

15 United States Government employees; secondly, to attack the  
16 people and to harm the people within United States embassies  
17 and other American facilities; third, to attack the United  
18 States military facilities; and, fourth, to seek to cause  
19 death by such conduct.

20 And finally, Count Six charges a violation of Title  
21 18, United States Code, Section 2155, which is a conspiracy to  
22 destroy national-defense utilities of the United States. That  
23 would require the government to prove that the defendant was  
24 part of a conspiracy to interfere with the national-defense  
25 utilities of the United States by injuring or destroying such

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1 utilities, and such national-defense utilities are defined to  
2 include buildings or structures of the armed forces, and that  
3 is to include buildings and structures in the American  
4 military overseas.

5 In sum, all five counts will be proven by facts  
6 indicating that there was a conspiracy to kill United States  
7 nationals overseas, which included both United States  
8 employees, United States military employees, civilians and  
9 internationally protected persons; that Ali Mohamed joined  
10 that conspiracy; that an overt act was carried out; that  
11 conspiratorial conduct was carried out within the U.S.; that  
12 conspiratorial conduct was carried out outside the United  
13 States; that bombing was a method of the planned killing; and  
14 that the targets included both military facilities and  
15 personnel as well as buildings, including embassies which  
16 housed internationally protected persons.

17 THE COURT: Thank you, Mr. Fitzgerald.

18 Now, Mr. Mohamed, would you tell us in your own words

19 what it is that you did and when and where you did it that  
20 leads you to believe that you are guilty of each of those  
21 charges.

22 THE DEFENDANT: Your Honor, in the early 1980s I  
23 became involved with the Egyptian Islamic Jihad organization.  
24 In the early 1990s, I was introduced to al Qaeda -- al Qaeda  
25 is the organization headed by Usama bin Laden -- through my

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1 involvement with the Egyptian Islamic Jihad.

2 In 1992, I conducted military and basic explosives  
3 training for al Qaeda in Afghanistan. Among the people I  
4 trained were Harun Fadhl and Abu Jihad. I also conducted  
5 intelligence training for al Qaeda. I taught my trainees how  
6 to create cell structures that could be used for operations.

7 In 1991, I helped transport Usama bin Laden from  
8 Afghanistan to the Sudan.

9 When I engaged in these activities, and the others  
10 that I am about to describe, I understood that I was working  
11 with al Qaeda, Bin Laden, Abu Hafs, Abu Ubaidah, and that al  
12 Qaeda had a shura council, which included Abu Hajer al Iraqui.

13 In the early 1990s, I assisted al Qaeda in creating a  
14 presence in Nairobi, Kenya, and worked with several others on  
15 this project. Abu Ubaidah was in charge of al Qaeda in  
16 Nairobi until he drowned. Khalid al Fawwaz set up al Qaeda's  
17 office in Nairobi. A car business was set up to create  
18 income. Wadih el Hage created a charity organization that  
19 would help provide al Qaeda members with identity documents.  
20 I personally helped el Hage by making labels in his home in  
21 Nairobi. I personally met Abu Ubaidah and Abu Hafs at Wadih's  
22 house in Nairobi.

23           We used various code names to conceal our identities.  
24   I used the name "Jeff"; el Hage used the name "Norman"; Ihab  
25   used the name "Nawawi."

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1           In late 1993, I was asked by bin Laden to conduct  
2   surveillance of American, British, French, and Israeli targets  
3   in Nairobi. Among the targets I did surveillance for was the  
4   American Embassy in Nairobi, the United States AID Building in  
5   Nairobi, the United States Agricultural Office in Nairobi, the  
6   French Cultural Center, and French Embassy in Nairobi. These  
7   targets were selected to retaliate against the United States  
8   for its involvement in Somalia. I took pictures, drew  
9   diagrams, and wrote a report. Khalid al Fawwaz paid for my  
10   expenses and the photo enlarging equipment. He was in Nairobi  
11   at this time.

12           I later went to Khartoum, where my surveillance files  
13   and photographs were reviewed by Usama bin Laden, Abu Hafs,  
14   Abu Ubaidah, and others. Bin Laden looked at the picture of  
15   the American Embassy and pointed to where a truck could go as  
16   a suicide bomber.

17           In 1994, Bin Laden sent me to Djibouti to do  
18   surveillance on several facilities, including French military  
19   bases and the American Embassy.

20           In 1994, after an attempt to assassinate Bin Laden, I  
21   went to the Sudan in 1994 to train Bin Laden's bodyguards,  
22   security detail. I trained those conducting the security of  
23   the interior of his compound, and coordinated with the  
24   Sudanese intelligence agents who were responsible for the  
25   exterior security.

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1 In 1994, while I was in Sudan, I did surveillance  
2 training for al Qaeda. Ihab Ali, also known as Nawawi, was  
3 one of the people I trained. Nawai was supposed to train  
4 others.

5 In early 1990s, Zawihiri made two visits to the  
6 United States, and he came to United States to help raise  
7 funds for the Egyptian Islamic Jihad. I helped him to do  
8 this.

9 I was aware of certain contacts between al Qaeda and  
10 al Jihad organization, on one side, and Iran and Hezbollah on  
11 the other side. I arranged security for a meeting in the  
12 Sudan between Mughaniyah, Hezbollah's chief, and Bin Laden.

13 Hezbollah provided explosives training for al Qaeda  
14 and al Jihad. Iran supplied Egyptian Jihad with weapons.  
15 Iran also used Hezbollah to supply explosives that were  
16 disguised to look like rocks.

17 In late 1994, I was in Nairobi. Abu Hafs met another  
18 man and me in the back of Wadih el Hage's house. Abu Hafs  
19 told me, along with someone else, to do surveillance for the  
20 American, British, French and Israeli targets in Senegal in  
21 West Africa.

22 At about this time, late 1994, I received a call from  
23 an FBI agent who wanted to speak to me about the upcoming  
24 trial of United States v. Abdel Rahman. I flew back to the  
25 United States, spoke to the FBI, but didn't disclose

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1 everything that I knew.

2 I reported on my meeting with the FBI to Abu Hafs and  
3 was told not to return to Nairobi.

4 In 1995, I obtained a copy of the co-conspirator list  
5 for the Abdel Rahman trial. I sent the list to el Hage in  
6 Kenya, expecting that it would be forwarded to bin Laden in  
7 Khartoum.

8 In 1996, I learned from el Hage that Abu Ubaidah had  
9 drowned.

10 In 1998, I received a letter from Ihab Ali in early  
11 January, 1998. The letter said that el Hage had been  
12 interviewed by the FBI in Kenya, and gave me a contact number  
13 for el Hage. I called the number and then called someone who  
14 would pass the message to Fawwaz for bin Laden.

15 After the bombing in 1998, I made plans to go to  
16 Egypt and later to Afghanistan to meet bin Laden. Before I  
17 could leave, I was subpoenaed to testify before the grand jury  
18 in the Southern District of New York. I testified, told some  
19 lies, and was then arrested.

20 MR. ROTH: That concludes the statement, your Honor.

21 THE COURT: The overall objective of all of these  
22 activities you described was, what?

23 THE DEFENDANT: Just to -- I was involved in the  
24 Islamic Jihad organization, and the Islamic Jihad organization  
25 has a very close link to al Qaeda, the organization, for bin

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1 Laden. And the objective of all this, just to attack any  
2 Western target in the Middle East, to force the government of  
3 the Western countries just to pull out from the Middle East,  
4 not interfere in the --

5 THE COURT: And to achieve that objective, did the

6 conspiracy include killing nationals of the United States?

7 THE DEFENDANT: Yes, sir. Based on the marine  
8 explosion in Beirut in 1984 and the American pull-out from  
9 Beirut, they will be the same method, to force the United  
10 States to pull out from Saudi Arabia.

11 THE COURT: And it included conspiracy to murder  
12 persons who were involved in government agencies and embassies  
13 overseas?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: And to destroy buildings and properties  
16 of the United States?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: And to attack national-defense utilities?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Anything further by way of allocution the  
21 government would request?

22 MR. FITZGERALD: No, Judge.

23 THE COURT: Mr. Roth, Mr. Epstein, do you know of any  
24 valid legal defense that would prevail if the defendant went  
25 to trial?

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1 MR. EPSTEIN: No, your Honor.

2 THE COURT: And I take it that the pending motions  
3 brought on your behalf are withdrawn.

4 MR. ROTH: That's correct, your Honor.

5 THE COURT: Mr. Mohamed, are you satisfied with the  
6 representation you have received from your two attorneys?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Mr. Mohamed, have you signed and has your  
9 counsel signed an acknowledgment of rights form?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: The Court finds that there is a knowing,  
12 voluntary plea of guilty which encompasses all of the elements  
13 of the charges to which the defendant has offered to plead  
14 guilty, and the plea is accepted.

15 The Court will defer until it sees a presentence  
16 report whether it does or does not accept the recommendation  
17 pursuant to Rule 11(e).

18 I take it that there is no application for bail or  
19 for revision of the terms of bail.

20 The plea may be entered. We will set a sentencing  
21 date of nine months from today as a control date.

22 MR. FITZGERALD: Your Honor, my understanding is it  
23 is now required to advise the defendant pleading guilty that  
24 he is waiving his right to an appeal.

25 THE COURT: Yes. Is that contained in the agreement?

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1 MR. EPSTEIN: It's not in the agreement.

2 MR. FITZGERALD: I don't believe it is in the  
3 agreement. I was advised there is recent case law that says  
4 it should be allocuted to at the time of the plea.

5 THE COURT: Do you understand that as a consequence  
6 of your offering to plead guilty, and the Court accepting that  
7 plea, you waive the right to appeal with respect to any  
8 proceedings heretofore had in this matter?

9 MR. EPSTEIN: Your Honor, it's our understanding that  
10 he would be waiving any right to appeal relative to the plea  
11 itself, but in terms of subsequent proceedings, there is  
12 nothing in any agreement between the parties that would  
13 preclude an appeal.

14 MR. FITZGERALD: That's correct, Judge. If there  
15 were something done illegally with regard to his sentence in  
16 the future, he is not waiving that, but he is waiving any past  
17 proceedings.

18 THE COURT: I believe I did tell him that: if your  
19 offer to plead guilty is accepted, you would give up all the  
20 rights that you previously had and any right to appeal with  
21 respect to any past proceedings in this case, and the court  
22 would have the same power to impose sentence as it would have  
23 if a jury returned a verdict of guilty.

24 Anything further?

25 MR. FITZGERALD: No, your Honor.

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1 MR. ROTH: No, your Honor.

2 MR. EPSTEIN: No, your Honor.

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