

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

v.

WARRANT FOR ARREST

BABAR AHMAD
aka BABAR AHMED
LONDON, ENGLAND

DOCKET NUMBER: 3:04m 240 (WIG)

TO: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest BABAR AHMAD, aka BABAR AHMED

Name

and bring him forthwith to the nearest magistrate judge to answer a

☐ Indictment ☐ Information ☒ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him with (brief description of offense) **material support of terrorism, prohibited support of the Taliban, conspiracy to kill persons in a foreign country, money laundering, solicitation and conspiracy,**

in violation of Title 18, United States Code, Sections 2339A, 956, 1956(h), 371, 373, 2, and 50, United States Code, Sections 1701, 1702 and 1705(b), Executive Order 13129, 31 C.F.R. Parts 545, et seq.

WILLIAM I. GARFINKEL

Name of Issuing Officer

UNITED STATES MAGISTRATE JUDGE

Title of Issuing Officer

Signature of Issuing Officer

JULY 28, 2004 at Bridgeport, Connecticut

Date and Location

Bail fixed at \$

by

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above named-defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

2004 JUL 28 A 11:50

V.

CRIMINAL COMPLAINT

BABAR AHMAD
a/k/a BABAR AHMED
LONDON, ENGLAND

DOCKET NUMBER:

3:04 m 240 (WIG)

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Beginning sometime in or about 1998 and continuing through and until sometime in 2003 approximately, the defendant **BABAR AHMAD**, a/k/a **BABAR AHMED** did: see Attachment A, in violation of Title 18, United States Code, Sections 2339A, 956, 1956(h), 371, 373, 2, and 50, United States Code, Sections 1701, 1702 and 1705(b), Executive Order 13129, 31 C.F.R. Parts 545 et seq.

I further states that I am a Special Agent with the Bureau of Immigration & Customs Enforcement and that this complaint is based on the following facts: see Attachment B, Affidavit of Special Agent Craig Bowling.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant
CRAIG BOWLING-SPECIAL AGENT
BUREAU OF IMMIGRATION & CUSTOMS ENFORCEMENT

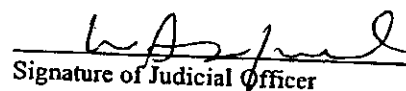
Sworn to before me and subscribed in my presence,

JULY 28, 2004

Date

at Bridgeport, Connecticut
City and State

WILLIAM I. GARFINKEL
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer


Signature of Judicial Officer

ATTACHMENT A

Beginning sometime in or before 1998 and continuing through in or about 2003, in the District of Connecticut and elsewhere, BABAR AHMAD (also known as BABAR AHMED):

(1) did unlawfully and willfully combine, conspire, confederate, and agree with others to provide material support and resources to persons, groups and organizations (including the Taliban and Chechen mujahideen groups led by Ibn Khattab and Shamil Basayev), 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 violation of Title 18, United States Code, Section 956 (conspiracy to kill, maim or damage property in a foreign country), and in carrying out, the concealment and an escape from the commission of such violation, in violation of Title 18, United States Code, Sections 2339A, 2 and 371;

(2) did unlawfully and willfully combine, conspire, confederate, and agree with others to make, solicit, and attempt to make, contribution of goods, services and money to, or for the benefit of, the Taliban, in violation of the International Emergency Economic Powers Act (IEEPA), Title 50, United States Code, Sections 1701, 1702, and 1705(b) (IEEPA) and Title 18, United States Code, Section 371; Executive Order 13129; and 31 C.F.R. Parts 545 et seq.;

(3) did unlawfully and willfully combine, conspire, confederate, and agree with others to commit offenses against the United States, specifically 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 (1) to conspire to violate IEEPA, Title 50, United States Code, Sections 1701, 1702, and 1705(b); (2) to conspire to kill, kidnap, maim, and injure persons or damage property in a foreign country, in violation of Title 18, United States Code, Section 956; and (3) to provide material support to terrorists in violation of Title 18, United States Code, Section 2339A, in violation of Title 18, United States Code, Sections 1956(h) and 2;

(4) did, with intent that another person engage in conduct constituting a felony that has as an element the use, attempted use, or threatened use of physical force against property or against the person of another in violation of the laws of the United States, and under circumstances strongly corroborative of that intent, solicit, command, induce, and otherwise endeavor to persuade such other person to engage in such conduct, in violation of Title 18, United States Code, Section 373.

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STATE OF CONNECTICUT

FAIRFIELD COUNTY

:
:
:

ss: Bridgeport, Connecticut

AFFIDAVIT

I, Craig Bowling, being duly sworn hereby depose and state:

1. I have been a Special Agent and Computer Investigative Specialist with the Department of Homeland Security ("DHS") since 2003. For the 4 ½ years prior to 2003, I was employed in the same capacity in the Office of Investigations of the United States Customs Service.

2. In the course of my employment with DHS and Customs, I have investigated many criminal activities conducted over the Internet through computers. I have conducted many forensic examinations of computers and data storage media recovered through search warrants; received training in computer forensic examinations methodology and Internet-based investigations; and provided training on computer-related crimes for local, state, and federal law enforcement agencies.

3. This affidavit is made in support of a criminal complaint against BABAR AHMAD, a British national residing in England, for violations of Title 18, United States Code, §§ 2 (aiding, abetting and causing the listed offenses), 371 (conspiracy), 373 (solicitation), 1956(h) (money laundering conspiracy), 2339A (providing material support to terrorists), and 956 (conspiracy to kill or injure persons in a foreign country), and 50 U.S.C. §§ 1701, 1702, and 1705(b), Executive Order 13129, and 31 C.F.R. Parts 545 et seq. (Conspiracy to violate the International Emergency Economic Powers Act ("IEEPA")).

4. This affidavit is based upon my personal knowledge, investigation, observations, review of documents and data, and information received from other federal and foreign law

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enforcement officials. This affidavit does not set forth all of the information of which I am aware concerning this investigation, but only such information as necessary to establish probable cause to support the requested criminal complaint.

