

FILED 02 OCT 03 12:19 USDC-ORP

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNDER SEAL

UNITED STATES OF AMERICA)

No. CR 02- 399 HA

v.)

INDICTMENT

Conspiracy to Levy War Against
the United States (18 U.S.C. § 2384)
(Count 1)

JEFFREY LEON BATTLE,
aka "Ahmad Ali,"
aka "Abu Isa,"

Conspiracy to Provide Material
Support & Resources to Al-Qaida
(18 U.S.C. § 2339B) (Count 2)

PATRICE LUMUMBA FORD,
aka "Lumumba,"

Conspiracy to Contribute Services to
Al-Qaida and the Taliban (50 U.S.C.
§ 1705(b); 31 C.F.R. §§ 545.204,
545.206(b), 595.204, 595.205) (Count 3)

AHMED IBRAHIM BILAL,
MUHAMMAD IBRAHIM BILAL,
HABIS ABDULLA AL SAOUB,
aka "Abu Tarek,"

Possessing Firearms in Furtherance of
Crimes of Violence (18 U.S.C.
§ 924(c)(1)(A)(iii)) (Count 4)

OCTOBER MARTINIQUE LEWIS,
aka "Khadijah,"

Defendants.)

UNDER SEAL

THE GRAND JURY CHARGES:

Introductory Allegations

Al-Qaida and Usama bin Laden

1. At all relevant times in this Indictment, Al-Qaida was an international terrorist group dedicated to opposing non-Islamic governments with force and violence. 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. In addition, at all times material to this Indictment, the making or receiving of any contribution of funds, goods or services to Al-Qaida by United States persons was prohibited pursuant to Presidential Orders and regulations issued under the International Emergency Economic Powers Act.

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.

National Emergency and Executive Order 13129

3. 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.

4. 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."

Terrorist Acts of September 11, 2001

5. On September 11, 2001, in a coordinated attack against the United States, Islamic extremists affiliated with Al-Qaida hijacked four commercial airplanes. They flew two of the planes into the World Trade Center towers in Manhattan, and one into the Pentagon in Virginia. The fourth plane crashed in Pennsylvania. Thousands of victims were killed or injured, and there was enormous destruction of property.

The United States' Military Response

6. In response to the September 11, 2001, attacks, President George W. Bush declared a national emergency. After the Taliban refused repeated demands by the United States to turn over bin Laden, on or about October 7, 2001, the United States and allied forces began bombing targets in Afghanistan in an effort to root out bin Laden and Al-Qaida elements. Beginning also after September 11, 2001, United States armed forces and other allied personnel entered the conflict. On July 2, 2002, after the defeat of the Taliban and the establishment of an

interim government in Afghanistan, President George W. Bush terminated the restrictions prohibiting United States persons from providing services generally to the territory of Afghanistan and reclassified the Taliban as a specially designated terrorist to which United States persons are prohibited from making or receiving any contribution of funds, goods, or services.

COUNT 1

(Conspiracy to Levy War Against the United States)

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 6 (the Introductory Allegations) of this Indictment.
2. From a date unknown to the Grand Jury but not later than the Summer of 2001, and continuing to the date of this Indictment, in the District of Oregon and elsewhere subject to the jurisdiction of the United States, defendants **JEFFREY LEON BATTLE**, aka "Ahmad Ali" and "Abu Isa," **PATRICE LUMUMBA FORD**, aka "Lumumba," **MUHAMMAD IBRAHIM BILAL**, **AHMED IBRAHIM BILAL**, **HABIS ABDULLA AL SAOUB**, aka "Abu Tarek," and **OCTOBER MARTINIQUE LEWIS**, aka "Khadijah," did knowingly conspire with each other and with persons known and unknown to the Grand Jury, to levy war against the Government of the United States and oppose by force the authority thereof, all in violation of Title 18, United States Code, Section 2384.

Manner and Means

3. It was a part of the conspiracy that members would travel to the territory of Afghanistan controlled by the Taliban to provide material support by joining forces, including those associated with Al-Qaida, in fighting in the jihad and taking up arms against the United

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States and its allied military personnel serving in Afghanistan after the September 11, 2001 attacks.

4. It was a part of the conspiracy that members would travel to Afghanistan via China, gain entry from there into Pakistan and then into the territory of Afghanistan controlled by the Taliban, to join forces, including those associated with Al-Qaida, engaged in battle against the United States and its allies.

5. It was part of the conspiracy that members would and did engage in physical training and firearms training prior to their travel to Afghanistan to join forces, including those associated with Al-Qaida, engaged in battle against the United States and its allies.

