

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA	:CRIMINAL NO.
	:VIOLATIONS: Title 18, United States Code
	:Section 2339A(Providing Material Support to
	:Terrorists and Conspiracy); Title 18, United
v.	:States Code, Section 1956(h)(Money Laundering
	:Conspiracy);Title 18, United States Code
	:Section 956 (Conspiracy to Kill/Injure Persons
	:Abroad); Title 18, United States Code,
BABAR AHMAD a/k/a Babar Ahmed; and	:Sections 2 (Aiding and Abetting); Title 18, United
AZZAM PUBLICATIONS	:States Code, Section 371 (Conspiracy)

INDICTMENT

The Grand Jury charges that:

INTRODUCTION

1. From in or about sometime in 1997, the exact date being unknown to the Grand Jury, and continuing through and until August, 2004, the defendant BABAR AHMAD, a resident of the United Kingdom, provided, and conspired to provide, material support and resources to persons engaged in acts of terrorism in Afghanistan, Chechnya and elsewhere. Specifically, AHMAD provided, through the creation and use of various internet websites, email communication, and other means, expert advice and assistance, communications equipment, military items, currency, monetary instruments, financial services and personnel designed to recruit and assist the Chechen Mujahideen and the Taliban, and raise funds for violent jihad in Afghanistan, Chechnya and other places.

The Taliban

2. As used in this Indictment, “the Taliban,” is the political/military entity formerly headquartered in Kandahar, Afghanistan that exercised de facto control over the territory of Afghanistan until its defeat in late 2001 and early 2002 by a multi-national coalition that

included the United States.

3. At all relevant times in this Indictment, Al-Qaida was an international terrorist group dedicated to opposing governments not established under strict Islamic law. The group was founded by Usama bin Laden and others. Bin Laden declared a jihad, or holy war, against the United States and its citizens, which he carried out through Al-Qaida and its affiliated organizations. Beginning in or about 1996, Usama bin Laden and others operated Al-Qaida from their headquarters in Afghanistan, and forged close relations with the Taliban in Afghanistan. On October 8, 1999, Al-Qaida was designated by the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act, and was redesignated as such on or about October 5, 2001, and again in 2003.

4. On July 4, 1999, President of the United States William J. Clinton declared a national emergency to deal with the threat posed by Al-Qaida and the Taliban. Specifically, the President found that:

[T]he actions and policies of the Taliban in Afghanistan, in allowing territory under its control in Afghanistan to be used as a safe haven and base of operations for Usama bin Ladin and the Al-Qaida organization who have committed and threaten to continue to commit acts of violence against the United States and its nationals, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States.

In his Executive Order 13129, the President prohibited, among other things, United States persons from making or receiving any contribution of funds, goods, or services to or for the benefit of the Taliban. The Executive Order also blocked all property and interests in property of the Taliban and prohibited trade-related transactions by United States persons involving the territory of Afghanistan controlled by the Taliban. Further, the Executive Order prohibited United States persons from engaging in transactions for the Taliban's benefit and

prohibited any person from engaging in such transactions from the United States, including sending money and military material to the Taliban.

5. On June 30, 2000, the national emergency with respect to the Taliban was continued. One year later, the national emergency was again continued, pursuant to a finding by President of the United States George W. Bush that “[t]he Taliban continues to allow territory under its control in Afghanistan to be used as a safe haven and base of operations for Usama bin Laden and the Al-Qaida organization who have committed and threaten to continue to commit acts of violence against the United States and its nationals.”

6. As used by fundamentalist Muslim groups, the term “jihad” is an Arabic term meaning “holy war” and refers to the use of violence, including paramilitary action, against persons or governments that are deemed to be enemies of its proponents, who espouse a fundamentalist version of Islam that advocates the use of military action and violence in this respect. The armed conflicts in the geographic areas of Bosnia, Chechnyna, Afghanistan and elsewhere have involved murder, maiming, kidnaping, and the destruction of property. At all times material to this Indictment, the Taliban has been a group of individuals that espoused and practiced jihad. The term “mujahid” is an Arabic word meaning “one who struggles” or “holy warrior,” and refers to an individual who engages in violence as used in this Indictment. “Mujahideen” is the plural form of “mujahid.”

