

APPROVED:

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Assistant United States Attorneys

BEFORE: THE HONORABLE JAMES L. COTT  
United States Magistrate Judge  
Southern District of New York

UNITED STATES OF AMERICA

: AMENDED COMPLAINT

- v -

: Violations of  
18 U.S.C. §§ 2339B;  
1203; 924 (o);  
924 (c); 844 (m)  
1201; 2332a & 2

MOKHTAR BELMOKHTAR,  
a/k/a "Khalid Abu al Abbas,"  
a/k/a "Khalid al Daas,"

:  
:  
:

Defendant.

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SOUTHERN DISTRICT OF NEW YORK, ss.:

Jessica E. Ulmer, being duly sworn, deposes and says that she is a Special Agent of the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

Conspiracy to Provide Material Support to Foreign Terrorist Organizations

1. From at least in or about December 2008, up to and including on or about January 21, 2013, in an offense occurring in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate and agree together and with each other to provide "material support or resources," as that term is defined in Title 18, United

States Code, Section 2339A(b)(1), to foreign terrorist organizations, to wit, al Qaeda and al Qaeda in the Islamic Maghreb ("AQIM"), each of which has been designated by the United States Secretary of State as a foreign terrorist organization, pursuant to Section 219 of the Immigration and Nationality Act, and is currently designated as such as of the date of the filing of this Complaint, and which conspiracy resulted in the deaths of many persons, including three United States citizens.

2. It was a part and an object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would and did agree to provide material support and resources, including, among other things, equipment, weapons, explosives, personnel, training, and technical advice, to AQIM, knowing that AQIM was a designated foreign terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that AQIM had engaged and was engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and that AQIM had engaged and was engaging in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B.

3. It was further a part and an object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would and did agree to provide material support and resources, including, among other things, equipment, weapons, explosives, personnel, training, and technical advice, to al Qaeda, knowing that al Qaeda was a designated foreign terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that al Qaeda had engaged and was engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and that al Qaeda had engaged and was engaging in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B.

#### Overt Acts

4. In furtherance of the conspiracy and to effect the illegal objects thereof, MOKHTAR BELMOKHTAR, a/k/a "Khalid

Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, committed the following overt acts:

a. In or about December 2008, in Niger, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and co-conspirators not named as defendants herein, abducted two Western nationals and held them hostage.

b. On or about January 16, 2013, in the vicinity of In Amenas, Algeria, co-conspirators not named as defendants herein attacked with gunfire a bus traveling from a gas processing facility (the "Facility") to a local airport, on which one United States citizen, as well as nationals of other countries, were traveling.

c. On or about January 16, 2013, in the vicinity of In Amenas, Algeria, co-conspirators armed with AK-47 assault rifles attacked the Facility, and held hostage by force Western nationals and United States citizens.

d. On or about January 16, 2013, in the vicinity of In Amenas, Algeria, co-conspirators not named as defendants herein possessed explosive devices and attached those devices to people held hostage within the Facility.

e. On or about January 16, 2013, in the vicinity of In Amenas, Algeria, co-conspirators not named as defendants herein telephoned a representative of one of the Western companies responsible for the Facility and threatened to kill the hostages.

f. On or about January 21, 2013, BELMOKHTAR, in an online video, claimed responsibility on behalf of al Qaeda for the attack on the Facility, which he referred to as "this sacrificial blessed operation."

(Title 18, United States Code,  
Sections 2339B(a)(1), (d)(1)(C), (d)(1)(E) and 3238.)

#### COUNT TWO

#### Hostage Taking Conspiracy

5. From at least in or about December 2008, up to and including on or about January 21, 2013, in an offense occurring in and affecting interstate and foreign commerce,

MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 1203(a), and which conspiracy resulted in the deaths of many persons, including three United States citizens.

6. It was a part and an object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would and did seize and detain and threaten to kill, injure, and continue to detain other persons, to wit, United States citizens and citizens of other nations, in order to compel a third person and a governmental organization to do and abstain from doing an act as an explicit and implicit condition for the release of the persons detained.

#### Overt Acts

7. In furtherance of the conspiracy and to effect the illegal object thereof, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 4 of this Complaint, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 1203(a), (b)(1), and 3238.)

#### COUNT THREE

#### Conspiracy to Discharge a Firearm in Furtherance of a Crime of Violence

8. From at least in or about December 2008, up to and including on or about January 21, 2013, in an offense begun and committed outside the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to possess, brandish, and discharge firearms, to wit, machine guns, during and in relation

to, and in furtherance of a crime of violence in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and (c)(1)(B)(ii).

9. It was a part and object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would and did possess, brandish, and discharge AK-47s and other heavy-caliber assault weapons in furtherance of a crime of violence which may be prosecuted in a court of the United States, to wit, the hostage taking conspiracy alleged in Count Two of this Complaint.

#### Overt Acts

10. In furtherance of the conspiracy and to effect the illegal object thereof, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 4 of this Complaint, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 924(o) and 3238.)

#### COUNT FOUR

##### Discharge of a Firearm in Furtherance of a Crime of Violence

11. In or about January 2013, in an offense begun and committed outside the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to and arrested in the Southern District of New York, intentionally and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the hostage taking conspiracy charged in Count Two of this Complaint, did use and carry firearms, to wit, BELMOKHTAR discharged AK-47s and other heavy-caliber assault weapons, and aided and abetted the discharge of AK-47s and other heavy caliber assault weapons, in connection with a conspiracy to take hostages, causing the deaths of many persons, including three United States citizens.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii), (B)(ii), 924(j), 2 and 3238.)

COUNT FIVE

Conspiracy to Use and Carry an Explosive During the Commission  
of a Felony

12. In or about January 2013, in an offense begun and committed outside the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to carry an explosive during a felony which may be prosecuted in a court of the United States, in violation of Title 18, United States Code, Section 844(h).

13. It was a part and object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would and did use and carry an explosive during the commission of the felony offense of hostage taking charged in Count Two of this Complaint.

Overt Acts

14. In furtherance of the conspiracy and to effect the illegal object thereof, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 4 of this Complaint, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 844(m) and 3238.)

COUNT SIX

Conspiracy to Kidnap Internationally Protected Persons

15. From at least in or about December 2008, up to and including in or about April 2009, in an offense occurring in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to, found in, and arrested in the Southern District of New York, and others known and unknown, unlawfully,

willfully, and knowingly did combine, conspire, confederate and agree together and with each other to violate Title 18, United States Code, Section 1201.

16. It was a part and an object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would and did seize, confine, kidnap, abduct, and carry away and hold for ransom and reward and otherwise an internationally protected person (as defined in Title 18, United States Code, Section 1116(b), and in Title 22, United States Code, Section 288)), to wit, BELMOHKTAR and his co-conspirators agreed to abduct and hold for ransom a Special Envoy of the United Nations and the Envoy's assistant.