5. AHMAD and others operated the Azzam Publications website www.azzam.com from approximately 1997 through 1998, through an Internet Service Provider ("ISP") called Internet Quality Services in Las Vegas, Nevada and, from approximately 1999 through 2001, through the Trumbull, Connecticut-based company OLM LLC ("OLM"). AHMAD purchased OLM's services through an Alabama-based reseller of Internet services, called AllWebCo. As described more fully below, following the September 11, 2001 attacks through 2002, AHMAD and others maintained mirror sites for Azzam Publications at www.qoqaz.net, and later in 2002 at www.waaqiah.com, to which they routed persons who tried to access www.azzam.com and www.qoqaz.net.

6. The investigation has revealed that, from in or about 1997 to at least in or about 2003, AHMAD assisted the Taliban and Chechen mujahideen¹ via websites and email accounts that AHMAD maintained and used through an entity known as Azzam Publications. Through his and others' computer and Internet expertise and assistance, AHMAD operated and maintained the Azzam Publications web sites www.azzam.com, www.qoqaz.net, and www.waaqiah.com. (collectively the "web sites"). As detailed below, AHMAD used the Azzam Publications web sites and email to:

¹ The term "mujahideen" refers to militant Islamic guerrilla fighters, for example Taliban fighters in Afghanistan and militant Muslim guerrilla fighters in Chechnya, who engage in jihad and fight against persons or governments that are deemed to be enemies of a fundamentalist version of Islam.

- (a) solicit contributions and funds, equipment, and assistance to the Taliban and Chechen mujahideen, specifically directing some appeals to potential American donors;
- (b) assist individuals in sending funds and equipment to the Taliban and Chechen mujahideen;
- (c) recruit individuals to train, travel to Jihad lands (using visas obtained by supplying false information to government officials), and join in Jihad, including fighting for the Taliban;
- (d) assist Chechen mujahideen leaders in vetting individuals who wished to meet and assist the Chechen mujahideen;

AHMAD registered the Azzam Publications website domain names. He paid ISPs for the use of computer hardware and software to host and operate Azzam Publications and email accounts. He had and used administrative access to the web sites. He maintained and monitored the content of the web site, including the content described below. He maintained and processed customer orders for items purchased through the web site. He accessed and used the Azzam Publications administrative email accounts, and reviewed and stored email communications on the accounts. Collectively, these activities show that AHMAD knowingly used the Azzam Publications websites and email accounts to aid, abet, and cause the illegal conduct described herein.

7. The investigation has further revealed that, between 1999 and 2003, AHMAD conspired with certain individuals within and outside the United States: (1) to use Azzam Publications and its websites and email accounts to solicit material support for terrorists in violation of 18 U.S.C. §2339A, (2) to launder money by transferring funds from the United States to places outside the United States and ultimately to the Taliban and Chechen mujahideen in support of their military and violent operations, in violation of 18 U.S.C. §§956 and 1956(h),

and 50 U.S.C. §1701, et seq; 31 C.F.R. Parts 545 et seq. More specifically, the investigation has revealed that Ahmad conspired with certain individuals in the United States, including donors and individuals who maintained and operated Azzam Publication web sites and "mirror" sites² which, along with Azzam Publications email accounts described below, were used to solicit cash contributions to support the Taliban and Chechen mujahideen military and violent operations between 1999 and 2002.

Ahmad Paid For and Operated the Azzam Publications Websites Using Aliases

8. AHMAD operated the Azzam Publications domain names and websites, including www.azzam.com and www.qoqaz.net, using post office boxes and aliases to conceal his involvement. Internet domain registration and other ISP records reveal that from approximately 1997 through in or about 2001, www.azzam.com was registered under the name "D. Karim" at the address BCM UHUD, 27 Old Gloucester Street, London, WC1N 3XX, United Kingdom. The designation "UHUD" refers to a specific rented post office box. Based on my investigation, the facts detailed below, and my experience, I have concluded that AHMAD used this box to conduct Azzam Publications operations.

9. Post office records indicate that the UHUD account was opened in approximately April 1994, and paid for in cash. Thereafter, until in or about 2003, mail to the UHUD account was forwarded to Suite 188, 28 Old Brompton Road, London, SW7 3SS, United Kingdom, which is a post office box rented under the name "D Karim, Weeks Hall, Princess Gardens,

² A web site that is identical to the original site, but which is often operated on a different computer system.

South Kensington.”³ According to post office records for the period in which the UHUD box was active, AHMAD also maintained at this same post office location service for his company, Optica Import Export Limited (“Optica”).

10. British law enforcement authorities have advised me that AHMAD and Karim Dallal attended the Imperial College of Science and Technology (“Imperial College”) as students and resided in Weeks Hall at the same time. During an interview in May 2004, Dallal stated that he has never had a post office box or run a website. He recalled that one of his fellow students in Weeks Hall at Imperial College was “B (or D) Ahmad or Ahmed,” and that this individual held extremist views.

11. Information has been obtained showing that, via the alias “Dr. Karim,” AHMAD retained and paid the United States domain name service, ZoneEdit, to direct Internet queries seeking the Azzam Publications websites www.azzam.com, www.qoqaz.net, and www.waaqiah.com to computer systems that were used to host those websites. ZoneEdit records show it was hired by Azzam Publications in 2001 and 2002. An electronic copy of a document recovered off a floppy disk seized from AHMAD’s locked office contains instructions to pay ZoneEdit, Inc. in the name of “Dr. Karim,” for services in 2001. Included within this document is a “text” copy of the ZoneEdit invoice to Azzam Publications. I have also reviewed a money order purportedly sent on November 21, 2001, by a “Dr. Karim” to ZoneEdit for \$350. The money order was obtained from the Portman Square branch of Barclays Bank, where AHMAD also maintained an account for one of AHMAD’s companies, Psychro.

³ According to company representatives for this post office box service, although identification is usually taken from customers when a box is rented, no identification was recorded in this instance. The account was opened in December 1995 and closed in early 2004.

