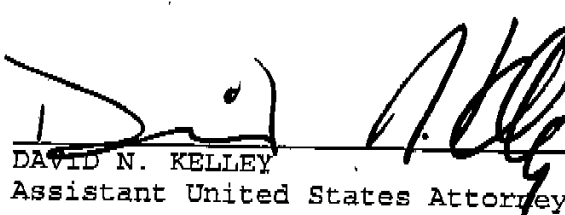


Approved:

  
DAVID N. KELLEY  
Assistant United States Attorney

Before: HONORABLE ANDREW J. PECK  
United States Magistrate Judge  
Southern District of New York

01 MAG.

1242

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UNITED STATES OF AMERICA,

SEALED  
COMPLAINT

- v -

Violation of  
18 U.S.C. § 2332a

ABU DOHA,  
a/k/a "Rachid,"  
a/k/a "Dr. Haider,"  
a/k/a "the Doctor,"  
a/k/a "Amar Makhlolif,"  
Defendant.

COUNTY OF OFFENSE:  
NEW YORK

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SOUTHERN DISTRICT OF NEW YORK, ss.:

MICHAEL S. BUTSCH, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

COUNT ONE

1. From in or about spring 1998 through in or about March 2000, in the Southern District of New York, the Western District of Washington, and elsewhere outside the jurisdiction of any particular state or district, ABU DOHA, a/k/a "Rachid," a/k/a "Dr. Haider," a/k/a "the Doctor," a/k/a "Amar Makhlolif," the defendant, together with others known and unknown, unlawfully, willfully, and knowingly, combined, conspired, confederated and agreed together and with each other to use a weapon of mass destruction, namely a destructive device as defined in 18 U.S.C. § 921(a)(4), against persons within the United States and thereby would and did affect interstate and foreign commerce.

(Title 18, United States Code, Section 2332a.)

2. I am a Special Agent with the FBI, assigned to the NYPD/FBI Joint Terrorist Task Force, and I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with other law enforcement agents and upon my examination of various reports and records. Because this

affidavit is being submitted for the limited purpose of establishing probable cause for the offense cited above, it does not include all the facts that have been learned during the course of the investigation. Where the contents of conversations of others are reported herein, they are reported in substance and part, except where otherwise indicated.

#### Background - The Arrest of Ahmed Ressam

3. On or about December 14, 1999 at approximately 6:00 p.m. Ahmed Ressam, a/k/a "Benni Antoine Norris," driving a rented vehicle, arrived at Port Angeles, Washington, on a ferry from Victoria, British Columbia.<sup>1</sup> As Ressam departed the ferry in the vehicle, he was stopped for a customs inspection by United States Customs Inspectors. When stopped by the Inspectors, Ressam was uncooperative and initially refused to exit the vehicle. During the subsequent inspection of the vehicle, Inspectors recovered, among other things, various materials that later tested positive for explosive substances, including ethyl glycol dinitrate (EGDN), hexamethylene triperoxide diamine (HMTD), and cyclotrimethylene trinitramine (RDX). In addition, the inspectors also recovered four sophisticated timing devices. When one of the Inspectors attempted to escort Ressam from the vehicle, Ressam broke free and attempted to flee. Ressam was eventually apprehended and charged in the United States District Court for the Western District of Washington with various offenses arising from the Port Angeles incident.

4. On April 6, 2001, Ressam was convicted after a jury trial in Los Angeles, California<sup>2</sup> with, among other things, engaging in an act of terrorism transcending national boundaries, placing an explosive in proximity to a terminal, possessing and obtaining fraudulent and false identification documents, using a false name, smuggling, and transporting explosives into the United States, in violation of Title 18, United States Code, Sections 2332b(a)(1)(B), 2332b(c), 33, 1028, 1546, 545, and 842, respectively. For these convictions Ressam faces a mandatory minimum sentence of ten years' imprisonment and a maximum sentence of 130 years' imprisonment.