#### Overt Acts

17. In furtherance of the conspiracy and to effect the illegal object thereof, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 4 of this Complaint, which are fully incorporated by reference herein.

(Title 18, United States Code, Section 1201(a)(4), (c), (e)(3) and 3238.)

#### COUNT SEVEN

##### Kidnapping of Internationally Protected Persons

18. On or about December 14, 2008, in an offense occurring in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to, found in, and arrested in the Southern District of New York, and others known and unknown, unlawfully and knowingly did seize, confine, kidnap, abduct, and carry away and hold for ransom and reward and otherwise an internationally protected person (as defined in Title 18, United States Code, Section 1116(b), and Title 22, United States Code, Section 288), and did aid and abet the same,

to wit, BELMOKHTAR and others kidnapped a Special Envoy of the United Nations and his assistant.

(Title 18, United States Code, Sections 1201(a)(4), (e)(3), 2, and 3238.)

COUNT EIGHT

Conspiracy to Use a Weapon of Mass Destruction

19. In or about January 2013, in an offense occurring in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, without lawful authority, willfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 2332a(a)(1).

20. It was a part and an object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would use a weapon of mass destruction, namely, a destructive device as that term is defined in Title 18, United States Code, Section 921, against a national of the United States while that national is outside of the United States, to wit, BELMOKHTAR agreed with others to use explosive devices against United States nationals while those nationals were in Algeria.

Overt Acts

21. In furtherance of the conspiracy and to effect the illegal object thereof, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 4 of this Complaint, which are fully incorporated by reference herein.

(Title 18, United States Code, Section 2332a(a)(1).)

The bases for my knowledge and the foregoing charges are as follows:

22. I have been a Special Agent with the FBI for approximately four years. I have participated in the



investigation of this matter, and have spoken with other individuals, including federal agents, and other law enforcement officials about this investigation. I also have reviewed reports and documents relating to this investigation, including reports of statements given by witnesses to other federal agents and law enforcement officials. When I rely on statements made by others, such statements are related in sum and substance, and in part, unless otherwise indicated. Because this affidavit is submitted for the limited purpose of establishing probable cause, I have not set forth herein each and every fact learned during the course of this investigation.<sup>1</sup>

## I. Overview

23. Al Qaeda is an international terrorist organization. Since at least the late 1990s, al Qaeda's core purpose has been the murder of Americans, as well as the nationals of certain other Western countries. Al Qaeda's current leader is Ayman al Zawahiri.

24. Al Qaeda has long operated on its own, and also through various regional "franchises." In September of 2006, Zawahiri announced that a North African terror group – to be known thereafter as al Qaeda in the Islamic Maghreb ("AQIM") – had joined with al Qaeda.

25. MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, has long been one of the key leaders of al Qaeda's efforts in North Africa. In support of al Qaeda, BELMOKHTAR has operated under the auspices of two groups: AQIM and the Al-Mulathamini Brigade (the "Brigade") and its recently formed battalion, "The Signers in Blood" (the "Battalion").<sup>2</sup>

26. During the period from 2008 to 2013, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, has led terror attacks that resulted in the

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<sup>1</sup> Attached to the instant Amended Complaint as Exhibit A is a copy of a Complaint that was sworn out before United States Magistrate Judge Kevin Nathaniel Fox on February 26, 2013.

<sup>2</sup> Based on my participation in this investigation, I know that "The Signers in Blood" is a translation of "Al-Muwaqi'un Bil Dima."

kidnapping and murder of numerous individuals, including at least three Americans.

27. In late 2008, co-conspirators acting at the direction of MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, kidnapped and held two Western nationals in Niger and Mali. The co-conspirators variously stated that they were acting on behalf of al Qaeda and AQIM.

28. In January 2013, members of the Brigade led by MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, attacked a Western-owned gas processing facility in Algeria. A large number of people employed at the facility were taken hostage. Ultimately, many of those taken hostage were killed. Following the attack, BELMOKHTAR unequivocally took credit for the attack in a video-taped statement – on behalf of al Qaeda and the Battalion.

## II. Background: al Qaeda, al Qaeda in the Islamic Maghreb, and Belmokhtar's "The Signers in Blood" Battalion

29. During the course of my investigation, I have become familiar with al Qaeda and other related terrorist groups. Based on my review of publicly-available information, including findings and statements by the United States Department of State, the United States Department of Treasury, and the United Nations, as well as evidence adduced at federal criminal trials and statements attributed to al Qaeda and AQIM, I have learned the following:

a. Al Qaeda is a terrorist organization founded in or about 1989 by Usama bin Laden. Its current "emir" is Ayman al Zawahiri.<sup>3</sup> Since the late 1990s, one of the principal, declared goals of al Qaeda has been to attack the United States and to kill Americans. Some of al Qaeda's attacks have targeted Americans in the United States. Thus, for example, thousands of Americans were murdered in the United States by al Qaeda on September 11, 2001. In addition, some of al Qaeda's attacks have targeted Americans outside of America, including in Africa. Thus, for example, over 200 people were murdered on August 7,

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<sup>3</sup> I know, based on my training and experience and from individuals who are familiar with the Arabic language, that "emir" is an Arabic word. It is usually translated as "prince," "leader," "commander," or "chieftain."

1998, when al Qaeda attacked two United States Embassies in Africa.<sup>4</sup>

b. Al Qaeda functions both on its own and through various terrorist organizations that operate under al Qaeda's umbrella. One of those organizations is AQIM.

c. AQIM is a terrorist organization based in North Africa. AQIM formerly called itself the Salafist Group for Preaching and Combat ("GSPC"). GSPC was founded in the late 1990s with the assistance of Usama bin Laden, and it declared war on Algeria's secular authorities and on Western targets.<sup>5</sup>

d. On or about September 11, 2006, Ayman al Zawahiri issued a video-taped statement. Among other things, Zawahiri said: "Usama Bin Laden has told me to announce to Muslims that the GSPC has joined al Qaeda." Soon thereafter, the GSPC issued a statement indicating that it had changed its name on Bin Laden's "orders." The GSPC's new name was AQIM. Subsequently, the leader of AQIM publicly said: "We [AQIM] and al Qaeda are one body."<sup>6</sup>

e. MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, has long been a prominent North African terrorist leader.<sup>7</sup>

f. On or about December 5, 2012, BELMOKHTAR issued a video-taped statement announcing the formation of a new terrorist group. The group was to be called "The Signers in Blood." BELMOKHTAR said that the "emir," see supra n.2, of the group was Zawahiri.<sup>8</sup> BELMOKHTAR also referred to Abdullah Azzam,

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<sup>4</sup> At all relevant times, al Qaeda has been designated as a foreign terrorist organization ("FTO") pursuant to Section 219 of the Immigration and Nationality Act ("INA"), as amended.

<sup>5</sup> At all relevant times, GSPC has been designated as an FTO pursuant to the INA.