12. Records obtained from two ISPs, OLM (based in Connecticut) and Netscaliber UK Ltd. (Netscaliber) (based in the United Kingdom), show that AHMAD had administrative access to www.azzam.com, and that he used this access to operate and maintain this website. The Azzam Publications websites were operated physically at OLM. This access, which included administrative access throughout 2000, was obtained through a Netscaliber ISP account that AHMAD operated in the name of his company, Optica. Netscaliber records show that AHMAD paid for this Optica Internet account via his personal Mastercard, from May 1998 through August 2001. OLM's records confirm that administrative access to www.azzam.com was obtained from an Imperial College Internet address, and that, for a 32 minute period on September 21, 2001, someone using an Internet Protocol ("IP") address⁴ at Imperial College on several dozen occasions accessed www.azzam.com to review, among other postings, solicitations for assistance to the Taliban and products sold on the website. The last seventeen log entries of this 32 minute period reflect administrative access, which is customarily conducted only by those who operate and maintain a website.

13. Further evidence was obtained linking AHMAD with the operation, administration, and maintenance of the Azzam Publications websites. For example, the registration information for www.qoqaz.net lists Lara Palsemo as its contact person, with an address of 17 Ave Dimonso, Sao Paolo, Sp1211, Brazil, e-mail address azzamcom@ummah.org. British law enforcement found in AHMAD's locked office a deleted electronic version of a letter discussing the registration of this website with a UK Internet domain name registration service. Although the

⁴ An Internet protocol ("IP") address is a unique string of numbers that identifies a particular computer on the Internet.

letter was purportedly authored by "Dr. D. Karim and Ms. Palsemo," that the electronic version was found in AHMAD's locked office indicates that, in fact, AHMAD used these aliases to register and maintain the website.

14. Analysis of the data recovered from the storage media in AHMAD's office reveal that AHMAD made extensive use of encryption in the operation of Azzam Publications and the www.azzam.com web site. Based upon my training and experience, I know that individuals using computers and the Internet often use encryption to limit access to their communications, their activities and accounts and services they access through the Internet. A review of the storage media recovered from AHMAD's office at Imperial College reveals that he used Pretty Good Privacy ("PGP") encryption⁵ to operate the Azzam Publications web site www.azzam.com. Specifically, both public and private PGP encryption keys were recovered from data storage media in AHMAD's office, "AZP.asc" (private) and AZPpublic.asc (public).

15. In addition, analysis of email communications secured during searches of Azzam administrative accounts reveals indicates that AHMAD used these keys to authenticate Azzam Publications www.azzam.com login information for Network Solutions, a registrant of Internet domains. October 2001 email correspondence from the azzamcom@yahoo.com administrative account to Network Solutions shows the registration of the PGP keys for the Network Solutions

⁵ PGP encryption is a technique for encrypting data. PGP is based on the public-key encryption method, which uses two keys -- a public encryption key known to everyone and a private or secret encryption key known only to the recipient of the message. For example when Person A wants to send a secure message to Person B, A uses B's public key to encrypt the message. B then uses her private key to decrypt it. An important element to the public key system is that the public and private keys are related in such a way that only the public key can be used to encrypt messages and only the corresponding private key can be used to decrypt them. Moreover, it is virtually impossible to deduce the private key if you know the public key.

Guardian program, a protocol used to authenticate user identities for the administration of web sites. In the email the public encryption key "AZPpublic.asc" is submitted for www.azzam.com. This same key was also recovered on a floppy disk in Babar AHMAD's office. In addition, links to this same file, "AZPpublic.asc" on a PGP Disk volume labeled "PVR" were recovered on the same hard drive in Babar's office that also contained AHMAD's letters to the ISP and a bank, the directories for Azzam Publications site administration, and the deleted letter in the names of Dr. D. Karim and Lara Palsemo.

16. Analysis of this and one other hard drive recovered from AHMAD's office reveal that AHMAD also used the encryption program PGP Disk on these drives. PGP Disk is a program that encrypts portions of a user's hard drive. When unencrypted, the computer recognizes the PGP Disk as another drive. For example, on this hard drive there is a PGP Disk volume "PVR" that when unencrypted and enabled used the drive letter "O:". One of the working directories on this PGP Disk "O:" drive was named "AZ." Data from this hard drive reveals that certain files that appear to relate to pages of the www.azzam.com web site, including "Join the Caravan.doc" and "Defence of Muslim Lands.doc" were accessed from the "AZ" directory on the this encrypted "O:" drive. The user ID for the Guardian program, "AZP" (which appears to be an abbreviation for "Azzam publications") is also the name for an active directory on this "O:" drive. A review of this hard drive reveals that the software application Dreamweaver⁶ had been installed and operated. The review revealed that one of the files last used by the program was

⁶ Dreamweaver is an application used to design, develop, publish, and administer web sites. It allows users to connect to servers and upload and manipulate web site files.

a web page on the www.azzam.com site dedicated to a correspondent killed in Tora Bora in December 2001. The path for this recently opened file in Dreamweaver resolved to the PGP Disk volume PVR at O:\Web\html\shaheedsuraqah.htm.

17. Additional evidence reveals that AHMAD accessed and used the Azzam Publications administrative email account azzamcom@yahoo.com. A September 3, 2001 email recovered from the azzamcom@yahoo.com administrative account reveals that Azzam Publications made an online purchase of the software product vBulletin. Records obtained from Digital River, the vendor for vBulletin, reveal that a "Dr. Karim" purchased via check (\$298 International Money Order) a copy of vBulletin. The shipping/billing record lists Azzam and the BCM UHUD address. A copy of the vBulletin operating manual was located on Babar's hard drive in word format. The document properties reflect that "Babar Ahmad" and "Imperial College," and that the owner's manual was created on September 6, 2001. Another email communication from azzamcom@yahoo.com to azzamcom@yahoo.com and lands@azzam.com, dated September 5, 2001, references the purchase of vBulletin for the Azzam.com website. Representatives of Digital River reported that they have no record of AHMAD or Imperial College purchasing this product.

Solicitations For the Taliban and Chechen Mujahideen

18. From approximately January 1997 until December 1998, www.azzam.com included a question and answer page describing the website's purpose:

Azzam Publications has been set up to propagate the call for Jihad, among the Muslims who are sitting down, ignorant of this vital duty Thus the purpose of Azzam Publications is to 'Incite the believers' and also secondly to raise some money for the brothers.

The website continued: "What can I do to help jihad and the mujahideen?"