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<sup>1</sup> Ressam is an Algerian national who was traveling under fraudulent Canadian travel documents in the name of "Benni Antoine Norris."

<sup>2</sup> Because of extensive pretrial publicity, the case was transferred for trial from the Western District of Washington, to Los Angeles.

5. On June 22, 2001, Ressam entered a cooperation agreement with the Government which, among other things, provides that, if Ressam provides truthful information and substantial assistance in the investigation and prosecution of others, the Government may make an application to the sentencing Court, pursuant to Section 5K1.1 of the United States Sentencing Guidelines, that would permit a downward departure from the applicable sentencing guidelines. However, the agreement further provides that, in no event will Ressam or the Government seek a sentence for Ressam that would be less than 27 years' imprisonment.

6. Since the beginning of his cooperation, Ressam has provided information to investigators concerning his training for, and participation in, Islamic jihad, of which his attempted entry to the United States with explosives was a part. In sum, and as set forth in more detail below, Ressam has stated that the bomb he was attempting to transport to the United States was destined for the Los Angeles International Airport; that he had prepared for this "operation" while in Canada the several months preceding his attempted entry to the United States; and that he had trained for the operation with other members and sympathizers of Islamic Jihad in training camps in Afghanistan.

#### The Terrorist Training Camps

7. According to Ressam, in or about the spring of 1998 he traveled to Afghanistan to receive training to participate in terrorist activities in furtherance of Islamic jihad. Among approximately three training camps he attended was camp Khalden and camp Derunta in Afghanistan. Both of these camps have been identified by several sources, including Ressam, as being associated with Abu Zoubeida, who has participated in Usama Bin Laden's al Qaeda international terrorist organization. Ressam attended these training camps with several other Algerian nationals, including an individual identified herein as "coconspirator 1" (hereinafter "CC-1"), who formed their own "cell." Ressam identified the defendant ABU DOHA, a/k/a "Rachid," a/k/a "Dr. Haider," a/k/a "the Doctor," a/k/a "Amar Makhlolif," as one of the leaders of that cell.<sup>3</sup> Among the subjects studied by the cell at camp Khalden were scenarios to

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<sup>3</sup> Ressam knows the defendant as DOHA as well as by his aliases "Rachid," "Dr. Haider" and "the Doctor." "Amar Makhlolif," is a name used by the defendant in connection with immigration proceedings in the United Kingdom.

bomb various U.S. targets, including airports within the United States and various U.S. interests abroad, including U.S. consulates in the Middle East and Asia, and U.S. naval vessels.

#### Planning a Terrorist Attack in the United States

8. While in the training camps Ressam had extensive contact with DOHA and understood that DOHA's responsibilities in the camps were to facilitate the travel of the trainees into the camps as well as their entry into and out of countries in which various terrorist "operations" were to take, or had taken place. DOHA would facilitate such travel by obtaining for the terrorists various forms of false identification and travel documents. In addition, DOHA was responsible for establishing means of communication among the various cells, including Ressam's Algerian cell, that were associated with the various jihad training camps in Afghanistan.

9. Members of Ressam's Algerian cell agreed that they would travel to Canada from where they would launch plans to carry out a bombing in the United States close in time to the millennium celebrations in December 1999 and January 2000. The proposed operation was discussed while the cell members were still in Afghanistan and DOHA participated in these discussions. Among the targets of the operation that were identified in these discussions was an airport in the United States. Although no specific target was agreed upon while the cell members were still in the camp, DOHA participated in the discussions and agreed to help facilitate the travel of many cell members to Canada so that they could participate in the proposed U.S. operation, and out of the United States and Canada upon the completion of the operation so that they could hide in Europe or Algeria.

