

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	<u>INDICTMENT</u>
-v.-	:	02 Cr. 395
AHMED ABDEL SATTAR,	:	
a/k/a "Abu Omar,"	:	
a/k/a "Dr. Ahmed,"	:	
YASSIR AL-SIRRI,	:	
a/k/a "Abu Ammar,"	:	
LYNNE STEWART, and	:	
MOHAMMED YOUSRY,	:	
Defendants.	:	

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INTRODUCTION

The Grand Jury charges:

Background: The Islamic Group

1. At all relevant times described herein, the Islamic Group, a/k/a "Gama'a Islamiyya," a/k/a "Gama'a al-Islamiyya," a/k/a/ "IG," a/k/a "al-Gama at," a/k/a "Islamic Gama 'at," a/k/a/ "Egyptian al-Gama'at al-Islamiyya," (hereinafter, "IG") existed as an international terrorist group dedicated to opposing nations, governments; institutions, and individuals that did not share "IG's radical interpretation of Islamic law. IG considered such nations, governments, institutions and individuals as "infidels," and interpreted the concept of "jihad" (struggle) as waging opposition against infidels by whatever means necessary, including force and violence.

2. IG opposed the United States for three primary reasons. First, IG regarded the United States as in "infidel" because the United States was not governed in a manner consistent with IG's radical interpretation of Islam. Second, IG viewed the United States as providing essential support to other "infidel" governments and institutions, particularly the nation of Israel and the government of Egypt, both of which IG regarded as its enemies. Third, the United States has

taken action to thwart IG, including the arrest, conviction and continued imprisonment of IG spiritual leader Omar Ahmad Ali Abdel Rahman, a/k/a "Omar Ahmed Ali," a/k/a "Omar Abdel Al-Rahman," a/k/a "The Sheikh," a/k/a/ "Sheikh Omar" (hereinafter, "Sheikh Abdel Rahman"), a co-conspirator not named as a defendant herein.

3. IG has forged alliances with other terrorist organizations, including al Qaeda and the Egyptian Islamic Jihad for the purpose of working together against their perceived common enemies, including, in particular, the United States.

Role of Sheikh Abdel Rahman

4. From at least the early 1990s until the date of the filing of this Indictment, Sheikh Abdel Rahman has been one of the principal leaders of IG, and a high-ranking member of jihad organizations based in Egypt and elsewhere. As a result of that background, Sheikh Abdel Rahman became an "emir," or leader, of IG in the United States. While Sheikh Abdel Rahman exercised leadership, subordinates in IG carried out the details of specific jihad operations and sought to shield Sheikh Abdel Rahman from prosecution. Sheikh Abdel Rahman played a key role in both defining and articulating the goals of IG. Sheikh Abdel Rahman provided necessary guidance regarding whether particular jihad actions, including acts of terrorism, were permissible or forbidden under his extremist interpretation of Islamic law, and at times provided strategic advice concerning whether such actions would be an effective means of achieving IG's goals. Sheikh Abdel Rahman also recruited persons to IG and solicited them to commit violent jihad actions. Additionally, Sheikh Abdel Rahman served as a mediator of disputes among members/associates of IG and undertook to protect the organization from infiltration by law enforcement.

5. In October 1995, Sheikh Abdel Rahman was convicted of engaging

in a seditious conspiracy to wage a war of urban terrorism against the United States, which included the 1993 bombing of the World Trade Center and a plot to bomb New York City landmarks, including the United Nations, the FBI building in New York and the Lincoln and Holland tunnels. Sheikh Abdel Rahman was also found guilty of soliciting crimes of violence against the United States military and Egyptian President Hosni Mubarak. In January 1996, Sheikh Abdel Rahman was sentenced to life imprisonment plus 65 years. On August 16, 1000, Sheikh Abdel Rahman's conviction was affirmed by the United States Court of Appeals for the Second Circuit and, on January 10, 2000, his petition for certiorari was denied by the United States Supreme Court. Since in or about 1997, Sheikh Abdel Rahman has been incarcerated at the Federal Medical Center in Rochester, Minnesota.