<sup>6</sup> At all relevant times, AQIM has been designated as an FTO pursuant to the INA.

<sup>7</sup> On October 24, 2003, the United States Department of Treasury, pursuant to Executive Order 13224, designated BELMOKHTAR as a foreign terrorist.

<sup>8</sup> Zawahiri, as noted above, is the leader of al Qaeda.

an early leader of al Qaeda and a mentor of Usama bin Laden. BELMOKHAR said: "I remind Muslims of the eternal words spoken by the shaykh of the mujahedeen, the martyr as we consider him, Abdallah Azzam, from the womb of battles in Afghanistan: Jihad taught me that Islam is a tree that can only be watered with blood." In a video-taped statement issued a few weeks later, in January 2013, BELMOKHTAR confirmed that the Battalion was "in [the] al Qaeda organization."

### III. Belmokhtar's 2008 Kidnapping of Two Westerners in North Africa

30. As described in detail below, on or about December 14, 2008, in Niger, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and co-conspirators acting at his direction, kidnapped, among others, two Western diplomats who were working as part of a United Nations mission. BELMOKHTAR and his co-conspirators held the two victims for approximately four months in the desert in Africa. The two victims were released in Mali, on or about April 22, 2009. Thereafter, the two above-referenced victims, referred to below as Witness-1 and Witness-2 (collectively, "the Victims"), were interviewed on numerous occasions by United States law enforcement agents.

31. Based on United States law enforcement interviews of Witness-1, I learned, among other things, the following:

a. During December 2008, Witness-1 and Witness-2 were working in Niger as part of a United Nations mission to promote peace among various groups in Niger. On or about December 14, 2008, Witness-1, Witness-2, and their driver (the "Driver") were traveling in a car (the "Car") to their hotel in Niger. A pick-up truck (the "Pick-Up Truck") pulled alongside the Car. Individuals in the Pick-Up Truck demanded that the Car pull over to the side of the road. The Driver complied. Two individuals ("CC-1" and "CC-2") then got out of the Pick-Up Truck, carrying what appeared to be AK-47 assault rifles. CC-1 and CC-2 demanded that Witness-1 and Witness-2 get out of the Car, and forced Witness-1 and Witness-2 into the back of the Pick-Up Truck.

b. Another individual ("CC-3") then drove the Pick-Up Truck, with the Victims inside, for approximately five hours. CC-3 stopped the Pick-Up Truck for prayers. While

preparing for prayer, CC-1 told Witness-1 that CC-1 and his co-conspirators were al Qaeda "mujahedeen."<sup>9</sup>

c. Witness-1 estimated that over the four months in which Witness-1 was held hostage, a total of approximately thirty men were involved in the kidnapping operation. One of the kidnapers with whom Witness-1 repeatedly interacted was referred to by the other kidnapers as "Khalid." Witness-1 observed that "Khalid" had only one eye, and had a scar running down one side of his face that ran from his forehead down to his eye. Witness-1 was shown a known photograph of MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant. Witness-1 identified the photograph as a photograph of "Khalid." Accordingly, "Khalid" is referred to hereinafter as BELMOKHTAR.

d. Witness-1 observed that the other kidnapers treated BELMOKHTAR with respect, and appeared to be subordinate to him (BELMOKHTAR). For example, and among other things, Witness-1 observed that the other kidnapers at times referred to BELMOKHTAR as "emir." See supra n.2 (defining "emir"). Thus, Witness-1 understood that BELMOKHTAR was the leader of the kidnapers.

e. Shortly after Witness-1 was abducted, Witness-1 learned that the kidnapers planned to make a video of Witness-1 and Witness-2. In the presence of Witness-1 and Witness-2, BELMOKHTAR and others discussed how Witness-1 and Witness-2 should refer to their kidnapers on the video. BELMOKHTAR stated that Witness-1 and Witness-2 should refer to the kidnapers as al Qaeda in the Maghreb Islamic (i.e., as AQIM).<sup>10</sup>

f. While Witness-1 was held captive, CC-3 told Witness-1 that the kidnapers viewed Algerian, Libyan, United States, and United Nations officials as the most desirable kidnapping targets. In addition, CC-3 told Witness-1 that

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<sup>9</sup> I know, based on my training and experience and from individuals who are familiar with the Arabic language, that "mujahedeen" is an Arabic word. It is usually translated as "Islamic guerilla fighters" or "jihad fighters."

<sup>10</sup> In order for Witness-1 to communicate with BELMOKHTAR, another kidnapper interpreted what BELMOKHTAR said from Arabic into French, and vice versa.

Witness-1 and Witness-2 were kidnapped so that the kidnappers could negotiate the release of prisoners from other countries.

32. During United States law enforcement interviews of Witness-2, Witness-2 described the events of his captivity in a manner substantially consistent with Witness-1's description, as set forth in paragraph 31, supra. In addition, based on the United States law enforcement interviews of Witness-2, I learned, among other things, the following:

a. During Witness-2's time in captivity, Witness-2 repeatedly interacted with a man that the other kidnappers referred to as "Khalid." That man had a scar that ran vertically across one side of his face, through the eye area. Witness-2 was shown a known photograph of MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant. Witness-2 identified the photograph as a photograph of "Khalid." Accordingly, "Khalid" is referred to herein as BELMOKHTAR.

b. Witness-2 observed that BELMOKHTAR was a leader of the kidnappers. For example, BELMOKHTAR transferred one of the kidnappers out of the group after Witness-2 and that kidnapper nearly had a physical altercation. In addition, BELMOKHTAR, through an interpreter, explained to Witness-2 and Witness-1 what to expect and what would occur during the course of their captivity.

33. I have reviewed two French-language videos of Witness-1 and Witness-2, made while they were in captivity (the "Proof of Life Videos"), as well as draft French-to-English translations of the Proof of Life Videos.

a. On the first Proof of Life Video, Witness-1 and Witness-2 are seen sitting in a tent. Behind Witness-1 and Witness-2 are three masked individuals kneeling and holding what appear to be heavy-caliber assault weapons. Among other things, Witness-2 stated that Witness-2 and Witness-1 "were kidnapped by a branch of al Qaeda in the Islamic Maghreb." Among other things, Witness-1 stated that Witness-2 and Witness-1 were "kidnapped by a branch of al Qaeda in the Islamic Maghreb this past Sunday."

b. On the second Proof of Life Video, Witness-1, Witness-2, and the Driver are seen sitting in a tent. Behind Witness-1 and Witness-2 stand four masked individuals, three of

whom are holding heavy-caliber assault weapons. Behind the four masked individuals, on the back of the tent, is a black banner with Arabic writing. Among other things, Witness-2 stated that the captives "were abducted by al Qaeda in the Islamic Maghreb branch . . . [and] we are still captives of the al Qaeda branch." Among other things, Witness-1 stated that "we have been captives of al Qaeda in the Islamic Maghreb branch since December 14<sup>th</sup>."