10. According to Ressam, over the ensuing months, and in particular, in or about spring 1999 DOHA attempted to assist several cell members with travel to Canada. In connection with these efforts, DOHA asked Ressam to send DOHA a false French passport so that it could be used to facilitate CC-1's passage to Canada. According to Ressam, DOHA provided CC-1 with the passport Ressam sent him, but ultimately CC-1 used the French passport to travel to Germany, and not Canada. According to other reliable law enforcement sources, a search of CC-1's premises in the United Kingdom were conducted in or about early 2001. Among the items recovered during the search were various forms of false identification and fraudulent travel documentation, including a French passport in the name of, and bearing a photograph of, a third party. According to Ressam, in addition to CC-1, DOHA made efforts for several other of the cell

members to travel to Canada, but these efforts apparently were, for a variety of reasons, unsuccessful.

11. According to Ressam, in or about October, November and early December 1999, as the date of the proposed operation in the United States approached, the frequency of Ressam's contact with the defendant DOHA increased. Ressam stated that, during this time he discussed with DOHA over the telephone the needs of Ressam and another coconspirator who was participating in the operation (hereinafter "CC-2") to flee the United States and Canada to travel to Algeria. Ressam and DOHA agreed that Ressam would leave the United States immediately after the operation and travel to London, where Ressam would meet with DOHA. DOHA would then assist Ressam with traveling to Algeria. According to Ressam, DOHA told him during these conversations that such travel would not be a problem and that DOHA said that he "would do as you wish." Before Ressam and CC-2 parted as Ressam left Canada for the United States in his bomb-laden rental car, Ressam instructed CC-2 to contact DOHA to facilitate CC-2's flight from Canada.

12. According to Ressam, he also had discussions in advance of the operation with an Algerian national, known as Mokhtar Haouari, who was living in Montreal at the time. Haouari had agreed with Ressam to send one of Haouari's confederates, Abdelghani Meskini, another Algerian national who was then living in New York, to meet Ressam in Seattle to help facilitate the operation and to provide Ressam with additional funding. Haouari had asked Ressam that, in return for Meskini's assistance, Ressam help facilitate Meskini's travel to training camps in Afghanistan so that Meskini could also be trained for Islamic jihad. Ressam stated that in his several conversations with DOHA, Ressam also asked for DOHA's help in obtaining the necessary travel documentation for Meskini to travel to the Afghan camps.

13. In December 1999, Meskini was arrested for his participation in a conspiracy to provide material support to Ressam's terrorist activities, and for engaging in various credit card and identification document fraud with Haouari. Meskini has since pleaded guilty in the Southern District of New York and has cooperated with the Government. In the course of his cooperation Meskini has confirmed that Haouari asked Meskini to travel to Seattle to assist Ressam and that Haouari had stated that, in return, Ressam would help facilitate Meskini's travel to Afghan training camps by providing false travel documents and by

introducing Meskini to Ressam's contacts in Afghanistan.<sup>4</sup>

#### Supporting Documentation

14. Recovered from Ressam at the time of his December 1999 arrest was, among other things, a business card which, on the back bore the telephone number "7714620952" and the letter "R." Ressam has stated that this is the number at which he contacted DOHA in London, and that the "R" stood for "Rachid," another name by which he knew DOHA. Also in Ressam's possession were several telephone calling cards. Records for the cards indicate that calls were placed to that number on December 2, 1999 (thirteen minutes) and December 3, 1999 (four minutes). Law enforcement authorities in London have identified this number as having been assigned to a "pay as you go" telephone that permits a user to pay for a telephone so that it may be used for a certain period of time, without having to personally subscribe to any telephone service provider.

15. In or about early 2000, CC-1 (one of the members of Ressam's Algerian cell from the Afghan training camps) was arrested in Germany on charges relating to the fraudulent use of credit cards. See ¶¶ 7 and 10, *supra*. During the course of the search of CC-1's possessions a personal telephone directory was recovered. Included among the telephone numbers listed in the directory was "07714620952" (the number identified by Ressam as DOHA's telephone number in London) above which "Rachid" was written in arabic.

