

08 MAG 1697

Approved: CLAVIGNE
CHRISTOPHER L. LAVIGNE
Assistant United States Attorney

Before: HONORABLE THEODORE H. KATZ
United States Magistrate Judge
Southern District of New York

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: UNITED STATES OF AMERICA : SEALED COMPLAINT
: :
- v. - : Violations of
: 18 U.S.C. §§ 111, 1114
AAFIA SIDDIQUI, :
: Defendant. :
: :
----- X

SOUTHERN DISTRICT OF NEW YORK, ss.:

Mehtab Syed, being duly sworn, deposes and states that she is a Special Agent of the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

1. On or about July 18, 2008, in an offense begun and committed outside of the jurisdiction of any particular State or District of the United States, AAFIA SIDDIQUI, the defendant, who will be first brought to and arrested in the Southern District of New York, unlawfully, willfully, and knowingly did use a deadly and dangerous weapon and did forcibly assault, resist, oppose, impede, intimidate, and interfere with a person designated in Title 18, United States Code, Section 1114, namely, officers and employees of the FBI and the United States armed services, while engaged in and on account of the performance of official duties, to wit, SIDDIQUI obtained a United States Army Officer's M-4 rifle and fired it at officers and employees of the FBI and the United States armed services.

(Title 18, United States Code, Sections 111(a)(1), (b), and 3238.)

COUNT TWO

2. On or about July 18, 2008, in an offense begun and

committed outside of the jurisdiction of any particular State or District of the United States, AAFIA SIDDIQUI, the defendant, who will be first brought to and arrested in the Southern District of New York, unlawfully, willfully, and knowingly did attempt to kill officers and employees of the United States and agencies in the executive branch of the United States Government while such officers and employees were engaged in and on account of the performance of official duties, and persons assisting such officers or employees in the performance of such duties and on account of that assistance, to wit, SIDDIQUI obtained a United States Army Officer's M-4 rifle and fired it at officers and employees of the FBI and the United States armed services.

(Title 18, United States Code, Sections 1114(3) and 3238.)

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

3. I am a Special Agent with the FBI, Joint Terrorism Task Force ("JTTF"), and I have been involved personally in the investigation of this matter. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, including my examination of reports and records, and my conversations with other law enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, unless noted otherwise.

4. Based on my review of FBI and other law enforcement reports, as well as witness statements, and based on my conversations with law enforcement officers, I have learned the following:

a. AAFIA SIDDIQUI, the defendant, is a Pakistani national who previously has lived in the United States.

b. On or about the evening of July 17, 2008, officers of the Ghazni Province Afghanistan National Police ("ANP") discovered a Pakistani woman, later identified as SIDDIQUI, along with a teenage boy, outside the Ghazni governor's compound. ANP officers questioned SIDDIQUI in the local dialects of Dari and Pashtu. SIDDIQUI did not respond and appeared to speak only Urdu, indicating that she was a foreigner.

c. Regarding SIDDIQUI as suspicious, ANP officers searched her handbag and found numerous documents describing the creation of explosives, chemical weapons, and other weapons involving biological material and radiological agents. SIDDIQUI's papers included descriptions of various landmarks in the United States, including in New York City. In addition, among SIDDIQUI's personal effects were documents detailing United States military assets, excerpts from the Anarchist's Arsenal, and a one gigabyte (1 gb) digital media storage device (thumb drive).

d. SIDDIQUI was also in possession of numerous chemical substances in gel and liquid form that were sealed in bottles and glass jars.

5. Based on my review of FBI and other law enforcement reports, as well as witness statements, I have learned the following:

a. On or about July 18, 2008, a party of United States personnel, including two FBI special agents, a United States Army Warrant Officer (the "Warrant Officer"), a United States Army Captain (the "Captain"), and United States military interpreters, arrived at the Afghan facility where AAFIA SIDDIQUI, the defendant, was being held.

b. The personnel entered a second floor meeting room. A yellow curtain was stretched across the length of that room, concealing a portion of it from sight. None of the United States personnel were aware that SIDDIQUI was being held, unsecured, behind the curtain.

c. The Warrant Officer took a seat with a solid wall behind him and the curtain to his right. The Warrant Officer placed his United States Army M-4 rifle on the floor to his right next to the curtain, near his right foot. The weapon was loaded, but was on safe.

d. Shortly after the meeting began, the Captain heard a woman's voice yell from the vicinity of the curtain. The Captain turned to the noise and saw SIDDIQUI in the portion of the room behind the curtain, which was now drawn slightly back. SIDDIQUI was holding the Warrant Officer's rifle and pointing it directly at the Captain.

e. The Captain heard SIDDIQUI say in English, "May the blood of [unintelligible] be directly on your [unintelligible, possibly head or hands]." The Captain saw an

interpreter ("Interpreter 1"), who was seated closest to SIDDIQUI, lunge at SIDDIQUI and push the rifle away as SIDDIQUI pulled the trigger.

f. The Warrant Officer saw and heard SIDDIQUI fire at least two shots as Interpreter 1 tried to wrestle the gun from her. No one was hit. The Warrant Officer heard SIDDIQUI exclaim, "Allah Akbar!" Another interpreter ("Interpreter 2") heard SIDDIQUI yell in English, "Get the fuck out of here", as she fired the rifle. The Warrant Officer returned fire with a 9 mm service pistol and fired approximately two rounds at SIDDIQUI's torso, hitting her at least once.

g. Despite being shot, SIDDIQUI struggled with the officers when they tried to subdue her; she struck and kicked them while shouting in English that she wanted to kill Americans. Interpreter 2 also saw SIDDIQUI strike and kick the officers trying to restrain her. After being subdued, SIDDIQUI temporarily lost consciousness. The agents and officers then rendered medical aid to SIDDIQUI.

WHEREFORE, deponent respectfully requests that AAFIA SIDDIQUI, the defendant, be arrested, and imprisoned or bailed, as the case may be.



MEHTAB SYED
SPECIAL AGENT
FEDERAL BUREAU OF
INVESTIGATION

Sworn to before me this
31st day of July, 2008



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK