persons in Saudi Arabia associated with al-Qaeda as an individual committed to furthering the objectives of al-Qaeda.

15. Between in or around September 2002 and on or about June 9, 2003, in Saudi Arabia, defendant ABU ALI moved in with Coconspirator #5, Coconspirator #6, Coconspirator #7, Coconspirator #8, Coconspirator #9, and Coconspirator #10. ABU ALI knew and understood that these individuals were associated with al-Qaeda.

16. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI received lodging at multiple locations in Saudi Arabia from persons associated with al-Qaeda.

17. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, for the purposes of providing material support to al-Qaeda, received from Coconspirator #4, an individual associated with al-Qaeda, 5,000 Saudi riyals to purchase a laptop computer, 1,000 Saudi riyals to purchase a cellular telephone, and 750 Saudi riyals to purchase books.

18. Between in or around September 2002 and on or about June 9, 2003, for the purposes of providing material support and resources to al-Qaeda, defendant ABU ALI used the money that Coconspirator #4 had given him to purchase a laptop computer and a cellular telephone,

19. Between in or around September 2002 and on or about June 9, 2003, Coconspirator #4 discussed with defendant ABU ALI the manner and means by which ABU ALI could provide material support and resources to al-Qaeda, including conducting a terrorist operation and establishing an al-Qaeda cell in the United States.

20. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI provided himself to individuals in Saudi Arabia associated with al-Qaeda for the purpose of receiving training to conduct activities in furtherance of al-Qaeda's operational and strategic objectives.

21. Between in or around September 2002 and on or about June 9, 2003, for the purposes of providing material support and resources to al-Qaeda, defendant ABU ALI received training in Saudi Arabia from Coconspirator #4 and Coconspirator #2 in weapons (including hand grenades) and explosives. ABU ALI also received training in document forgery from Coconspirator #11, whom he knew and understood was associated with al-Qaeda.

(In violation of Title 18, United States Code, Section 2339B)

COUNT TWO

Providing Material Support and Resources to a
Designated Foreign Terrorist Organization (al-Qaeda)

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 17 of the General Allegations and paragraphs 3 through 21 of Count One of this Indictment.

2. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, a United States citizen subject to the jurisdiction of the United States, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did knowingly and unlawfully provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), to a foreign terrorist organization, namely al-Qaeda.

(In violation of Title 18, United States Code, Section 2339B)

COUNT THREE

Conspiracy to Provide Material Support and Resources to Terrorists

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 17 of the General Allegations and paragraphs 3 through 21 of Count One of this Indictment.

2. Beginning on a date unknown but by at least September 2002, and continuing through on or about June 9, 2003, defendant ABU ALI, a United States citizen subject to the jurisdiction of the United States, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did knowingly and unlawfully conspire to knowingly provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), knowing and intending that they were to be used in preparation for, and for carrying out, the assassination of the President of the United States, in violation of 18 U.S.C. § 1751.

(In violation of Title 18, United States Code, Section 2339A(a))

COUNT FOUR

Providing Material Support and Resources to Terrorists

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 17 of the General Allegations and paragraphs 3 through 21 of Count One of this Indictment.

2. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, a United States citizen subject to the jurisdiction of the United States, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did knowingly and unlawfully provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), knowing and intending that they were to be used in preparation for, and for carrying out, the assassination of the President of the United States, in violation of 18 U.S.C. § 1751.

(In violation of Title 18, United States Code, Section 2339A(a))

COUNT FIVE

Contribution of Services to al-Qaeda

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 17 of the General Allegations and paragraphs 3 through 21 of Count One of this Indictment.

2. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, being a United States person, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did willfully and unlawfully violate a regulation issued under Chapter 35 of Title 50, United States Code, in that defendant did willfully make and attempt to make a contribution of services to and for the benefit of al-Qaeda, a specially designated terrorist.

(In violation of Title 50, United States Code, Section 1705(b); Executive Order 13099; Title 31, Code of Federal Regulations, Section 595.204)

COUNT SIX

Receipt of Funds and Services from al-Qaeda

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 17 of the General Allegations and paragraphs 3 through 21 of Count One of this Indictment.

2. Between in or around September 2002 and on or about June 9, 2003, defendant ABU ALI, being a United States person, in the Eastern District of Virginia and outside the jurisdiction of any particular state or district, did willfully and unlawfully violate a regulation issued under Chapter 35 of Title 50, United States Code, in that defendant did willfully and unlawfully receive funds and services from al-Qaeda, a specially designated terrorist.

(In violation of Title 50, United States Code, Section 1705(b); Executive Order 13099; Title 31, Code of Federal Regulations, Section 595.204)

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

Paul J. McNulty
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