**IV. Late 2012: al Qaeda Calls For Kidnappings and Belmokhtar Creates "The Signers in Blood" Battalion**

34. During October 2012, Ayman al Zawahiri, the "emir" of al Qaeda, issued a videotaped statement. In the statement, Zawahiri called for the kidnapping of Westerners in an effort to secure the release of Omar Abdul Rahman.<sup>11</sup> Zawahiri further said: "And we, by the grace of Allah, have announced that we will not release the American captive<sup>12</sup> [], Allah willing, until the Crusaders release our captives including Sheikh Omar Abdul Rahman and Aafia Siddiqui."<sup>13</sup>

35. On or about December 5, 2012, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, appeared and spoke Arabic in an online video entitled "Our Shari'ah: Loyalty and Steadfastness Until Victory" (the "December Video"). A caption on the video identified the speaker as "Khalid Abu al Abbas, Amir of the Al-Mulathammin [Brigade]."<sup>14</sup> BELMOKHTAR was holding a machinegun as he spoke on the December Video. Based on my review of a draft Arabic-to-English translation of portions of the December Video, BELMOKHTAR made the following statements:

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<sup>11</sup> Abdul Rahman, commonly known as the "Blind Sheikh," was convicted of various terrorism-related offenses following a jury trial in the Southern District of New York. Abdul Rahman is currently serving his sentence in federal prison.

<sup>12</sup> This is an apparent reference to a particular American who had been kidnapped and held by al Qaeda.

<sup>13</sup> Siddiqui was convicted of various terrorism-related offenses following a jury trial in the Southern District of New York. Siddiqui is currently serving her sentence in federal prison.

<sup>14</sup> As noted above, see supra ¶¶ 31 and 32, and below, see infra ¶38a, BELMOKHTAR is often referred to as "Khalid." "Amir" is apparently a rendering of "emir."

- BELMOKHTAR announced the creation of a guerilla battalion called "The Signers in Blood" "made up of our best mujahedeen, boys and young men, immigrants and supporters."
- BELMOKHTAR called for fighting in Algeria and elsewhere to oppose Western influence, and stated: "we vow to all those who planned and participated in the aggression against the right of our Muslim people to be ruled by Islamic Shari'ah on our land, we will respond with all available force and you will hear from us on the battlefield. It is our promise to you that we will fight you in your own homes, you will experience the heat of wounds in your own countries, and we will threaten your interests."
- BELMOKHTAR promised to liberate "our prisoners . . . those present in the prisons of injustice and tyranny . . . ."
- BELMOKHTAR referred to Ayman al Zawahiri, the leader of al Qaeda, as "our role model and persevering emir," and offered Zawahiri, and others, "a greeting of love and loyalty."

V. 2013: Belmokhtar's "The Signers in Blood" Battalion Conducts a Mass Kidnapping in North Africa

36. Since January 18, 2013, United States law enforcement agents have interviewed numerous witnesses. Based on, among other things, reports of these interviews, I know the following:

a. On January 16, 2013, armed terrorists of "The Signers in Blood" Battalion attacked a gas processing facility near In Amenas, Algeria (the "Facility"). The Facility is owned and operated as a joint venture involving multiple international companies, including a multinational energy company based in the West (the "Company"). On January 16, before sunrise, terrorists armed with AK-47s and rocket propelled grenade launchers attacked a bus carrying



approximately twelve workers from the Facility to the local airport, as well as security vehicles escorting the bus. At around the same time, armed terrorists attacked the Facility itself and breached its perimeter.<sup>15</sup> Numerous workers inside the Facility, including Algerian nationals and citizens of the United States, the United Kingdom, Japan, Norway, the Philippines, Colombia, Romania and other nations were taken hostage by force; others fled, or hid within the Facility. Many employees of the Facility were ultimately killed. The terrorists segregated and released the Algerian nationals and those they apparently believed to be Muslims; others continued to be held by force or were murdered. The terrorists gathered many of the hostages in a central area of the Facility and bound them so that they could not escape. The terrorists attached explosives to some of the hostages, wound detonation cord around their necks, and threatened to kill them. The siege of the Facility ended on or about January 20, 2013. A large number of hostages, including three United States citizens, were killed.

37. Since January 18, 2013, United States law enforcement agents have interviewed numerous employees of the Facility who were held hostage during the siege and subsequently escaped or were freed. The information set forth below is derived from the interviews of four employees, three citizens of the United States and one citizen of the United Kingdom, who witnessed the events described above.

a. On January 16, 2013, in the early morning, Witness-3, a United States citizen, was traveling by bus from the Facility to the local airport, with approximately eleven other Facility workers. Two security escort vehicles drove in front of the bus and two drove behind the bus. After approximately ten minutes, as the bus approached a checkpoint, the bus was hit with gunfire on both sides. The initial attack was repelled by the personnel in the security escort vehicles. Thereafter, another wave of gunfire hit the bus. Witness-3 and the other eleven passengers on the Bus then escaped.

b. On January 16, 2013, in the early morning, Witness-4, a United States citizen, had just left a dining area within the Facility. Witness-4 heard the sound of gunfire and

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<sup>15</sup> The terrorists who attacked the Facility were from multiple countries, consistent with BELMOKTAR's December 2012 declaration that the newly formed Battalion would be made up of "immigrants."

saw a vehicle crash through one of the Facility's security gates. Witness-4 saw guns being fired from the vehicle and hid inside the room of a co-worker along with two other Facility workers, including Witness-5 (see paragraph 37c below). While hiding, Witness-4 looked out of the window of the room and observed at least four males carrying AK-47 assault rifles (hereinafter, "AK-47s"). After approximately three and a half hours in hiding, Witness-4 heard doors to nearby rooms being knocked on and forcibly opened. Shortly thereafter, terrorists broke down the door of the room where Witness-4 was hiding. An attacker armed with an AK-47 found Witness-4 and his colleagues and directed them to go outside. Witness-4 complied, and was taken to a plaza within the Facility. There, Witness-4 observed approximately eight Facility employees - all nationals of Western countries - seated in a row with their hands and feet bound. Apparently believing that Witness-4 was not a Westerner due to Witness-4's dark complexion, the attackers placed Witness-4 with a group of Algerians, who were separated from the Western hostages. After being placed with the Algerian workers, Witness-4 saw approximately ten to twelve Facility employees, who appeared to Witness-4 to be Western nationals, with their hands and feet bound. Witness-4 observed an American employee among the hostages ("US Citizen-1"). Later that day, Witness-4 observed two attackers, armed with AK-47s, escort US Citizen-1 into a vehicle. That was the last time that Witness-4 saw US Citizen-1.<sup>16</sup> The following day, the terrorists released the group of Algerian nationals from the Facility, including Witness-4 who had remained with this group.

c. On January 16, 2013, in the early morning, Witness-5 was passing the main entrance gate of the Facility, and heard gunfire. Witness-5 turned in the direction of the gunfire, and observed a vehicle carrying armed attackers crash through the Facility's main gate. Attackers started shooting at Witness-5. Witness-5, Witness-4, and another Facility employee hid inside a room in one of the buildings in the Facility. Witness-5, Witness-4, and the other employee hid in the bathroom until the attackers broke down the bathroom door and found them. The attackers repeatedly shouted "al Qaeda," and took Witness-5, Witness-4, and the co-worker outside. Witness-5, who has a light complexion, was separated from Witness-4 and the other co-worker. Witness-5 was brought to an area with approximately

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<sup>16</sup> It was later determined that US Citizen-1, as well as two other United States citizens, had been killed during the attack.

eight to nine other hostages. The attackers bound the hands and feet of Witness-5 and the other hostages with plastic ties. Witness-5 overheard one of the attackers speaking in English on the telephone and making demands, including that incarcerated al Qaeda members be released in exchange for the release of the hostages. Eventually, the attackers looped a wire around Witness-5's neck and the necks of the other hostages; the wire was connected to an explosive device. Witness-5 slept that night with the wire around his neck. The following day, the attackers told Witness-5 and the other hostages that they (the hostages) would be taken to the central processing area at the Facility. Witness-5 and four other hostages were placed in a vehicle with four attackers. One of the attackers in the vehicle - the English speaker who Witness-5 had previously heard speaking on the telephone - held what appeared to be an explosive device in his lap. Another attacker pointed a large gun out of the back window of the vehicle. As the vehicle drove off, the attackers yelled "Allah akbar" as they fired their weapons. The vehicle was then hit by gunfire, apparently from a helicopter overhead, and flipped over. Witness-5 crawled out of the overturned vehicle and fled to safety.

d. On or about January 16, 2013, in the early morning, Witness-6, a United States citizen, heard an alarm indicating a security breach at the Facility and simultaneously heard gunfire. Witness-6 retreated to Witness-6's living quarters. Witness-6 barricaded the door, drew the blinds, and turned off the lights. While hiding, Witness-6 received a text message from a co-worker which read, "I guess better hide my passport . . . ." After receiving the text message, Witness-6 looked out the window and observed an attacker holding a man at gunpoint. Witness-6 remained in hiding until he was freed on January 17, 2013.

38. I have reviewed draft transcripts of a series of recorded calls placed by one of the hostage-takers to a representative of the Company on January 16 and January 17, 2013 (the "Company Representative"). During those recorded calls, the hostage-taker, who spoke English, told the Company Representative, among other things, in sum and substance and in part, that:

a. The leader of the terrorists holding the Facility was named "Khalid al Daas," and was located in Northern Mali.<sup>17</sup>

b. The hostages held at the Facility were citizens of the United States, the United Kingdom, Norway, Columbia, Japan, the Philippines, and South Africa, among other nations.

c. The hostage-taker stated: the "main thing is we want to exchange the prisoners[,] these foreign nationals we have[,] we want to exchange for the list of prisoners we have a list we want released . . . ." <sup>18</sup>

d. The attackers demanded a military escort to Northern Mali for themselves and the hostages.

e. The hostage-taker stated: "if you attack they're going to kill everyone. Everyone here has explosive cord attached to . . . around their necks attached to a lot of TNT . . . so everyone here as well as the factory is all wired up."

f. During at least two calls, two hostages spoke on the phone to the Company Representative, apparently under the direct supervision of the hostage-taker.

39. I have reviewed a draft Arabic-to-English translation of a statement released by a foreign media organization on or about January 21, 2013, titled "Statement from 'Al-Mulathammin Brigade' Regarding the In Amenas Hostage Operation." It stated, among other things, that "[a] Fedayan company from the 'Signers with Blood Brigade' of Al-Qaeda Organization conducted a double storming operation which its goal was controlling the natural gas plant and the Al-Hayat compound belonging to the British [] company, and holding of some Western workers in the compound . . . ." Based on the events of January 16 through January 20, 2013, which are set forth above, and based on my training and experience, I believe that the statement described above was released by members of

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<sup>17</sup> As described above, see supra ¶¶ 31 and 32, BELMOKHTAR is often referred to as Khalid.

<sup>18</sup> As described above, see supra ¶ 40, as recently as December 2012, BELMOKHTAR had promised to liberate prisoners.

the Brigade, taking responsibility for the January 16, 2013 attack on the Facility.

40. I have reviewed an online video issued on January 21, 2013, approximately one day after Algerian authorities ended the kidnappers' siege of the Facility. In the video, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, appeared and spoke in Arabic (the "January Video"). A caption on the video identified the speaker as "Khalid Abu al Abbas, Amir of the Mulatham Brigade." Based on my review of a draft Arabic-to-English translation of the January Video, I learned that BELMOKHTAR stated, among other things, that:

- a. "We, in al Qaeda Organization, we announce our responsibility for this sacrificial blessed operation, which was led by 40 Mujahedeen, Muhajirin and Ansar, from various Muslim countries, and even from Western countries, under the Signatories With Blood we promised Allah to bring back victory and return the dignity, or otherwise [receive] martyrdom and paradise."

Here, I believe that BELMOKHTAR was referring to the kidnappers' siege of the Facility and the multinational Battalion under his command that carried out the attack. Cf. supra ¶ 38 (noting that one of the hostage takers was an English speaker). BELMOKHTAR's statement continued,

- b. "This brigade which we established in defense of our land and honors, which the Crusader France plotted against it along with the head of the ruling regime in Algeria, who [in return] humiliated the dignities and sacrifices of these defiant people and the blood of one and a half million pious martyrs, by allowing the enemy of yesterday to use our land and air space to kill our people and brothers in Mali. And we are

ready to negotiate with the Western countries and the Algerian regime on the condition of halting the aggression and the raids on the Muslim Malian people, especially the Azawad Province, and to respect their choice in establishing the rule of Islamic Sharia on their land."

I believe that in the above passage, BELMOKHTAR described the motivation for the terrorist attack on the Facility and his willingness to negotiate, with both Western countries and Algeria, for an end to alleged Western and Algerian aggression against Muslims in North Africa, including the recent French military operations against jihadist forces in Northern Mali.

c. "As to the Americans, we say: we are ready to exchange all of your hostages held by us, in return for releasing the Sheikh, patient scholar Omar Abdul Rahman and returning him to his family in Egypt, and if we had a thousand of you we would've sacrificed all of them for him, in loyalty to his knowledge, Hijra and Jihad, as well as our patient sister Aafia Siddiqui, may Allah release her from her hardship."