Chechen Mujahideen

7. At all times material to this Indictment, Ibn Khattab, until his death in March 2002, was a leader of the Chechen Mujahideen, a group of mujahideen that has employed violence and military action to kill, injure and maim people and to damage and destroy property in an effort to promote the political goals of its members, which include establishing the independence of Chechnya from Russia.

8. At all times material to this Indictment, Ibn Khattab, until his death in March 2002, and Shamil Basayev were leaders of the Chechen Mujahideen. Basayev was also a leader of what is known as the Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs (RSRSBCM), a group of mujahideen that has employed violence and military action to kill, injure and maim people and to damage and destroy property in an effort to promote the political goals of its members, which include establishing the independence of Chechnya from Russia.

9. On February 28, 2003, pursuant to 1(b) of Executive Order 13224, issued under the IEEPA, 50 U.S.C. §1701, et seq., the U.S. State Department designated the RSRSBCM as a blocked entity determined to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States. On August 8, 2003, pursuant pursuant to 1(b) of Executive Order 13224, issued under the IEEPA, 50 U.S.C. §1701, et seq., the U.S. State Department designated Shamil Basayev as a blocked foreign person determined to have committed, or who poses a significant risk of committing, acts of terror that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States. As a result, the property and interests in the property of the RSRSBCM and Basayev have been blocked and any transaction

or dealing by United States persons or within the United States in such property or interests is blocked, including providing funds, goods, or services to or for the benefit of the RSRSCM and Basayev.

The Defendants

10. At all times material to the Indictment, defendant BABAR AHMAD, a/k/a BABAR AHMED a/k/a "Mr. B", a/k/a "mrbee42", was a resident of the United Kingdom living in London, England and operated and directed the operation of AZZAM PUBLICATIONS and its family of websites which existed throughout the world, including azzam.com, azzam.co.uk, qoqaz.net, qoqaz.co.uk, webstorage.com/~azzam, and waaqiah.com.

11. At all times material to this Indictment, AZZAM PUBLICATIONS was an entity based in the United Kingdom that was established and operated to recruit individuals to be mujahideen and to solicit and raise funds and assistance for jihad, including for the Taliban and Chechen mujahideen identified above.

The Websites

12. AHMAD helped create, operate and maintain, and cause to create, operate and maintain, the websites referred to in paragraph 10 in Connecticut, Nevada, the United Kingdom, Ireland, Malaysia and elsewhere, and other internet media which posted materials designed and intended to recruit mujahideen, raise funds for violent jihad, recruit personnel for the Chechen Mujahideen, the Taliban and associated groups, and give instructions for travel to Pakistan and Afghanistan to fight with these groups, provide instructions for the surreptitious transfer of funds to the Taliban, and solicit military items for these groups, including gas masks and night vision goggles.

13. The websites and other internet media AHMAD helped create, operate and maintain through his expert advice and assistance would be and were used to support and justify violent jihad and his expert advice and assistance were directly and integrally linked to ongoing efforts to provide personnel, currency, military items, monetary instruments, and other material support and resources for acts of terrorism, as well as to conceal and disguise the nature, location, source and ownership of such material support and resources.

14. AHMAD and others established, maintained and used various email accounts associated with the websites to administer the websites, hide their identity, communicate with other individuals also involved in the operation and administration of the websites, communicate with members of the Taliban, Chechen Mujahideen, and associated groups, communicate with members of the public who sought to support violent jihad activities depicted on the websites, communicate with those who responded to the internet solicitations for material support and individuals who wished join these groups, solicit donations to support violent jihad and coordinate the transfer of money, and communicate with and provide to those who sought to purchase items advertised on the websites including videotapes depicting violent jihad in Chechnya, Bosnia, Afghanistan, and other lands of jihad, and the torture and killing of captured Russian troops.

15. AHMAD also utilized the email accounts associated with the website to communicate with a U.S. Naval enlistee on the Navy Destroyer the U.S.S. Benfold which was operating within a U.S. Naval battle group in the Straits of Hormuz in the summer of 2001. AHMAD engaged in communication with the enlistee who was sympathetic to the causes espoused on the azzam family of websites, and praised the terrorist attack of the U.S.S. Cole in

March, 2001.

16. AHMAD further provided support to terrorists seeking temporary residence in London, England, assistance to those seeking to travel to participate in jihad in Afghanistan and Chechnya; and procure camouflage suits; GPS (global positioning system) equipment; and other materials and information.