6. Beginning in 1997, the Bureau of Prisons (at the direction of the Attorney General) pursuant to 28 C.F.R. 501.3, imposed Special Administrative Measures ("SAM") upon Sheikh Abdel Rahman. Among other things, the SAM limited certain of his privileges, including his access to the mail, the media, the telephone, and visitors, for the purpose of protecting "persons against the risk of death or serious bodily injury" that might otherwise result. In particular, those restrictions prohibited Sheikh Abdel Rahman "from having contact with other inmates and others . . . that could reasonably foreseeably result in the inmate communicating information (sending or receiving) that could circumvent the SAM's intent of significantly limiting the inmates' ability to communicate (send or receive) terrorist information." Moreover, the restrictions prohibited Sheikh Abdel Rahman "from passing or receiving any written or recorded communications to or from any other inmate, visitor, attorney, or anyone else" except as authorized by the SAM. In addition, the restrictions prohibited communication with any member, or representative of, the news media. More specifically, as of April 7, 1999, the restrictions provided that "[t]he inmate will not be permitted to talk

with, meet with, correspond with, or otherwise communicate with any member, or representative, of the news media, in person, by telephone, by furnishing a recorded message, through the mails, through his attorney(s), or otherwise."

7. Al counsel for Sheikh Abdel Rahman were obliged to sign an affirmation, acknowledging that they and their staff would abide fully by the SAM, before being allowed access to Sheikh Abdel Rahman. Counsel greed in these affirmations, among other things, to "only be accompanied by translators for the purpose of communicating with inmate Abdel Rahman concerning legal matters." Moreover, since at least in or about May of 1998, counsel also agreed not to "use my meetings, correspondence, or phone calls with Abdel Rahman to pass messages between third parties (including, but not limited to, the media) and Abdel Rahman."

IG Efforts to Secure Rahman's Release

8. In or about 1996, IG responded to Sheikh Abdel Rahman's life sentence by issuing a statement that warned that "[a]ll American interests will be legitimate targets for our struggle until the release of Sheikh Omar Abdel Rahman and his brothers" and that IG "swears by God to its irreversible vow to take an eye for an eye."

9. On or about November 17, 1997, six assassins methodically shot and stabbed a group of tourists visiting an archeological site in Luxor, Egypt. Fifty-eight tourists were killed along with four Egyptians, some of whom were police officers. Before making their exit, the terrorists scattered leaflets espousing their support for IG and calling for release of Sheikh Abdel Rahman. Also, the torso of one victim was slit by the terrorists and a leaflet calling for Sheikh Abdel Rahman's release was inserted. In a subsequent claim of responsibility, IG stated that the attack was designed to obtain Sheikh Abdel Rahman's release.

10. On or about September 21, 2000, an Arabic television station,

Al Jazeera, televised an interview with Usama Bin Laden (leader of the al Qaeda terrorist organization), Ayman Al-Zawahiri (former leader of the Egyptian Islamic Jihad organization and one of Bin Laden's top lieutenants), IG leader Rifa'i Taha Musa, a/k/a/ "Abu Yasser al Masri" (hereinafter, "Musa"), and Mohammed Abdel Rahman, a/k/a/ "Asadallah," who is a son of Sheikh Abdel Rahman and is closely associated with al Qaeda, during which they pledged jihad to free Sheikh Abdel Rahman from incarceration in the United States, and that included a statement by Mohammed Abdel Rahman encouraging others to "avenge your Sheikh" and "go to the spilling of blood."

11. On or about April 24, 2001, and IG representative in Egypt stated in a press conference that the Islamic world "will not accept the continuation of the insult" to Sheikh Abdel Rahman and "[w]hile the Sheikh's lawyers want to deal with his case legally, and Islamic Group leaders are displaying self-restraint, it is not ruled out that one or more of the Sheikh's followers may resort to carrying out operations against U.S. interests in the world to avenge what is happening to this revered scholar."