6. It was part of the conspiracy that members would and did receive financial support from others and from one another to fund their international travel to join forces, including those associated with Al-Qaida, engaged in battle against the United States and its allies.

7. It was part of the conspiracy that members of the conspiracy would and did send money via Western Union to other members of the conspiracy while in China (including Hong Kong), Bangladesh and Indonesia, and attempting to enter Afghanistan to take up arms against the United States and its allies.

8. It was part of the conspiracy that members would and did communicate with one another by electronic mail to keep other members apprized of the activities of members of the conspiracy and their progress in gaining entry into Afghanistan to take up arms against the United States and its allies.

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9. It was part of the conspiracy that members would and did attempt to conceal the true nature, the source of financing and the intent of their international travel to avoid detection by law enforcement.

10. It was a part of the conspiracy that members would and did attempt to recruit others to join in the conspiracy and otherwise support it.

Overt Acts

In furtherance of the conspiracy and to effect the illegal objects thereof, the defendants and their cococonspirators performed overt acts, in the District of Oregon and elsewhere, including but not limited to the following:

11. In or about the summer of 2001, in the District of Oregon, defendants PATRICE LUMUMBA FORD (hereafter "FORD"), MUHAMMAD IBRAHIM BILAL (hereafter "M. BILAL"), and AHMED IBRAHIM BILAL (hereafter "A. BILAL"), engaged in physical training to prepare to fight a jihad.

12. On or about September 14, 2001, in the District of Oregon, defendant FORD purchased a 12 gauge Remington 870 shotgun to use in weapons training while preparing to assist military forces in the territory of Afghanistan controlled by the Taliban, including those associated with Al-Qaida.

13. On or about September 29, 2001, in Washougal, Washington, defendants JEFFREY LEON BATTLE (hereafter "BATTLE"), FORD, A. BILAL, HABIS ABDULLA AL SAOUB (hereafter "AL SAOUB"), unindicted co-conspirator Khaled Ali Steitiye and others known to the grand jury, shot various firearms including: a 12 gauge Remington 870 shotgun, a 30:06 rifle with scope, a Chinese SKS 7.62 assault rifle, a Kel-Tec 9mm semiautomatic pistol,

and a Makarov 9mm semiautomatic pistol, all of which were used by members of the conspiracy to engage in weapons training to prepare the conspirators to assist the forces in the territory of Afghanistan controlled by the Taliban, including those associated with Al-Qaida, against the United States and its allies.

14. On or about October 10, 2001, in the District of Oregon, defendant BATTLE purchased an airline ticket to Hong Kong for \$647.70 in United States currency, to begin his travel to assist the forces in the territory of Afghanistan controlled by the Taliban, including Al-Qaida, in fighting against the United States and its allies.

15. On or about October 12, 2001, in the District of Oregon, defendant AL SAOUB purchased an airline ticket to Hong Kong for \$673.21 in United States currency, to begin his travel to assist the forces in the territory of Afghanistan controlled by the Taliban, including Al-Qaida, in fighting against the United States and its allies.

16. On or about October 16, 2001, in the District of Oregon, defendants FORD, A. BILAL and M. BILAL each purchased an airline ticket to Hong Kong for \$670.46 in United States currency, to begin their travel to assist the forces in the territory of Afghanistan controlled by the Taliban, including Al-Qaida, in fighting against the United States and its allies.

17. On or about October 17, 2001, in the District of Oregon, in preparation for leaving the country to travel to Afghanistan to fight for Al-Qaida and the Taliban against the United States, defendant AL SAOUB discarded personal effects, including among other things, a bag containing a canceled passport from the Hashemite Kingdom of Jordan in the name of "Habes Abdullah Falah Sau'b," and a document titled "A Martyr's Will," directed to the Mujahadeen leader Mohammad Ibin Abdallah.

18. On or about October 17, 2001, in the District of Oregon, defendants BATTLE and AL SAOUB departed the Portland International Airport en route to Afghanistan.

19. On or about October 20, 2001, in the District of Oregon, defendants FORD, M. BILAL and A. BILAL, departed the Portland International Airport en route to Afghanistan.