COUNT ONE (Conspiracy to Provide Material Support to Terrorists)

17. The allegations of paragraphs 1 through 16 are re-alleged as if fully set forth herein.

18. From in or about 1997 to in or about August 2004, in the District of Connecticut and elsewhere, BABAR AHMAD a/k/a Babar Ahmed, AZZAM PUBLICATIONS, and others known and unknown to the grand jury, did conspire, confederate and agree with others known and unknown to the grand jury, to provide material support and resources, and to conceal and disguise the nature, location, source and ownership of such material support and resources, knowing and intending they were to be used in preparation for and in carrying out:

- (a) a violation of Title 18, United States Code, Section 956 (conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country); and
- (b) a violation of Title 18, United States Code, Section 2332(b) (murder of U.S. nationals abroad),

and in preparation for, and in carrying out, the concealment and an escape from the commission of such violations, in violation of Title 18, United States Code, Sections 2339A and 371.

19. From in or about 1997, to in or about October 26, 2001, defendant and others provide material support and resources in the form of currency, financial services, communications equipment, personnel, lodging, training, safehouses, false documentation and identification, facilities, transportation and other physical assets, including military items.

20. From October 26, 2001, to in or about August 2004, defendant and others provided material support and resources in the form of currency, monetary instruments, financial services, expert advice and assistance, communications equipment, personnel, lodging, training, safehouses, false documentation and identification, facilities, transportation and other physical assets, including military items.

Overt Acts

21. The following overt acts, among others, were committed in furtherance of the conspiracy to accomplish its goals and objects:

A. From in or about 1998 through at least 2002, defendant AHMAD opened and maintained accounts at a number of Internet Service Providers ("ISPs") in the United States, including OLM which at the time was headquartered in Connecticut, through which accounts they recruited individuals to participate in jihad and solicited and coordinated donations of funds, equipment and other assistance for jihad and mujahideen in Afghanistan and Chechnya.

B. From in or about 1998 through 2002 defendant AHMAD and his coconspirators caused the production and distribution of videotapes and Compact Disks depicting fighters in Bosnia, Chechnya and elsewhere, and eulogizing dead fighters, for the purpose of recruiting individuals and soliciting donations to support the mujahideen in Afghanistan and Chechnya.

C. In or about 1998, Ahmad purchased 100 camouflage suits from a Long Island, New York company.

D. On or about July 30, 1998, Ahmad returned to England from the United States in possession of, amongst other items, GPS equipment and a ballistic vest.

E. On or about November 14, 2000 members of the conspiracy assisted in

coordinating the shipment of gas masks to the Taliban.

F. In or about August, 2001 members of the conspiracy sought to introduce to leaders of the Chechen mujahideen, including Commander Shamil Basayev, an individual who claimed to have traveled to the United States to raise money and obtain handwarmers for Chechen mujahideen.

G. In or about November 2001, members of the conspiracy attempted to recruit Pakistani nationals to travel to Afghanistan to fight with the Taliban against the United States and instructed Pakistani nationals on how to submit false visa applications for travel to Pakistan.

H. In or about April, 2001, Ahmad gained possession of then classified U.S. Naval plans of a United States Naval battle group operating in the Straits of Hormuz in the form of a document which also discussed the vulnerabilities of the Naval Group to a terrorist attack.

I. In or about July, 2001, Ahmad, through email accounts associated with Azzam Publications, communicated with a U.S. Naval enlistee who was sympathetic to the views expressed on the Azzam family of websites and praised the attack on the U.S.S. Cole in March, 2001. Ahmad encouraged the enlistee to “keep up the psychological warfare.[sic]”

J. On or about August 3, 2004, Ahmad possessed various materials, including a drawing of the Empire State Building, literature supporting violent jihad throughout the world, “Mantrapping” Manuals which discussed guerilla warfare techniques, methods to de-mobilize military vehicles, methods to conduct a violent attack on a commuter rail platform, and low-tech tactics to bring down military aircraft.

All in violation of Title 18, United States Code, Sections 2339A and 371.

COUNT TWO (Providing Material Support to Terrorists)

22. The allegations contained in paragraphs One through Twenty-one of the Indictment are re-alleged as if fully set forth herein.