16. Following Ressam's arrest in December 1999, records of British Airways indicate that reservations had been made for a "Benni Norris" (an alias used by Ressam to enter the United States), to fly from New York on December 16, 1999 to London's Heathrow Airport.

17. In early 2001, DOHA was arrested in London, as was CC-1, under the United Kingdom's laws for the prevention of terrorism for their suspected participation in a plot with other confederates to bomb a Christmas market in Strasburg, France. At the time of his arrest DOHA was at Heathrow airport preparing to board a flight to Jeddah, Saudi Arabia. In connection with his

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<sup>4</sup> Haouari has been extradited to the United States from Canada, where he is now being prosecuted on charges that he provided material support to Ressam's terrorist activities, and engaged in credit card and identification document fraud with Meskini. Meskini and Ressam are testifying in that trial.


arrest, a search was conducted of DOHA's London home. Among the items recovered were several passports and fake identification documents. Included in the travel documents was a visa to Pakistan, which bore DOHA's photograph in the name of "Didier Ajuelos." Several of the other passports also bore stamps indicating that the user(s) of those passports had traveled through Pakistan. I know from my training and experience that training camps in Afghanistan are typically accessed through Pakistan.

18. In addition to the travel documents other papers were recovered, which bore notations for various explosive chemical mixtures, such as HMTD, urea, and ethylene glycol dinitrate (EGDN), all of which are the same explosive materials that were recovered from Ressam's car in December 1999. Other formulas were for a mixture of ammonium nitrate, aluminum and sulphur. This explosive mixture was one which Ressam has stated he hoped to make to enhance the bomb he planned to detonate at the Los Angeles airport.

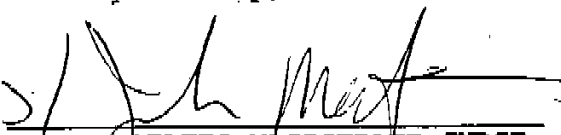
19. In or about late 1999 Khalil Said Khalil Deek ("Deek"), a citizen of both the United States and Jordan, was arrested in Pakistan and detained by Jordanian authorities in connection with Deek's suspected participation with others in a plot to launch a terrorist attack during the millennium celebrations against, among others, Israeli and American tourists in Jordan. By Deek's own account, and as confirmed by other confidential sources, Deek has helped facilitate the travel of various individuals to training camps in Afghanistan so that they may participate in Islamic jihad terrorist activities.

20. Recovered from Deek at the time of his arrest were various papers, computers and computer disks. Contained within this material were various terrorist training manuals as well as sketches and formulas for various explosive devices and materials. The computers were downloaded and several e-mails were retrieved. At least two of the e-mails, dated September 25 and 29, 1999, discuss providing funds, personnel, and material support for the Afghan training camps. In the course of this correspondence, reference is also made to a "Dr. Haidera" (i.e., Dr. Haider, the defendant), as well as another individual (hereinafter coconspirator 3 or "CC-3") who Ressam has identified as an individual who is very active in the Afghan training camps and who, together with DOHA, was in charge of the Algerian cell while Ressam was in the camps.<sup>5</sup> The e-mails suggest that passage to the training camps, particularly camp Khalden, could be made through Dr. Haidera in London. In other of the e-mails reference is also made to Abu Zoubeida, who, as set forth above, is associated with the al Qaeda terrorist organization.

WHEREFORE, deponent prays that the above-named defendant be arrested and imprisoned or bailed as the case may be.

  
MICHAEL S. BUTSCH  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
2nd day of July, 2001

  
UNITED STATES MAGISTRATE JUDGE  
DUSPUCAT

<sup>5</sup> On the same piece of paper that bore the telephone number for DOHA (which was followed by "R" for DOHA's first initial), see ¶ 14, supra, was a telephone number followed by the first initial for CC-3. Ressam has reported that the number is for CC-3 in Pakistan.