Obviously the best way of helping Jihad and the Mujahideen is by actually going to the lands of Jihad and physically fighting

Although the website disclaimed sponsoring jihad, in fact, it urges that "[i]n the same way that a determined businessman can travel to Outer Mongolia to clinch a business deal, can an educated person not find out how to get to e.g. Bosnia, Afghanistan or Eritrea?" It further urges that if an individual cannot fight, he nevertheless has a religious obligation to raise money:

the first and most important thing that Muslims can do in the West is to donate money and to raise it amongst their families, friends and others Jihad is a profitable investment that pays handsome dividends. For someone who is not able to fight at this moment in time due to a valid excuse they can start by the collection and donation of funds.

The website emphasizes that individuals can also directly participate in the Jihad support infrastructure:

The Jihad does not only consist of one person firing a gun. It consists of a large and complex structure that includes: the one who organises the weapons and ammunition, the one who cooks the food, the one who cleans the toilets, the one who looks after the sick and injured, the one who sits in the radio communications room, the one who maintains the motor vehicles, the one overseas who raises the money, the one who brings or transfers the money, the one sitting in a Western country who locates and purchases highly sophisticated equipment such as High Frequency Radios, etc. etc.

19. Along with the materials above, the www.azzam.com site published Usama Bin Laden's 1996 "Declaration of War Against the Americans Occupying the Land of the Two Holy Places." The Declaration of War explicitly directed the removal of United States military forces in the Middle East by violence, stating "[t]he presence of the USA Crusader military forces on

land, sea and air of the states of the Islamic Gulf is the greatest danger threatening the largest oil reserve in the world." It states that "utmost effort" should be given to driving the "American-Israeli alliance - occupying the country of the two Holy Places" out of the Arab peninsula.

20. From as early as February 29, 2000 through December 17, 2001, both the www.azzam.com and www.qoqaz.net web site stated that "Muslims must use every means at their disposal to undertake military and physical training for Jihad," and the sites provided instructions for individuals to prepare to wage jihad through physical training and training in firearms. One set of instructions, entitled "How can I Train Myself for Jihad," was posted on www.qoqaz.net and available on www.azzam.com through links to the www.qoqaz.net website. Although the posting begins with a disclaimer that it is for "information purposes only" and that Azzam Publications and the website's maintainers do not encourage illegal acts, it also stated that "military training is an Islamic obligation, not an option." It directed readers to obtain physical training for military purposes, and to refer to U.S. Army training manuals and "books written by ex-British soldiers." This posting instructed individuals to obtain firearms training and, if in a country where permissible, "[o]btain an assault rifle legally, preferably AK-47 or variations, [and] learn how to use it properly." It further instructed that individuals training for Jihad should attend firearms courses alone or in pairs:

Do not make public announcements while going on such a [firearms] course. Find one, book your place, go there, learn, come back home and keep it to yourself. Whilst on the course, keep your opinions to yourself, do not argue or debate with anyone, do not preach about Islam and make Salah in secret. You are going there to train for Jihad, not call people to Islam.

The posting advised individuals to respect the laws of their country and "[l]earn the most according to your circumstances and leave the rest to when you actually go to Jihad." It also

stated that since Jihad is spent coping with harsh environments, individuals should obtain survival and outdoors training. The posting stressed it is "vital" to join martial arts clubs that emphasize street fighting and self-defense skills, and clubs that teach sword and knife fighting. Finally, it suggested that individuals read up on certain topics, including sniper training, mine/counter mine operations, mortars, and combat skills for soldiers.

21. In late 2000, both www.azzam.com and www.qoqaz.net reported what was claimed to be an "imminent" threat of a gas attack. Also posted was an "Urgent Appeal For Help" for the Taliban, with explicit requests for individuals to send "large quantities of gas masks (in tens of thousands) and NBC warfare suits to the Taliban via the Taliban Embassies in Pakistan," as well as "wealthy Muslim businessmen, companies, mosques, communities, and organizations to arrange a constant supply of cash [to the Taliban]."

22. Throughout 2001, these web site provided explicit instructions on how to raise, transport, and personally deliver over \$20,000 in United States currency to the Taliban Consul-General in Karachi, Pakistan: Mullah Rahmatullah Kakayzada Khybanay Shamsheer. Both sites advised that fund-raising appeals should be held "in the name of the People of Afghanistan rather than the Taliban, since enemies of Islam will try to prevent fund-raising for the Taliban in the future." The web site directed donors to convert funds into U.S. dollars and deposit them with two or three "wealthy, trustworthy and respected members of the community or organization." The web site further instructed that when the amount reaches \$20,000, members of the donor organization or community should travel to Pakistan with the cash and a protective escort.

23. The web site also recommended that the delegation carry an official letter on the letterhead of the organization or centre "giving the full names of the members of the delegation,"

stating that the donation was "for the suffering people of Afghanistan." This clearly was an attempt to circumvent the then-existing embargo on donations to the Taliban. The web site also posted a form letter, explicitly written for use by United States organizations and residents to be produced upon request to government authorities. The posted form letter read as follows:

We would like to introduce our official delegation from the Islamic Centre of South Arlington who are carrying monetary assistance for the suffering people of Afghanistan. The members of this delegation are listed below:

1. Abdullah Muhammad Saeed, American passport Holder
2. Ishaq Mansoor Al-Katib, American passport holder
3. Muhammad Abdur-Rasheed, Canadian Passport Holder

They are carrying a quantity of cash donations which have been collected by the Muslim community of South Arlington and are to help the suffering people of Afghanistan. We request all those to whom it may concern to allow the bearers of this letter to pass freely without let or hindrance and to provide them such assistance or protections as may be necessary.

* * *

Signed,

Chairman of the Islamic Centre of South Arlington, USA

The sites warned donors not to hand the funds to any official:

UNDER NO CIRCUMSTANCES MUST ANY OF THE MONEY HANDED OVER TO ANY OFFICIAL OF ANY AIRPORT OR COUNTRY IN THE WORLD, EVEN FOR A FEW SECONDS. IF THERE IS A MAJOR PROBLEM, SAY THAT YOU WILL RETURN BACK TO YOUR COUNTRY WITH THE MONEY BUT THAT YOU WILL NOT HAND OVER THE MONEY TO ANYONE UNDER ANY CIRCUMSTANCES, EXCEPT ITS INTENDED RECIPIENTS. IF THEY OFFER TO KEEP THE MONEY SAFELY FOR YOU UNTIL YOU DEPART, REFUSE AND INSIST TO STAY WITH THE MONEY, EVEN IF IT MEANS STAYING IN THE AIRPORT UNTIL THE NEXT FLIGHT.

Once safely in Pakistan, donors were instructed to hand money to the Taliban Consul-General, Mullah Rahmatullah Kakayzada Khybanay Shamsheer, and to no one else.

24. This same fund raising solicitation and instructions were also posted by a specific individual who resided in the United States and who served as a U.S. based administrator for www.qoqaz.net, the mirror site of Azzam.com, as well as for Azzam Publications sites generally in late 2001. This individual is listed in administrative documents recovered from the Azzam Publications administrative email accounts (discussed below) as the Azzam Publications United States mirror site contact.⁷ During 2001 that person posted the same solicitation and instruction on another United States-based website, www.minna.com, which this individual also operated. Further, a search of this person's residence in New Jersey resulted in the recovery of contact numbers for Azzam Publications in hardcopy and electronic form. Therefore, it is evident that Ahmad worked in concert with this individual to maintain the continued operation of the Azzam sites, through the use of mirror sites, when the administrators of Azzam sites shut the Azzam.com site down after 9/11. I believe that this U.S. individual's participation in the effort to continue the existence of the Azzam web site content in another form through the use of mirror sites demonstrates that a concerted effort existed between the administrators of Azzam, including Ahmed, and individuals in the US and others to further the goals of Azzam, that is, to solicit funds for blocked organizations, namely the Taliban and Chechen Mujahideen, in an effort to support their goals.

25. In addition to the specific fund-raising instructions set forth above, throughout 2000 and 2001, the Azzam Publications web site also instructed that individuals use the hawala system

⁷A mirror is a Web site or set of files on a computer server that has been copied to another so that the site or files are available from more than one place. A mirror site is an exact replica of the original site and is usually updated frequently to ensure that it reflects the content of the original site. Mirror sites can be used to allow access when the original site is no longer operable.

-- a record-less financial transaction system -- to transfer funds to Pakistan and the Taliban to avoid interception of the funds.

26. The investigation has revealed that in fact specific individuals in the United States conspired and arranged with Babar AHMAD and Azzam Publications to make contributions to mujahideen. An email from an individual in New Jersey recovered during the investigation reveals that the individual made a cash contribution on or about June 25, 2000 to Azzam. The email was sent to qoqaznet@yahoo.co.uk and stated:

"Yes, I would like to donate to Azzam Publications and to the brothers who are fighting (a reference from a previous email by this individual to the Mujahideen in Bosnia and Taliban in Afghanistan). Insha'Allah, you can forward my donation to them and keep a portion for Azzam. Insha'Allah, I will be able to send \$100 right away and more later."

27. Many of the Azzam Publications web site postings and email responses to inquiries from 2000 to 2002 disclaimed ability to accept donations of funds or assistance. However, several emails I reviewed revealed that, consistent with Azzam Publications' stated purpose and the instructions outlined above, AHMAD used and operated these email accounts (including specifically qoqaz@azzam.com and azzampublications@yahoo.com) to coordinate the transfer of funds and equipment to Chechen mujahideen groups and the Taliban. For example, in November 2000, an email was sent from an individual to Azzam Publications, stating in part:

On your site there is an article about JOINT U.S./RUSSIAN CHEMICAL
ATTACK ON AFGHANISTAN IMMINENT Appeal for donations to the Taliban
Government Appeal for gas masks I would like to donate where do I start. Or
where do I send a shipment of gas masks to?

Instead of disclaiming ability to direct or assist the donor, a response from an Azzam Publications administrative email account stated, "Instructions later this weekend." This reply

was sent from the azzampublicatons@yahoo.com, which is referenced in the pagefile.sys file of a hard drive recovered from AHMAD's office at Imperial College, London.

28. In another instance, Azzam Publications vetted for a Chechen mujahideen leader an individual seeking in March 2001 to return from the United States to Chechnya with hand warmers for the Chechen mujahideen. This person wrote to Azzam, as follows:

Assalam alleikum, dear brothers,

Jazaka Allahu khair for helping your sisters and brothers in Chechnya who have fighting fee sabeelillahi. For a long time your site has been one of the information sites for me to learn about the events under at home in Chechnya. But I am writing to clarify some confusion which has arisen around my name. My name is [Name Redacted]. I have come to USA about three months ago to get some bodywarmers to keep the brothers warm throughout the winter as losses last winter were high in the mountain due to extreme cold. Now that the winter is over I have been trying with almost no success to organize some fund raising for the brothers in Chechnya as I have been authorised to do so by brother S.B. in Chechnya whom I have known for a long time. The confusion has arisen when some people told me that they asked your site about me and you informed them that I am not a representatives of the brothers in Chechnya. I think you have said and done things out of the best inclinations. There are many crooks out there who decry Sharia in public and then go around the masjids to ask for money. People who have been trying to make fortune on the blood of the Muslims of Chechnya. I am very upset that I may be considered one of such because of misinformation from your end. But this confusion stems from your lack of knowledge. I ask you as brothers to get in touch with brother Sh. B and ask him about me - brother [Name Redacted] from the village of [Name Redacted]. I know you stay in touch with brother H. who does not know me although I met a few times in Chechnya and Daghestan. I am notgoing to write you my biography here as the site and email is monitored. But I urge you, brothers, to check up my files through S.B. or brother Abdullah (a Chechen brother, Shura rep in the world, H.stays in touch with him too) or S.B. representative in Turkey Sharia. This is my second trip in USA in one year. If you have any difficulties contacting these people I can help you with that too.

I am looking forward to your response.

Salam Alleikum.

After vetting this individual with Chechen mujahideen leader Shamil Bassayev, Azzam Publications responded on August 22, 2001, through an administrative email account:

Dear Brother,

Assalamu-alaikum.

Via trusted contacts, we did make contact with Shamil Basayev himself, mentioned all your names and details to him and even showed your photographs to him, but he said that he did not know you. That is what we based our information on.

Wassalam

As with the earlier gas mask and funds communications, this March 2001 inquiry regarding a return to Chechnya and handwarmers was sent to qoqaz@azzam.com. Email from this same account, dated in late July 2001 was found on a floppy disk with AHMAD's belongings in a room he used in his parents house in Tooting, London.