20. On or about October 24, 2001, in the District of Oregon, unindicted coconspirator Khaled Ali Steitiye, who had previously engaged in weapons training with defendants BATTLE, FORD, AL SAOUB, and A. BILAL, possessed a loaded Makarov 9mm handgun, a 7.62 caliber SAR-1 rifle, four 30-round ammunition magazines each containing 30 rounds of 7.62 ammunition, one .223 caliber casing, a metal ammunition can containing 703 rounds of .22 caliber ammunition, and one metal ammunition can containing 237 rounds of 7.62 ammunition, and approximately \$20,000 in cash.

21. On or about October 25, 2001, in the District of Oregon, defendant OCTOBER MARTINIQUE LEWIS (hereafter "LEWIS"), wired approximately \$100 through Western Union to defendant BATTLE in Hong Kong, knowing the money was going to be used to support his attempt to enter Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

22. On or about November 2, 2001, defendant BATTLE advised defendant LEWIS via electronic mail, that he and other members of the conspiracy had encountered difficulties in crossing the borders to accomplish their goal of entering Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

23. On or about November 9, 2001, in the District of Oregon, defendant LEWIS wired approximately \$200 through Western Union to defendant BATTLE in Beijing, knowing

the money was going to be used to support his attempt to enter Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

24. On or about November 10, 2001, in the District of Oregon, defendant LEWIS wired approximately \$300 through Western Union to defendant BATTLE in Beijing, knowing the money was going to be used to support his attempt to enter Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

25. On or about November 11, 2001, in the District of Oregon, defendant LEWIS wired approximately \$400 through Western Union to defendant BATTLE in Beijing, knowing the money was going to be used to support his attempt to enter Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

26. On or about November 12, 2001, in the District of Oregon, defendant LEWIS wired approximately \$360 through Western Union to defendant BATTLE in Beijing, knowing the money was going to be used to support his attempt to enter Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

27. On or about November 19, 2001, defendant FORD returned to the United States after his unsuccessful attempt to enter Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

28. On or about November 20, 2001, in the District of Oregon, defendant FORD wired \$500 through Western Union to defendant AL SAOUB (in name of "Habes Saoub") in Guangzhou, China, knowing the money was going to be used to support his attempt to enter Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

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29. On or about November 21, 2001, in Hong Kong, defendant A. BILAL obtained approximately \$850 wired to him from the District of Oregon by a person unknown to the grand jury.

30. On or about November 25, 2001, in Indonesia, defendant A. BILAL obtained approximately \$200 wired to him from the District of Oregon by a person unknown to the grand jury.

31. On or about November 30, 2001, defendant BATTLE advised defendant LEWIS via electronic mail, that "three of the brothers could have made it by now," referring to entering Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

32. On or about December 5, 2001, defendant LEWIS advised defendant BATTLE via electronic mail that "the US captured three [A]mericans out there trying to fight on you know who side." Defendant LEWIS further advised BATTLE that there were 2000 U.S. Marines now "out there."

33. On or about December 14, 2001, in the District of Oregon, defendant LEWIS wired approximately \$300 through Western Union to defendant BATTLE in Bangladesh, knowing the money was going to be used to support his attempt to enter Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

34. On or about December 24, 2001, defendant M. BILAL returned to the United States after his unsuccessful attempt to enter Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

35. On or about December 24, 2001, in the District of Oregon, defendant LEWIS wired approximately \$370 through Western Union to defendant BATTLE in Bangladesh,

knowing the money was going to be used to support his attempt to enter Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

36. On or about January 3, 2002, in the District of Oregon, defendant FORD wired \$483 through Western Union to defendant AL SAOUB (using the name "Habes Abdullah Salah Soub") in Guangzhou, China, knowing the money was going to be used to support his attempt to enter Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

37. On or about January 22, 2002, in the District of Oregon, defendant LEWIS, wired approximately \$100 through Western Union to defendant BATTLE in Bangladesh, knowing the money was going to be used to support his attempt to enter Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

38. On or about January 27, 2002, defendant BATTLE caused himself to be administratively discharged from the United States Army Reserve, in which he had previously enlisted in order to receive training in United States military tactics and weapons which he ultimately intended to use against the United States and in support of Al-Qaida and the Taliban.

39. On or about February 5, 2002, defendant BATTLE returned to the United States after his unsuccessful attempt to enter Afghanistan to fight for Al-Qaida and the Taliban against the United States and its allies.

40. On or about August 21, 2002, in the District of Oregon, in an effort to conceal the existence of the conspiracy, defendant M. BILAL advised a potential witness to lie to law enforcement about the source of the funds used by M. BILAL and A. BILAL to finance their earlier travel to attempt to enter Afghanistan to fight for the Taliban and Al-Qaida against the United States and its allies.