IG in the United States

12. From at least the early 1990s until the date of the filing of this Indictment, IG has operated in the United States, particularly in the New York City metropolitan area. As IG developed, it pursued various objectives in the United States, including the following: the establishment of the United States as a staging ground for violent actions against targets (both persons and structures) located in the United States and abroad; the recruitment and training, including paramilitary training, of new members; and fund-raising for jihad actions in the United States and abroad. A principal objective of IG was to carry out, and conspire to carry out, acts of terrorism - including bombings, murders and the taking of hostages - against various governments and government officials,

including the United States government and its officials. Since Sheikh Abdel Rahman's imprisonment, another primary objective of IG representatives in the United States has been to function as a communications hub for IG leaders, members and associates located around the world. As part of that communication network, IG in the United States has facilitated communications between IG leaders and the imprisoned Sheikh Abdel Rahman, in circumvention of the SAM designed by the Bureau of Prisons to prevent such communications, in order to continue to receive guidance and direction from Sheikh Abdel Rahman on IG activities.

The Defendants

13. Defendant AHMED ABDEL SATTAR, a/k/a/ "Abu Omar," a/k/a "Dr. Ahmed," is an active IG leader and surrogate for Sheikh Abdel Rahman. SATTAR is a vital link between the incarcerated Sheikh Abdel Rahman and the world-wide IG membership. More specifically, SATTAR, through his frequent telephonic contact with IG leaders around the world, operates from New York City as a communications center for IG. In this capacity, SATTAR provides material support and resources to IG by coordinating the communication and dissemination of information relating to IG activities. In furtherance of the goals of IG, SATTAR performs this communications role by utilizing a variety of methods, including the following: (1) relaying messages between IG leaders abroad and the imprisoned Sheikh Abdel Rahman through visits and telephone calls by Sheikh Abdel Rahman's interpreter and attorneys; (2) arranging and participating in three-way telephone calls connecting IG leaders around the world with one another to facilitate discussion and coordination of IG activities; and (3) obtaining messages and information from one IG leader and conveying such messages and information to other IG leaders and membership located in nations around the world. In addition, SATTAR provides other material support and resources to IG, including financial support.

14. Defendant YASSIR AL-SIRRI, a/k/a "Abu Ammar," until his arrest in the United Kingdom in October 2001, resided in London and was the head of the London-based Islamic Observation Center. Like SATTAR, AL-SIRRI functioned as a facilitator of communications for IG members world-wide. More specifically, AL-SIRRI was in frequent telephonic contact with SATTAR and other IG leaders regarding ongoing activities within IG, including the dissemination of IG statements on various issues. In addition, AL-SIRRI provided other material support and resources to IG, including financial support.

15. Defendant MOHAMMED YOUSRY has acted as the Arabic interpreted

for communications between the imprisoned Sheikh Abdel Rahman and his attorneys and, thus, is one of a very limited number of people who has any means of communicating directly with Sheikh Abdel Rahman. While acting in his capacity as the interpreter for communications between Sheikh Abdel Rahman and his attorneys during telephone calls and prison visits, YOUSRY has provided material support and resources to IG by covertly passing messages between IG representatives and Sheikh Abdel Rahman relating to IG's activities.

16. Defendant LYNNE STEWART was Sheikh Abdel Rahman's attorney during his 1995 criminal trial in New York and, following the conviction, has continued to act as one of his attorneys. Over the past several years, STEWART, in violation of the SAM in place to limit Sheikh Abdel Rahman's communication in jail, has facilitated and concealed communications between Sheikh Abdel Rahman and IG leaders around the world. For example, during her May 2000 visit to Sheikh Abdel Rahman at the Federal Medical Center in Rochester, Minnesota, STEWART allowed YOUSRY to read letters from SATTAR and others regarding IG matters and to conduct a discussion with Sheikh Abdel Rahman regarding whether IG should continue to comply with a cease-fire that had been supported by factions within IG since in or about 1998. Moreover, because these discussions violated SAM, STEWART took affirmative steps to conceal those discussions from prison guards. Following this meeting, STEWART announced to the media, in violation of the SAM, that Sheikh Abdel Rahman had withdrawn his support for a cease-fire.