29. I have also reviewed the email address books for the Azzam Publications administrative accounts. These address books for these accounts allow an account user to call up saved email addresses and send emails to those saved addresses. The Yahoo administrative accounts contain an email from one of the email accounts listed on one of the Azzam Publications administrative account address books. This email seeks assistance from Azzam Publications in sending money to Chechen mujahideen leaders Shamil Basayev and Ibn Khattab. The email account that sent the request was traced to a residence in Connecticut, and records of the Benevolence International Foundation ("BIF") reveal that the individual who sent the email had made over \$10,000 in donations to BIF, including a \$5000 donation for "Chechnya Hand Warmers." This communication was sent to the same qoqaz@azzam.com email account and was

stored in the same administrative account, azzampublications@yahoo.com and the previous email communications, both of which were controlled and accessed by AHMAD.

30. Starting in or before November 2001 and continuing until at least March 23, 2002, www.azzam.com included information instructing on who could be selected to travel to Afghanistan. The website stated that, because of travel restrictions, only Pakistanis could obtain papers to travel to Pakistan without difficulty. The website explained that only Pakistani nationals living in the United States, Canada, the United Kingdom, and other countries could obtain a visa to travel to Pakistan, through which they could enter Afghanistan. The posting urged Pakistanis to "either resign from your job and take a year out or request unpaid leave from your employer." The website instructed individuals applying for a visa to provide a false reason for travel (e.g. "To visit relatives, give their names and addresses if required on the form," id.), to write a nominal period for the duration of the visit ("two months, one month, six weeks, etc."), and

to pay attention to your physical appearance and have any answers to what the staff may ask you. Remember that the Pakistani Government is NOT on the side of the Muslims and they will not be sympathetic to your desires to go and fight in Afghanistan.

The site directed readers to "try to avoid mentioning your plans to other people, including your family, if you suspect they are careless with their tongues."

British Law Enforcement Searches

31. The investigation has revealed that BABAR AHMAD participated in the efforts outlined on the web pages, and maintained and operated these sites to further the goals of the Taliban and Chechen mujahideen. AHMAD's participation is confirmed through evidence

seized by British law enforcement authorities from locations known to be used by AHMAD, including AHMAD's parents' house, which AHMAD used as a personal residence as recently as 2001, and AHMAD's locked office, Room 419 of the "Hut," at the Imperial College Visualization Center. The seized evidence confirms that AHMAD operated and maintained the Azzam Publications websites.

Information from Ahmad's Office

32. I have reviewed data on a hard drive recovered from a cabinet in AHMAD's office. Data from this hard drive includes numerous items indicating that the hard drive was used by AHMAD to maintain and operate www.azzam.com and www.qoqaz.net.

33. For example, the hard drive includes a database detailing customer orders sold on www.azzam.com for jihad-related tapes, Compact Disks (CDs), and videos. Also found was the deleted correspondence to an ISP, referenced above in paragraph 13, written in the names of "Dr. D. Karim and Ms. Lara Palsemo," the aliases used as administrative points contact for the www.azzam.com and www.qoqaz.net sites, respectively. The hard drive also contained shortcut links referencing the directories and files regarding the administration of the Azzam Publications websites and documents discussing Azzam Publications operations.

34. The hard drive included a directory that was deleted in October 2001 shortly after the September 11, 2001 attacks on the World Trade Center, named "ABCDEFGH.JKL." I know from my training and experience that individuals who use computers to conduct criminal activity often deliberately disguise files by creating and using unconventional directory and file names and file extensions, such as this one. Recovered from this directory were over 500 deleted files that had been posted as web pages on www.azzam.com and www.qoqaz.net, including postings

referenced above in paragraphs 21 to 24 of this affidavit. For example, among these files is a document, named talibanhelp.htm, which contained instructions on how to transport cash to the Taliban during 2000-2001.

35. Also recovered from the same hard drive directory was a folder labeled "anonftp." I know from training and experience that "anonftp" refers to an anonymous file transfer protocol an application which is used to download and upload data files across the Internet to and from another computer system without user names or passwords. Within this recovered folder, I found a deleted file labeled ".banner" that originally included the text "Welcome to azzam.com." This indicates that the file transfer protocol application was used to upload the Azzam banner from AHMAD's computer.

36. This data reveals that the hard drive found in AHMAD's locked office was used to conduct the scope of Azzam Publications operations and to maintain the parts of the www.azzam.com and www.qoqaz.net websites that instructed individuals on how to aid the Taliban and Chechen mujahideen.

37. Several other pieces of data recovered from the same hard drive confirm that this hard drive was used by AHMAD contemporaneously with his operation of the Azzam Publications activities and websites. For example, the hard drive includes two November 21, 2001 letters written by AHMAD to Barclays Bank concerning accounts he maintained for his companies Optica and Psychro. The hard drive also includes an August 2001 letter from AHMAD to the UK ISP Netscalibur, asking the ISP to close his account with the ISP. This letter uses AHMAD's personal address at 42a Fountain Road.

38. A second hard drive recovered from AHMAD's office contains a reference to a

deleted folder that had been entitled "Azzam Publications folder" and data references to Microsoft Exchange Settings (an email application) and to email files for three non-public, Azzam Publications administrative email accounts. These non-public accounts – to which email sent to Azzam Publications website email addresses were automatically forwarded – were used as a correspondence filing system for Azzam Publications. They contained correspondence concerning the shipment of equipment and funds to the Taliban and Chechen mujahideen, the vetting of personnel seeking to supply the Chechen mujahideen, and the operation and maintenance of the Azzam Publications websites. This second hard drive also contained files relating to the operation of the www.azzam.com website, including images of the Azzam Publication logo and jihad-related titles sold on the website. Finally, the hard drive contains references to the directory "My documents\Babar." Collectively, these files indicate that this second hard drive was also used by BABAR AHMAD to operate and maintain www.azzam.com, and to access email files for the Azzam Publications non-public administrative accounts.