COUNT 2**(Conspiracy to Provide Material Support and Resources to Al-Qaida)**

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 6 (the Introductory Allegations) and paragraphs 3 through 40 of Count One of this Indictment.
2. From a date unknown to the Grand Jury but not later than the Summer of 2001, and continuing to the date of this Indictment, in the District of Oregon and elsewhere subject to the jurisdiction of the United States, defendants **JEFFREY LEON BATTLE**, aka "Ahmad Ali" and "Abu Isa," **PATRICE LUMUMBA FORD**, aka "Lumumba," **MUHAMMAD IBRAHIM BILAL**, **AHMED IBRAHIM BILAL**, **HABIS ABDULLA AL SAOUB**, aka "Abu Tarek," and **OCTOBER MARTINIQUE LEWIS**, aka "Khadijah," did knowingly conspire with each other and with persons known and unknown to the Grand Jury, to knowingly provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), to a designated foreign terrorist organization, namely Al-Qaida, all in violation of Title 18, United States Code, Section 2339B.

COUNT 3**(Conspiracy to Contribute Services to Al-Qaida and the Taliban)**

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 6 (the Introductory Allegations) and paragraphs 3 through 40 of Count One of this Indictment.
2. From a date unknown to the Grand Jury but not later than the Summer of 2001, and continuing to the date of this Indictment, in the District of Oregon and elsewhere, defendants **JEFFREY LEON BATTLE**, aka "Ahmad Ali" and "Abu Isa," **PATRICE LUMUMBA FORD**, aka "Lumumba," **MUHAMMAD IBRAHIM BILAL**, **AHMED IBRAHIM BILAL**,

HABIS ABDULLA AL SAOUB, aka "Abu Tarek," and **OCTOBER MARTINIQUE LEWIS**, aka "Khadijah," United States persons, did willfully violate Presidential Orders and executive regulations issued under Chapter 35 of Title 50, United States Code, in that the defendants, with others known and unknown to the Grand Jury, did conspire to willfully and unlawfully supply services to the territory of Afghanistan controlled by the Taliban, and to specially designated terrorists, to wit: Al-Qaida, and, after July 2, 2002, the Taliban, all in violation of Title 50, United States Code, Section 1705(b), Title 31, Code of Federal Regulations, Sections 545.204, 545.206(b), 595.204 and 595.205 and Exec. Order No. 13099, 63 Fed. Reg. 45167 (1998) (amending Exec. Order No. 12947, 60 Fed. Reg. 5079 (1995)), Exec. Order No. 13224, 66 Fed. Reg. 49079 (2001), Exec. Order 13129, 64 Fed. Reg. 36757 (1999), and Exec. Order 13268, 67 Fed. Reg. 44751 (2002) (amending Exec. Order 13224 and revoking Exec. Order 13129).

COUNT 4

(Possessing Firearms in Furtherance of Crimes of Violence)

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 6 (the Introductory Allegations) and Counts One, Two and Three of this Indictment.
2. On or about September 29, 2001, in the District of Oregon and the Western District of Washington, defendants **JEFFREY LEON BATTLE**, aka "Ahmad Ali" and "Abu Isa," **PATRICE LUMUMBA FORD**, aka "Lumumba," **AHMED IBRAHIM BILAL**, and **HABIS ABDULLA AL SAOUB**, aka "Abu Tarek," did knowingly possess and discharge firearms in furtherance of a crime of violence for which they may be prosecuted in a court of the United States, namely, Conspiracy to Levy War Against the United States, as charged in Count One of this Indictment, Conspiracy to Provide Material Support and Resources to Foreign

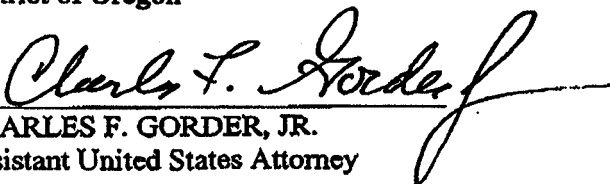
Terrorist Organizations, as charged in Count Two of this Indictment, and Conspiracy to
Contribute Services to Al-Qaida and the Taliban, as alleged in Count Three of this Indictment, all
in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii).

DATED this 3 day of October, 2002.

A TRUE BILL.


PRESIDING GRAND JUROR

MICHAEL W. MOSMAN
United States Attorney
District of Oregon


CHARLES F. GORDER, JR.
Assistant United States Attorney


PAMALA R. HOLSINGER
Assistant United States Attorney


DAVID ATKINSON
Assistant United States Attorney