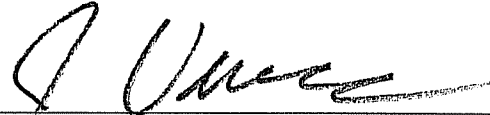
Similarly, in this section of the January Video, I believe that BELMOKHTAR was specifically addressing the United States by offering to exchange the American hostages for two prisoners held in United States jails as a result of federal criminal convictions. Cf. supra ¶ 35 (noting that in December 2012 BELMOKHTAR described Ayman al Zawahiri as his "emir") and ¶ 34 (noting that in October 2012 Ayman al Zawahiri publicly sought the release of Sheikh Omar Abdul Rahman and Aafia Siddiqui).

41. I have reviewed the photograph of BELMOKHTAR that Witness-1 and Witness-2 identified as "Khalid," see supra ¶¶ 31 and 32, and I have compared it to the images of BELMOKHTAR in the December Video, see supra ¶ 35, and the January Video, see supra ¶ 40. Based on my review, I believe that the person in the photograph identified as "Khalid" by Witness-1 and Witness-2

is the same person appearing in the two videos, i.e., BELMOKHTAR.

42. Three of the hostage-takers were arrested and detained by foreign authorities and later separately interviewed by U.S. law enforcement officers. The three detained hostage-takers each acknowledged that they were members of an al Qaeda group and had received military training in another country prior to travelling to Algeria to conduct the attack on the Facility in the name of al Qaeda. The three detained hostage-takers were each shown a still image of MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, taken from the December Video, see supra ¶ 35, and each identified the individual in the image as the "emir" of their group.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.



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JESSICA E. ULMER  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
19th day of July, 2013



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THE HONORABLE JAMES L. COTT  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

# Exhibit A



APPROVED:

*Anna Skotko* 13 MAG 0522

GLEN KOPP / ANNA M. SKOTKO / SHANE T. STANSBURY  
Assistant United States Attorneys

BEFORE: THE HONORABLE KEVIN NATHANIEL FOX  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>SEALED COMPLAINT</u>
- v -	:	Violations of
	:	18 U.S.C. §§ 2339B;
	:	1203; 924(o);
MOKHTAR BELMOKHTAR,	:	924(c); 844(m)
a/k/a "Khalid Abu al Abbas,"	:	1201; 2332a & 2
a/k/a "Khalid al Daas,"	:	
Defendant.	:	

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SOUTHERN DISTRICT OF NEW YORK, ss.:

Jessica E. Ulmer, being duly sworn, deposes and says that she is a Special Agent of the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

Conspiracy to Provide Material Support to Foreign Terrorist Organizations

1. From at least in or about December 2008, up to and including on or about January 21, 2013, in an offense occurring in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate and agree together and with each other to provide "material support or resources," as that term is defined in Title 18, United

States Code, Section 2339A(b)(1), to foreign terrorist organizations, to wit, al Qaeda and al Qaeda in the Islamic Maghreb ("AQIM"), each of which has been designated by the United States Secretary of State as a foreign terrorist organization, pursuant to Section 219 of the Immigration and Nationality Act, and is currently designated as such as of the date of the filing of this Complaint, and which conspiracy resulted in the deaths of many persons, including three United States citizens.

2. It was a part and an object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would and did agree to provide material support and resources, including, among other things, equipment, weapons, explosives, personnel, training, and technical advice, to AQIM, knowing that AQIM was a designated foreign terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that AQIM had engaged and was engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and that AQIM had engaged and was engaging in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B.

3. It was further a part and an object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would and did agree to provide material support and resources, including, among other things, equipment, weapons, explosives, personnel, training, and technical advice, to al Qaeda, knowing that al Qaeda was a designated foreign terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that al Qaeda had engaged and was engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and that al Qaeda had engaged and was engaging in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B.

#### Overt Acts

4. In furtherance of the conspiracy and to effect the illegal objects thereof, MOKHTAR BELMOKHTAR, a/k/a "Khalid

Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, committed the following overt acts:

a. In or about December 2008, in Niger, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and co-conspirators not named as defendants herein, abducted two Western nationals and held them hostage.

b. On or about January 16, 2013, in the vicinity of In Amenas, Algeria, co-conspirators not named as defendants herein attacked with gunfire a bus traveling from a gas processing facility (the "Facility") to a local airport, on which one United States citizen, as well as nationals of other countries, were traveling.

c. On or about January 16, 2013, in the vicinity of In Amenas, Algeria, co-conspirators armed with AK-47 assault rifles attacked the Facility, and held hostage by force Western nationals and United States citizens.

d. On or about January 16, 2013, in the vicinity of In Amenas, Algeria, co-conspirators not named as defendants herein possessed explosive devices and attached those devices to people held hostage within the Facility.

e. On or about January 16, 2013, in the vicinity of In Amenas, Algeria, co-conspirators not named as defendants herein telephoned a representative of one of the Western companies responsible for the Facility and threatened to kill the hostages.

f. On or about January 21, 2013, BELMOKHTAR, in an online video, claimed responsibility on behalf of al Qaeda for the attack on the Facility, which he referred to as "this sacrificial blessed operation."

(Title 18, United States Code,  
Sections 2339B(a)(1), (d)(1)(C), (d)(1)(E) and 3238.)

## COUNT TWO

### Hostage Taking Conspiracy

5. From at least in or about December 2008, up to and including on or about January 21, 2013, in an offense occurring in and affecting interstate and foreign commerce,

MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 1203(a), and which conspiracy resulted in the deaths of many persons, including three United States citizens.

6. It was a part and an object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would and did seize and detain and threaten to kill, injure, and continue to detain other persons, to wit, United States citizens and citizens of other nations, in order to compel a third person and a governmental organization to do and abstain from doing an act as an explicit and implicit condition for the release of the persons detained.

#### Overt Acts

7. In furtherance of the conspiracy and to effect the illegal object thereof, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 4 of this Complaint, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 1203(a), (b)(1), and 3238.)

#### COUNT THREE

#### Conspiracy to Discharge a Firearm in Furtherance of a Crime of Violence

8. From at least in or about December 2008, up to and including on or about January 21, 2013, in an offense begun and committed outside the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to possess, brandish, and discharge firearms, to wit, machine guns, during and in relation

to, and in furtherance of a crime of violence in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and (c)(1)(B)(ii).

9. It was a part and object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would and did possess, brandish, and discharge AK-47s and other heavy-caliber assault weapons in furtherance of a crime of violence which may be prosecuted in a court of the United States, to wit, the hostage taking conspiracy alleged in Count Two of this Complaint.

#### Overt Acts

10. In furtherance of the conspiracy and to effect the illegal object thereof, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 4 of this Complaint, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 924(o) and 3238.)

#### COUNT FOUR

##### Discharge of a Firearm in Furtherance of a Crime of Violence

11. In or about January 2013, in an offense begun and committed outside the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to and arrested in the Southern District of New York, intentionally and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the hostage taking conspiracy charged in Count Two of this Complaint, did use and carry firearms, to wit, BELMOKHTAR discharged AK-47s and other heavy-caliber assault weapons, and aided and abetted the discharge of AK-47s and other heavy caliber assault weapons, in connection with a conspiracy to take hostages, causing the deaths of many persons, including three United States citizens.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii), (B)(ii), 924(j), 2 and 3238.)