39. Recovered from a floppy disk found in AHMED's office were two deleted letters referencing ISPs payments from "Dr. Karim," one of which is referenced above in paragraph 11. The floppy disk also contained an encryption key, "AZPpublic.asc." Based upon my training and experience I know that such keys are often used to encrypt data to evade law enforcement and/or intelligence authorities. The location and nature of these documents further confirm that AHMAD maintained and operated the Azzam sites using this floppy disk.

40. Also recovered from AHMAD's office was a floppy disk containing a document entitled "Dec1ft.txt," dated December 1, 2001. Among other things, this document contains instructions on how to obtain and send encrypted messages. It also discusses transporting night-

vision goggles into Pakistan, as follows:

3. Find out if there is any secure way to receive things like night-vision goggles into Pak. These things are available, but there is no safe way to send them to Pak at the moment. We want to air freight them and need an address etc. Can you get that?

Based on my training and experience, I know that in late 2001 and early 2002 Pakistan was used as an interim destination for smuggling material and individuals into Afghanistan to benefit the Taliban.

41. Appended to this December 1, 2001, message is a December 2, 2001, message discussing plans and actions to be taken to support Taliban military efforts, including a website to be maintained from Afghanistan. From my investigation, I know that in approximately mid-2002, a mirror site for Azzam Publications, www.waaqiah.com, was in fact established and that persons connecting to www.azzam.com and www.qoqaz.net were instantly redirected through ZoneEdit to www.waaqiah.com. This new site contained many of the Azzam Publications postings, including instructions on how to deal, and avoid cooperating with, British law enforcement. This December 2, 2001 message uses coded references for Afghanistan ("Aberdeen") and the Taliban⁸ (the "students").

42. The December 2, 2001, message also outlines several questions and answers about the condition and needs of the Taliban and foreign mujahideen ("Arabs") fighting United States forces. Regarding the general state of hostilities, it provides details on the location of Taliban, mujahideen forces, and their commanders, noting that the "students" have control of "9 provinces" and that "Students are planning a BIG operation after few days . . ." The message

⁸ I understand that "Taliban" is a Pashtun word that, roughly translated, refers to religious students.

further states:

Q- b) Routes in and out, how easy or difficult, who can go, what about coming out, what are the risks, how risky, can someone pay their way in or out?

A- For our bros, there are 100% routes, they can easily reach Shameem Alam's people except blackies.

However, it is not advised for anyone to go on his own. Suppose, even if he has entered Aberdeen, he would not be knowing whether he would be welcomed by Student, or an American dog!

If one os [sic] going with some expert (who know the ways), there wont be any risks LA. However, this should be kept in mind that Aberdeen is at war, so there must be some risks always (bombs, encounters with the enemy).

* * *

Q- d) Do they need people, what sort of people do they need, do they need doctors?

A- Yeah, they do need doctors, and our doctor can directly reach to Shameem's people. Fighters, are always welcomed, though I haven't asked them specifically for fighters.

Q- e) What equipment do they need? Is there a route for equipment such as tents, torches, night vision? What is the route and what are the risks on this route?

A- Night visions are VERY important, as Students and Arabs, both are concentrating on the special covert operations.

* * *

Q- g) What about sending money, do they need it, how can it be sent?

A- Send it to Pakistan, and we will send it through Abdullaah (cousin of Kashif bhai)

* * *

Q- j) What about routes from Iran, are there any? Is it safe?

A- Couldn't be able to ask, will tell you soon.

Information Obtained from 42a Fountain Road, Tooting, London

43. In December 2003, British law enforcement officials searched Ahmad's parent's house, at 42a Fountain Road, Tooting, London, which AHMAD used as a personal residence as recently as 2001. In one bedroom, officials found a significant amount of records, documents, files and data referring to or concerning AHMAD and his companies Optica and Psychro. A compact disk recovered from the bedroom included AHMAD's resume, files concerning his involvement in Optica and Psychro, a document concerning the existence of an account for Psychro at the ISP AllWebCo (which hosted www.azzam.com), a document describing a design for the Azzam Publications logo, and a "to do" list for obtaining material for a video of jihad, the properties of the "to do" list indicate that it was authored and saved by "BA," AHMAD's initials. Another CD recovered from the bedroom contained audio tracts in Urdu, Arabic and partial English praising Usama Bin Laden.

44. Also recovered from a single shelf in this bedroom was a British Airways Executive Club card in the name of "B AHMAD" and floppy disk that contained a password protected document file reflecting a "last modified" date of April 12, 2001. This file discusses a U.S. Navy battle group, each of its member ships (including the U.S.S. Benfold), the specifications and assignments of each ship, the battle group's planned movements, and a drawing of the group's formation when it was to pass through the Straits of Hormuz. The document specifically notes that the battle group was tasked with enforcing sanctions against Iraq and conducting operations against Afghanistan and Al Qaida. Navy officials have confirmed the battle group composition,

the dates and location of the movements of this battle group in the documents are accurate and were classified at the time this document appears to have been written. The document states that the battle group was scheduled to pass through the Straits on April 29, 2001 at night, under a communications blackout, and explicitly describes the group's vulnerability to a terrorist attack:

Weakness:

They have nothing to stop a small craft with RPG etc, except their Seals' stinger missiles.

Deploy ops in Gulf 29 April - 04 October.

29th APRIL is more likely the day through the Straits. For the whole of March is tax free - a moral booster. Many sailors do not like the Gulf.

Please destroy message.

(emphasis in original). Also recovered from the same floppy disk were several deleted password protected documents discussing the operation and content of www.azzam.com and www.qoqaz.net. This information included September 2001 postings on www.azzam.com regarding Taliban rulings for, and destruction of, the Bamiyan Buddas; and emails sent in July and August 2001 to and from the website contact email address, azzam@azzam.com, and one of the Azzam Publications administrative email addresses.

Azzam's Administrative Email Accounts

45. Azzam Publications maintained several non-public administrative email accounts through the ISP Yahoo. An examination of these accounts reveals that email sent to the contact email accounts posted on the Azzam Publications web site (e.g. "azzam@azzam.com") were forwarded to these administrative email accounts. As described above, recovered from electronic storage media in AHMAD's locked office was a reference to a deleted "Azzam Publications

folder," which included data indicating that AHMAD used and maintained Azzam's administrative email accounts. I have recovered from these non-public accounts emails showing that these accounts were used to provide and coordinate material support for the Taliban and Chechen mujahideen and to collect information on the United States naval activity and communicate with military personnel on the same ships identified in Paragraph 41, above.