23. Beginning sometime in or before 1998, in the District of Connecticut and elsewhere, BABAR AHMAD and AZZAM PUBLICATIONS, defendants herein, provided material support and resources, and concealed and disguised the nature, location, source and ownership of such material support and resources, knowing and intending they were to be used in preparation for and in carrying out:

- (a) a violation of Title 18, United States Code, Section 956 (conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country); and
- (b) a violation of Title 18, United States Code, Section 2332(b) (murder of U.S. nationals abroad),

and in preparation for, and in carrying out, the concealment and an escape from the commission of such violations, in violation of Title 18, United States Code, Section 2339A.

24. From in or about 1998, to in or about October 26, 2001, defendant and others provided material support and resources in the form of in the form of currency, financial services, communications equipment, personnel, lodging, training, safehouses, false documentation and identification, facilities, transportation and other physical assets.

25. From October 26, 2001, to in or about August 2004, defendant and others provided material support and resources in the form of currency, monetary instruments, financial services, expert advice and assistance, communications equipment, personnel, lodging, training,

safehouses, false documentation and identification, facilities, transportation and other physical assets, including military items.

All in violation of Title 18, United States Code, Sections 2339A and 2.

COUNT THREE (Conspiracy to Kill, Kidnap, Maim Or Injure Persons or Damage Property in a Foreign Country)

26. Paragraphs One through Twenty One of the Indictment are re-alleged as if fully set forth herein.

27. From in or about 1997, to in or about August, 2004, in the District of Connecticut and elsewhere, BABAR AHMAD, and AZZAM PUBLICATIONS, the defendants herein, together with others known and unknown to the Grand Jury, knowingly, willfully and unlawfully did combine, conspire, confederate and agree to kill, kidnap, maim or injure persons or damage property in locations outside of the United States.

28. In furtherance of the conspiracy and to effect the objects thereof, the defendant and others known and unknown to the Grand Jury, committed the Overt Acts set forth in Paragraph Twenty-One, the allegations of which are fully incorporated by reference herein.

All in violation of Title 18, United States Code, Section 956.

COUNT FOUR (Money Laundering)

29. The allegations contained in paragraphs One through Twenty-One of the Indictment are re-alleged as if fully set forth herein.

30. From in or about 1997, to in or about August, 2004, in the District of Connecticut and elsewhere, BABAR AHMAD a/k/a Babar Ahmed, and AZZAM PUBLICATIONS, the defendant herein, did knowingly and intentionally combine, conspire, confederate and agree with

others known and unknown to the Grand Jury, to commit offenses against the United States, namely, to transport, transmit and transfer monetary instruments and funds, from a place in the United States to or through a place outside the United States, and from or through a place outside the United States to a place in the United States, with the intent to promote the carrying on of specified unlawful activity, namely:

- (a) to conspire to violate the International Emergency Economic Powers Act, Title 17, United States Code, §1705;
- (b) to conspire to kill, kidnap, maim, and injure persons or damage property in a foreign country, in violation of Title 18, United States Code §956; and
- (c) to provide material support to terrorists, in violation of Title 18, United States Code §2339A,

all in violation of Title 18, United States Code, Section 1956(a)(2).

31. It was part of the conspiracy that defendant AHMAD and other members of the conspiracy provided through AZZAM PUBLICATIONS web sites instruction and a form letter to assist individuals in transporting cash funds from or through a place in the United States to a place outside the United States, to wit, Pakistan, for the purpose of delivering these funds to the Taliban.

32. It was further part of the conspiracy that defendant AHMAD caused to be transferred, transmitted and transported funds, from a place outside the United States to a place in the United States, for the purpose of maintaining accounts at United States Internet Service Providers that were used to solicit and coordinate the transmission and transfer of funds and other assistance for jihad groups, including the Taliban, the Chechen mujahideen and related

groups.

33. It was further part of the conspiracy that defendant AHMAD used and caused other conspirators to use email accounts in the name of Azzam Publications to solicit and coordinate the international transmission, transfer and transportation of funds for the Taliban and Chechen mujahideen.

All in violation of Title 18, United States Code, Section 1956(h).

A TRUE BILL

FOREPERSON

KEVIN J. O'CONNOR
UNITED STATES ATTORNEY

ROBERT M. APPLETON
SUPERVISORY ASSISTANT UNITED STATES ATTORNEY

STEPHEN REYNOLDS
ASSISTANT UNITED STATES ATTORNEY

DAVID B. DEITCH
TRIAL ATTORNEY
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