COUNT ONE

(Conspiracy to Provide Material Support to IG)

17. The allegations in Paragraphs 1 through 16 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

18. On or about October 8, 1997, IG was designated by the Secretary of State as a foreign terrorist organization pursuant to Title 8, United States

Code, Section 1189, was redesignated as such on October 8, 1999, and was redesignated as such again on October 5, 2001. As a result, at all times material to this Indictment, IG has been designated as a "foreign terrorist organization."

19. From on or about October 1997, through the date of the filing of this Indictment, in the Southern District of New York and the filing of this Indictment, in the Southern District of New York and elsewhere, AHMED ABDEL SATTAR a/k/a "Abu Omar," a/k/a "Dr. Ahmed," YASSIR AL-SIRRI, a/k/a "Abu Ammar," LYNNE STEWART, and MOHAMMED YOUSRY, the defendants, together with others known and unknown, within the United States and subject to the jurisdiction of the United States, unlawfully, willfully, and knowingly combined, conspired, confederated and agreed together and with each other to knowingly provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b), to a foreign terrorist organization, to wit, IG.

The Means and Methods of the Conspiracy

20. Among the means and methods by which the defendants and unindicted co-conspirators, who are both known and unknown, carried out the object of the conspiracy, were the following:

a. The defendants and the unindicted co-conspirators provided communications equipment and other physical assets, including telephones, computers and telefax machines, owned, operated and possessed by themselves and others, to IG, in order to transmit, pass and disseminate messages, communications and information between and among IG leaders and members in the United States and elsewhere around the world.

b. The defendants and the unindicted co-conspirators provided personnel, including themselves, to IG, in order to assist IG leaders and members in the United States and elsewhere around the world, in communicating with each other;

c. The defendants and the unindicted co-conspirators provided currency, financial securities and financial services to IG, so that IG leaders and members could pursue and attain IG's objectives; and

d. The defendants and the unindicted co-conspirators provided transportation to IG, in order to pass and disseminate oral and written communications and information between and among IG leaders and members in the United States and elsewhere around the world.

Overt Acts

21. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

Efforts to Expand IG in the United States

a. On or about January 26, 1999, an IG leader, who is a co-conspirator not named as a defendant herein ("CC-1"), spoke with SATTAR and asked for SATTAR's assistance in expanding IG's presence in the United States.

Sheikh Abdel Rahman's March 1999 Message Regarding Cease-Fire

b. In or about March 1999, with the assistance of SATTAR, STEWART, and YOUSRY, Sheikh Abdel Rahman issued a statement from jail, directed to IG leader Musa, who is a co-conspirator not named as a defendant herein, in which Sheikh Abdel Rahman advised adherence to the cease-fire and warned "[n]o new agreement (or charter), and nothing should be done without my consultation, or without my knowledge."

Sheikh Abdel Rahman's March 1999 Message Regarding the Formation of a Political Party

c. In or about March 1999, with the assistance of SATTAR, STEWART, and YOUSRY, Sheikh Abdel Rahman issued a statement from jail to IG members rejecting a proposal that IG form a political party in Egypt.

Sheikh Abdel Rahman's September 1999 Statement Calling for End to Cease-Fire

d. In or about September 1999, with the assistance of SATTAR, YOUSRY, and others known and unknown, Sheikh Abdel Rahman issued a statement from jail calling for an end to the cease-fire in response to a raid in Cairo, Egypt by Egyptian law enforcement on or about September 8, 1999 that resulted in four IG members being killed. In this statement, Sheikh Abdel Rahman noted, "The Islamic Group committed itself to suspend military operations which were initiated by the brothers in jail, two years ago, but the Egyptian Government continued killing the innocent, and having oppressive military trials." Thus, Sheikh Abdel Rahman stated, "I call on my brothers of the Islamic Group to do a comprehensive review of the initiative, and its results" and "I also call on them to absolve themselves from it."

e. On or about September 20, 1999, during a telephone conversation with Musa, SATTAR stated that the cease-fire should be canceled if necessary to accomplish IG's goals.