COUNT FIVE

Conspiracy to Use and Carry an Explosive During the Commission  
of a Felony

12. In or about January 2013, in an offense begun and committed outside the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to carry an explosive during a felony which may be prosecuted in a court of the United States, in violation of Title 18, United States Code, Section 844(h).

13. It was a part and object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would and did use and carry an explosive during the commission of the felony offense of hostage taking charged in Count Two of this Complaint.

Overt Acts

14. In furtherance of the conspiracy and to effect the illegal object thereof, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 4 of this Complaint, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 844(m) and 3238.)

COUNT SIX

Conspiracy to Kidnap Internationally Protected Persons

15. From at least in or about December 2008, up to and including in or about April 2009, in an offense occurring in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to, found in, and arrested in the Southern District of New York, and others known and unknown, unlawfully,

willfully, and knowingly did combine, conspire, confederate and agree together and with each other to violate Title 18, United States Code, Section 1201.

16. It was a part and an object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would and did seize, confine, kidnap, abduct, and carry away and hold for ransom and reward and otherwise an internationally protected person (as defined in Title 18, United States Code, Section 1116(b), and in Title 22, United States Code, Section 288)), to wit, BELMOHKTAR and his co-conspirators agreed to abduct and hold for ransom a Special Envoy of the United Nations and the Envoy's assistant.

#### Overt Acts

17. In furtherance of the conspiracy and to effect the illegal object thereof, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 4 of this Complaint, which are fully incorporated by reference herein.

(Title 18, United States Code, Section 1201(a)(4), (c), (e)(3) and 3238.)

#### COUNT SEVEN

##### Kidnapping of Internationally Protected Persons

18. On or about December 14, 2008, in an offense occurring in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, who will be first brought to, found in, and arrested in the Southern District of New York, and others known and unknown, unlawfully and knowingly did seize, confine, kidnap, abduct, and carry away and hold for ransom and reward and otherwise an internationally protected person (as defined in Title 18, United States Code, Section 1116(b), and Title 22, United States Code, Section 288), and did aid and abet the same,

to wit, BELMOKHTAR and others kidnapped a Special Envoy of the United Nations and his assistant.

(Title 18, United States Code, Sections 1201(a)(4), (e)(3), 2, and 3238.)

COUNT EIGHT

Conspiracy to Use a Weapon of Mass Destruction

19. In or about January 2013, in an offense occurring in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or district of the United States, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, without lawful authority, willfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 2332a(a)(1).

20. It was a part and an object of the conspiracy that MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, would use a weapon of mass destruction, namely, a destructive device as that term is defined in Title 18, United States Code, Section 921, against a national of the United States while that national is outside of the United States, to wit, BELMOKHTAR agreed with others to use explosive devices against United States nationals while those nationals were in Algeria.

Overt Acts

21. In furtherance of the conspiracy and to effect the illegal object thereof, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 4 of this Complaint, which are fully incorporated by reference herein.

(Title 18, United States Code, Section 2332a(a)(1).)

The bases for my knowledge and the foregoing charges are as follows:

22. I have been a Special Agent with the FBI for approximately four years. I have participated in the



investigation of this matter, and have spoken with other individuals, including federal agents, and other law enforcement officials about this investigation. I also have reviewed reports and documents relating to this investigation, including reports of statements given by witnesses to other federal agents and law enforcement officials. When I rely on statements made by others, such statements are related in sum and substance, and in part, unless otherwise indicated. Because this affidavit is submitted for the limited purpose of establishing probable cause, I have not set forth herein each and every fact learned during the course of this investigation.

I. Overview

23. Al Qaeda is an international terrorist organization. Since at least the late 1990s, al Qaeda's core purpose has been the murder of Americans, as well as the nationals of certain other Western countries. Al Qaeda's current leader is Ayman al Zawahiri.

24. Al Qaeda has long operated on its own, and also through various regional "franchises." In September of 2006, Zawahiri announced that a North African terror group - to be known thereafter as al Qaeda in the Islamic Maghreb ("AQIM") - had joined with al Qaeda.

25. MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, has long been one of the key leaders of al Qaeda's efforts in North Africa. In support of al Qaeda, BELMOKHTAR has operated under the auspices of two groups: AQIM and the Al-Mulathammin Brigade (the "Brigade") and its recently formed battalion, "The Signers in Blood" (the "Battalion").<sup>1</sup>

26. During the period from 2008 to 2013, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, has led terror attacks that resulted in the kidnapping and murder of numerous individuals, including at least three Americans.

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<sup>1</sup> Based on my participation in this investigation, I know that "The Signers in Blood" is a translation of "Al-Muwaqi'un Bil Dima."

27. In late 2008, co-conspirators acting at the direction of MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, kidnapped and held two Western nationals in Niger and Mali. The co-conspirators variously stated that they were acting on behalf of al Qaeda and AQIM.

28. In January 2013, members of the Brigade led by MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, attacked a Western-owned gas processing facility in Algeria. A large number of people employed at the facility were taken hostage. Ultimately, many of those taken hostage were killed. Following the attack, BELMOKHTAR unequivocally took credit for the attack in a video-taped statement - on behalf of al Qaeda and the Battalion.

II. Background: al Qaeda, al Qaeda in the Islamic Maghreb, and Belmokhtar's "The Signers in Blood" Battalion

29. During the course of my investigation, I have become familiar with al Qaeda and other related terrorist groups. Based on my review of publicly-available information, including findings and statements by the United States Department of State, the United States Department of Treasury, and the United Nations, as well as evidence adduced at federal criminal trials and statements attributed to al Qaeda and AQIM, I have learned the following:

a. Al Qaeda is a terrorist organization founded in or about 1989 by Usama bin Laden. Its current "emir" is Ayman al Zawahiri.<sup>2</sup> Since the late 1990s, one of the principal, declared goals of al Qaeda has been to attack the United States and to kill Americans. Some of al Qaeda's attacks have targeted Americans in the United States. Thus, for example, thousands of Americans were murdered in the United States by al Qaeda on September 11, 2001. In addition, some of al Qaeda's attacks have targeted Americans outside of America, including in Africa. Thus, for example, over 200 people were murdered on August 7,

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<sup>2</sup> I know, based on my training and experience and from individuals who are familiar with the Arabic language, that "emir" is an Arabic word. It is usually translated as "prince," "leader," "commander," or "chieftain."