46. Several of the email exchanges between late 2000 through 2001 are with an individual who described himself as an enlistee in the United States Navy on active duty in the middle east; the email header information indicates that the individual was communicating from the USS Benfold at the time. One of the emails, sent in July 2001, describes the reaction of officers and other enlistees to a briefing given on the ship. The email indicates that the briefing was provided to help Naval personnel protect against terrorist attacks similar to the March 2001 attack on the U.S.S. Cole. Voicing enmity towards the "American enemies" and strong support for the "Mujahideen Feesabilillah," the email praises those who attacked the U.S.S. Cole and "the men who have brought honor this week to the ummah in the lands of Jihad Afghanistan, Bosnia, Chechnya, etc." The response sent from the Azzam Publications email account praised the enlistee's comments and encouraged the enlistee to "Keep up with the Dawah and the psychological warfare [sic]." I understand that the term "dawah" is an Islamic term that means missionary work for Islam.

47. The Azzam Publications reply email in the previous paragraph was sent on July 19, 2001 from the email address azzampublications@yahoo.com to the enlistee and also to qoqaz@azzam.com. Evidence recovered from AHMAD's possessions demonstrate that AHMAD accessed and used this email account during the period the enlistee communicated with Azzam

Publications about his ship. A July 24, 2001 email addressed to the same qoqaz@azzam.com email account was recovered from the same floppy disk that held the file "letter.doc" which described the U.S. Navy battlegroup, which had been recovered from AHMAD's effects at 42a Fountain Road. The emails to Azzam Publications that discussed sending gas masks and funds to the Taliban and funds to Chechen mujahedin leaders, and requested assistance in reaching Chechen mujahedin leader Busayev were also sent to qoqaz@azzam.com and stored in the same Azzam Publications administrative email account.

The Law: Relevant Statutes and Regulations

48. **Money laundering.** I am aware that under 18 U.S.C. §1956(h) it is a federal felony offense to conspire to transport, transmit, or transfer, or to attempt to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States with the intent to promote the carrying on of specified unlawful activity.⁹

49. **Conspiracy to Kill or Injure Persons or Damage Property in Foreign Country.** I am aware that under 18 U.S.C. §956 it is illegal for an individual within the jurisdiction of the United States to conspire with one or more person to commit at any place outside the United States an act that constitutes murder, kidnapping or maiming or to damage or destroy property within a foreign country and belonging to a foreign government which is at peace with the united States, or any transportation, public or religious facility or property.

⁹ "Specified unlawful activity" includes any act or acts constituting violations of 18 U.S.C. §§ 956 (Conspiracy to kill or injure persons in a foreign country), 2339A (Material Support to Terrorists), or an offense against a foreign nation involving murder, kidnaping, robbery, extortion or destruction of property by means of explosive or fire.

50. Material Support of Terrorism. I am aware that under 18 U.S.C. §2339A it is a federal felony to provide material support or resources, or to conceal the nature, location, source or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, among other offenses, a violation of 18 U.S.C. §956 (conspiracy to kill, maim or damage property in a foreign country). I know that "material support or resources" means, among other things, expert advice or assistance, currency or other financial services, lodging, training, safe houses, false documentation and identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

51. International Emergency Economic Powers Act. 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 or equipment to the Taliban. I know that the willful violations and conspiracies to commit violations of these regulations constitute violations of federal criminal law under 50 U.S.C. §1705.

52. On June 30, 2000, the national emergency with respect to the Taliban was continued and Executive Order 13129 remained in force. One year later, in 2001, the national emergency was again continued, pursuant to a finding by President 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." As a result, Executive Order 13129 remains in force.

53. I am aware that 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. I am aware that Shamil Basayev has been a leader of Chechen mujahideen and was 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.

54. 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 RSRBCM as a blocked person 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 to i(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 RSRBCM 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 RSRBCM and Basayev. I know that the willful violations and conspiracies to commit willful violations of these regulations constitute a felony violations of federal criminal law under 50 U.S.C. §1705.

55. **Conspiracy.** I am aware that under federal law it is a separate criminal offense to conspire to violate federal law, in that it is unlawful for two or more persons to knowingly join together for the purpose of violating a federal law where any member of the conspiracy has committed an act to further an objective of the conspiracy.

56. **Solicitation.** I am aware that under 18 U.S.C. § 373 it is illegal for a person willfully to solicit, command, induce, or otherwise endeavor to persuade another person to engage in conduct constituting a felony that has as an element the use, attempted use, or threatened use of physical force against property or against the person of another in violation of the laws of the United States.

57. **Aiding, Abetting, Causing or Counseling.** I am aware that under 18 U.S.C. §2 it is illegal for a person to aid, abet, counsel, command, induce or procure the commission of a federal offense, or causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

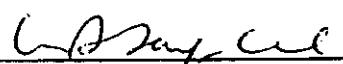
Conclusion

58. Based upon the information contained in this affidavit, there is probable cause to believe that BABAR AHMAD and others have violated violations of Title 18, United States Code, 18, United States Code, §§ 2 (aiding, abetting and causing the listed offenses), 371 (conspiracy), 373 (solicitation), 1956(h) (money laundering conspiracy), 2339A (providing material support to terrorists), and 956 (conspiracy to kill or injure persons in a foreign country); and 50 U.S.C. §§ 1701, 1702, and 1705(b), Executive Order 13129, and 31 C.F.R. Parts 545 et seq. (Conspiracy to violate the International Emergency Economic Powers Act ("IEEPA"))



Craig Bowling
Special Agent
Department of Homeland Security

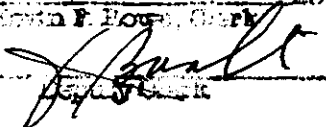
Subscribed and sworn to before me this 28th day of July 2004, at Bridgeport, Connecticut.



WILLIAM I. GARFINKEL
UNITED STATES MAGISTRATE JUDGE

United States District Court
District of Connecticut
FILED AT BRIDGEPORT

7-28 2004

Cynthia F. Howe, Clerk
By  _____
Cynthia F. Howe