f. On or about November 14, 1999, during a telephone conversation with another individual, SATTAR stated that the cease-fire was not working because it had not succeeded in obtaining the release of IG leaders in prison.
February 2000 Attempted Delivery of Message to Sheikh Abdel Rahman

g. In or about February 2000, with the assistance of SATTAR, YOUSRY, and others known and unknown, Musa attempted to have a message regarding IG activities conveyed to Sheikh Abdel Rahman during a prison visit, but the message was not delivered due to security concerns.
The June 2000 Public Statement Regarding Withdrawal of Support for Cease-Fire

h. On or about May 19, 2000, during a prison visit to Sheikh Abdel Rahman in Minnesota by STEWART and YOUSRY. YOUSRY read letters to Sheikh Abdel Rahman from SATTAR and Musa addressing, among other things, the issue of the

cease-fire, while STEWART actively concealed the conversation between YOUSRY and Sheikh Abdel Rahman from the prison guards by, among other things, making extraneous comments in English to mask the Arabic conversation between Sheikh Abdel Rahman and YOUSRY.

i. On or about May 20, 2000, the second day of the prison visit, Sheikh Abdel Rahman dictated letters to YOUSRY and issued his decision to withdraw support for the cease-fire, while STEWART actively concealed the conversation between YOUSRY and Sheikh Abdel Rahman from the prison guards.

j. In or about late May 2000, SATTAR had telephone conversations with IG leaders in which he relayed Sheikh Abdel Rahman's instructions: (1) escalate the issues in the media; (2) avoid division in the Group's leadership; and (3) hint at military escalation even if the Group is not ready for military action.

k. On or about June 14, 2000, STEWART released Sheikh Abdel Rahman's statement to the press and quoted the Sheikh as stating that he "is withdrawing his support for the cease-fire that currently exists."
Sheikh Abdel Rahman's June 2000 Clarification Regarding Cease-Fire

_____l. On or about June 19, 2000, SATTAR spoke by telephone with CC-1 regarding Sheikh Abdel Rahman's withdrawal of support for the cease-fire and the confusion the statement could create.

m. On or about June 19, 2000, one of Sheikh Abdel Rahman's sons, Mohammed Abdel Rahman, who is a co-conspirator not named as a defendant herein, spoke by telephone with SATTAR and asked SATTAR to convey to Sheikh Abdel Rahman the fierceness of the IG debate about the cease-fire and to ask Sheikh Abdel Rahman to calm the situation by supporting the "general group side."

n. On or about June 20, 2000, SATTAR spoke by telephone with Mohammed Abdel Rahman and advised him that a conference call had taken place that morning

between Sheikh Abdel Rahman had issued a new statement containing additional points which made clear, among other things, that Sheikh Abdel Rahman was not unilaterally ending the cease-fire, but rather, was withdrawing his support of it and stating that it was up to the brothers in the Group to now reconsider the issue.

October 2000 Ghost-Written Fatwah from Sheikh Abdel Rahman

o. On or about October 3, 2000, Musa called SATTAR and discussed a fatwah Musa had written under Sheikh Abdel Rahman's name regarding Muslim reaction to recent events in the Middle East, to which SATTAR had made revisions.

p. On or about October 4, 2000, SATTAR called AL-SIRRI and read to him a fatwah to be issued under sheikh Abdel Rahman's name entitled, "Fatwah Mandating the Bloodshed of Israelis Everywhere," which AL-SIRRI agreed to revise and disseminate.

q. On or about October 4, 2000, SATTAR called AL-SIRRI and called on "brother scholars everywhere in the Muslim world to do their part and issue a unanimous fatwah that urges the Muslim nation to fight the Jews and to kill them wherever they are."

r. On or about October 11, 2000, during a telephone conversation, YOUSRY told STEWART that SATTAR did not want sheikh Abdel Rahman's attorneys to deny that Sheikh Abdel Rahman had issued a fatwah urging the killing of Jews around the world.

s. On or about October 20, 2000, during an attorney telephone call from Manhattan to Sheikh Abdel Rahman, YOUSRY was told by Sheikh Abdel Rahman that he did not issue the fatwah, but did not want anyone to deny he had made it because "it is good."

Facilitation of Travel by IG Terrorist in Egypt and Discussion About Possible IG Military Action

t. In or about September and October 2000, SATTAR had several

telephone calls where he attempted to facilitate the travel in Egypt of Alaa Abdul Raziq Atia ("Atia"), an IG member wanted in connection with the 1997 Luxor terrorist attack in Egypt and was a fugitive.

u. On or about September 4, 2000, in a telephone call arranged by SATTAR, Musa told an associate of Atia ("CC-2") that IG's use of military actions was "subject to capability and nothing else."

v. On or about September 18, 2000, SATTAR arranged a telephone call between Musa and CC-2 during which, in connection with a discussion of jihad and prior military actions, CC-2 stated that Atia wanted to meet secretly with Musa "for the sake of the work."

w. On or about September 30, 2000, SATTAR arranged a telephone call between Musa and another IG leader, who is a co-conspirator not named as a defendant herein ("CC-3"), during which Musa told CC-3 that CC-3 "needed a second Luxor."

x. On or about October 5, 2000, SATTAR arranged a telephone call between Musa and CC-2 to discuss Musa's upcoming meeting with Atia, during which CC-2 acknowledged his understanding that there would be "action," but requested that it be delayed until Musa met with Atia.

y. On or about October 11, 2000, SATTAR told Musa during a telephone conversation that he had spoken with Atia and believed that Atia was eager, ready and able "to do things," and that he had to repeatedly warn Atia during their telephone call that his telephone was "not safe."

z. On or about November 2, 2000, during a telephone conversation, Musa told SATTAR that he was afraid that Atia had been killed during a raid by Egyptian law enforcement on October 19th, and noted that he had asked Atia about his "capacity" and discussed with Atia whether they would have a chance to "do something."

Disseminating of False Claim Regarding Sheikh Abdel Rahman's Prison Conditions

aa. On or about January 8, 2001, SATTAR spoke by telephone with STEWART. During this call SATTAR informed STEWART that the prison administrator where Sheikh Abdel Rahman was incarcerated had pleaded with Sheikh Abdel Rahman's wife to tell Sheikh Abdel Rahman to take his medicine. SATTAR and STEWART agreed that, although they knew that sheikh Abdel Rahman was voluntarily refusing to take insulin for his diabetes rather than being denied medical treatment at the prison, SATTAR should issue a public statement falsely claiming that the Bureau of Prisons was denying medical treatment to Sheikh Abdel Rahman. To this end, STEWART conveyed that this misrepresentation was "safe" because n one on the "outside" world would know the truth.

bb. On or about January 8, 2001, SATTAR spoke by telephone with AL-SIRRI and together they wrote a statement regarding Sheikh Abdel Rahman's prison conditions, which included, among other things, a false claim that sheikh Abdel Rahman was being denied insulin by the United States government. AL-SIRRI instructed SATTAR to send the statement to Reuters and any other news agencies he could contact.

Transfer of Money to IG members by SATTAR and AL-SIRRI

cc. In or about December 2000, SATTAR spoke with one of Sheikh Abdel Rahman's sons, Ahmed Abdel Rahman, a/k/a "Sayfallah," who is a co-conspirator not named as a defendant herein, and was in Afghanistan with al Qaeda, regarding the need for SATTAR to transfer money to him.

dd. On or about May 6, 2001, SATTAR spoke by telephone with AL-SIRRI and agreed that, because SATTAR could not send the money to Ahmed Abdel Rahman directly in Afghanistan, AL-SIRRI would arrange for an individual to transport the money to Ahmed Abdel Rahman.

ee. On or about May 8, 2001 SATTAR spoke with AL-SIRRI to finalize the money transfer to Ahmed Abdel Rahman through the director of a boys' school

in Afghanistan.

ff. On or about May 14, 2001, SATTAR spoke by telephone with Ahmed Abdel Rahman who told SATTAR that there had been some confusion and that Mohammed Abdel Rahman had received the money sent by SATTAR.

gg. On or about May 15, 2001, AL-SIRRI spoke by telephone with SATTAR to discuss a means of sending money to an IG member.

(Title 18, United States code, Section 2339B.)

COUNT TWO

(Providing Material Support to IG)

The Grand Jury further charges:

22. The allegations in Paragraphs 1 through 16, 18 and 20-21 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

23. From on or about October 8, 1997, through the date of the filing of this Indictment, in the Southern District of New York and elsewhere, AHMED ABDEL SATTAR, a/k/a/ "Abu Omar," a/k/a/ "Dr. Ahmed," YASSIR AL-SIRRI, a/k/a "Abu Ammar," LYNNE STEWART, and MOHAMMED YOUSRY, the defendants, and others known and unknown, within the United States and subject to the jurisdiction of the United States, unlawfully, willfully, and knowingly provided and attempted to provide, material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b), to a foreign terrorist organization, to wit, IG.

(Title 18, United States Code, Sections 2339B and 2.)

COUNT THREE

(Solicitation of Crimes of Violence)

The Grand Jury further charges:

24. The allegations in Paragraphs 1 through 14 of this Indictment

are realleged and incorporated by reference as though fully set forth herein.

25. From in or about the early 1990s through the date of the filing of this Indictment, in the Southern District of New York and elsewhere, AHMED ABDEL SATTAR, a/k/a/ "Abu Omar," a/k/a/ "Dr. Ahmed," and YASSIR AL-SIRRI, a/k/a "Abu Ammar," the defendants, and others known and unknown, with the intent that other persons engage in conduct constituting a felony that has as an element the use, attempted use, and 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, solicited, commanded, induced and otherwise endeavored to persuade such other persons to engage in such conduct, to wit, AHMED ABDEL SATTAR and YASSIR AL-SIRRI solicited, commanded, induced and otherwise endeavored to persuade other persons to engage in violent terrorist operations worldwide to achieve IG's objectives, in violation of Title 18, United States Code, Sections 956, 2332, and 2332b.

(Title 18, United States Code, Section 373.)

COUNT FOUR

(Conspiracy to Defraud the United States)

The Grand Jury further charges:

26. The allegations in Paragraphs 1 through 13, 15 and 16 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

27. From in or about February 1999 through the date of the filing of this Indictment, in the Southern District of New York and elsewhere, AHMED ABDEL SATTAR, a/k/a/ "Abu Omar," a/k/a "Dr. Ahmed," LYNNE STEWART and MOHAMMED YOUSRY, the defendants, unlawfully, willfully, and knowingly combined, conspired, confederated and agreed together and with each other to defraud the United States and an agency thereof, to wit, to hamper, hinder, impede, and obstruct by trickery,

deceit and dishonest means, the lawful and legitimate functions of the United States Department of Justice and its agency, the Bureau of Prisons, in the administration and enforcement of Special Administrative Measures for inmate Sheikh Abdel Rahman.

OVERT ACTS

28. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere.

a. The allegations contained in Overt Acts (b) through (n), (r) and (s), in Paragraph 20 of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

(Title 18, United States Code, Section 371.)

COUNT FIVE

(False Statements)

The Grand Jury further charges:

29. The allegations in Paragraphs 1 through 9, 12 and 16 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

30. In or about May 2000, in the Southern District of New York and elsewhere, LYNNE STEWART, the defendant, in a matter within the jurisdiction of the executive branch of government, to wit, the United States Department of Justice and its agency, the Bureau of Prisons, unlawfully, willfully, and knowingly did make materially false, fictitious, and fraudulent statements and representations, and did make and use a false writing and document knowing the same to contain materially false, fictitious, and fraudulent statements and entries, to wit, STEWART submitted an affirmation to the United States Attorney's Office for the Southern District of New York falsely stating, among other things, the following:

(1) that STEWART "agree[s] to abide by [the] terms" of the Special Administrative Measures applicable to Sheikh Abdel Rahman; (2) that STEWART "shall only be accompanied by translators for the purpose of communicating with inmate Abdel Rahman concerning legal matters"; and (3) that STEWART shall not "use [her] meetings, correspondence, or phone calls with Abdel Rahman to pass messages between third parties (including, but not limited to, the media) and Abdel Rahman."

(Title 18, United States Code, Sections 1001 and 2.).

FOREPERSON

JAMES B. COMEY
United States Attorney