1998, when al Qaeda attacked two United States Embassies in Africa.<sup>3</sup>

b. Al Qaeda functions both on its own and through various terrorist organizations that operate under al Qaeda's umbrella. One of those organizations is AQIM.

c. AQIM is a terrorist organization based in North Africa. AQIM formerly called itself the Salafist Group for Preaching and Combat ("GSPC"). GSPC was founded in the late 1990s with the assistance of Usama bin Laden, and it declared war on Algeria's secular authorities and on Western targets.<sup>4</sup>

d. On or about September 11, 2006, Ayman al Zawahiri issued a video-taped statement. Among other things, Zawahiri said: "Usama Bin Laden has told me to announce to Muslims that the GSPC has joined al Qaeda." Soon thereafter, the GSPC issued a statement indicating that it had changed its name on Bin Laden's "orders." The GSPC's new name was AQIM. Subsequently, the leader of AQIM publicly said: "We [AQIM] and al Qaeda are one body."<sup>5</sup>

e. MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, has long been a prominent North African terrorist leader.<sup>6</sup>

f. On or about December 5, 2012, BELMOKHTAR issued a video-taped statement announcing the formation of a new terrorist group. The group was to be called "The Signers in Blood." BELMOKHTAR said that the "emir," see supra n.2, of the group was Zawahiri.<sup>7</sup> BELMOKHTAR also referred to Abdullah Azzam,

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<sup>3</sup> At all relevant times, al Qaeda has been designated as a foreign terrorist organization ("FTO") pursuant to Section 219 of the Immigration and Nationality Act ("INA"), as amended.

<sup>4</sup> At all relevant times, GSPC has been designated as an FTO pursuant to the INA.

<sup>5</sup> At all relevant times, AQIM has been designated as an FTO pursuant to the INA.

<sup>6</sup> On October 24, 2003, the United States Department of Treasury, pursuant to Executive Order 13224, designated BELMOKHTAR as a foreign terrorist.

<sup>7</sup> Zawahiri, as noted above, is the leader of al Qaeda.

an early leader of al Qaeda and a mentor of Usama bin Laden. BELMOKHAR said: "I remind Muslims of the eternal words spoken by the shaykh of the mujahedeen, the martyr as we consider him, Abdallah Azzam, from the womb of battles in Afghanistan: Jihad taught me that Islam is a tree that can only be watered with blood." In a video-taped statement issued a few weeks later, in January 2013, BELMOKHTAR confirmed that the Battalion was "in [the] al Qaeda organization."

### III. Belmokhtar's 2008 Kidnapping of Two Westerners in North Africa

30. As described in detail below, on or about December 14, 2008, in Niger, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and co-conspirators acting at his direction, kidnapped, among others, two Western diplomats who were working as part of a United Nations mission. BELMOKHTAR and his co-conspirators held the two victims for approximately four months in the desert in Africa. The two victims were released in Mali, on or about April 22, 2009. Thereafter, the two above-referenced victims, referred to below as Witness-1 and Witness-2 (collectively, "the Victims"), were interviewed on numerous occasions by United States law enforcement agents.

31. Based on United States law enforcement interviews of Witness-1, I learned, among other things, the following:

a. During December 2008, Witness-1 and Witness-2 were working in Niger as part of a United Nations mission to promote peace among various groups in Niger. On or about December 14, 2008, Witness-1, Witness-2, and their driver (the "Driver") were traveling in a car (the "Car") to their hotel in Niger. A pick-up truck (the "Pick-Up Truck") pulled alongside the Car. Individuals in the Pick-Up Truck demanded that the Car pull over to the side of the road. The Driver complied. Two individuals ("CC-1" and "CC-2") then got out of the Pick-Up Truck, carrying what appeared to be AK-47 assault rifles. CC-1 and CC-2 demanded that Witness-1 and Witness-2 get out of the Car, and forced Witness-1 and Witness-2 into the back of the Pick-Up Truck.

b. Another individual ("CC-3") then drove the Pick-Up Truck, with the Victims inside, for approximately five hours. CC-3 stopped the Pick-Up Truck for prayers. While

preparing for prayer, CC-1 told Witness-1 that CC-1 and his co-conspirators were al Qaeda "mujahedeen."<sup>8</sup>

c. Witness-1 estimated that over the four months in which Witness-1 was held hostage, a total of approximately thirty men were involved in the kidnapping operation. One of the kidnapers with whom Witness-1 repeatedly interacted was referred to by the other kidnapers as "Khalid." Witness-1 observed that "Khalid" had only one eye, and had a scar running down one side of his face that ran from his forehead down to his eye. Witness-1 was shown a known photograph of MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant. Witness-1 identified the photograph as a photograph of "Khalid." Accordingly, "Khalid" is referred to hereinafter as BELMOKHTAR.

d. Witness-1 observed that the other kidnapers treated BELMOKHTAR with respect, and appeared to be subordinate to him (BELMOKHTAR). For example, and among other things, Witness-1 observed that the other kidnapers at times referred to BELMOKHTAR as "emir." See supra n.2 (defining "emir"). Thus, Witness-1 understood that BELMOKHTAR was the leader of the kidnapers.

e. Shortly after Witness-1 was abducted, Witness-1 learned that the kidnapers planned to make a video of Witness-1 and Witness-2. In the presence of Witness-1 and Witness-2, BELMOKHTAR and others discussed how Witness-1 and Witness-2 should refer to their kidnapers on the video. BELMOKHTAR stated that Witness-1 and Witness-2 should refer to the kidnapers as al Qaeda in the Maghreb Islamic (i.e., as AQIM).<sup>9</sup>

f. While Witness-1 was held captive, CC-3 told Witness-1 that the kidnapers viewed Algerian, Libyan, United States, and United Nations officials as the most desirable kidnapping targets. In addition, CC-3 told Witness-1 that

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<sup>8</sup> I know, based on my training and experience and from individuals who are familiar with the Arabic language, that "mujahedeen" is an Arabic word. It is usually translated as "Islamic guerilla fighters" or "jihad fighters."

<sup>9</sup> In order for Witness-1 to communicate with BELMOKHTAR, another kidnapper interpreted what BELMOKHTAR said from Arabic into French, and vice versa.

Witness-1 and Witness-2 were kidnapped so that the kidnapers could negotiate the release of prisoners from other countries.

32. During United States law enforcement interviews of Witness-2, Witness-2 described the events of his captivity in a manner substantially consistent with Witness-1's description, as set forth in paragraph 31, supra. In addition, based on the United States law enforcement interviews of Witness-2, I learned, among other things, the following:

a. During Witness-2's time in captivity, Witness-2 repeatedly interacted with a man that the other kidnapers referred to as "Khalid." That man had a scar that ran vertically across one side of his face, through the eye area. Witness-2 was shown a known photograph of MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant. Witness-2 identified the photograph as a photograph of "Khalid." Accordingly, "Khalid" is referred to herein as BELMOKHTAR.

b. Witness-2 observed that BELMOKHTAR was a leader of the kidnapers. For example, BELMOKHTAR transferred one of the kidnapers out of the group after Witness-2 and that kidnapper nearly had a physical altercation. In addition, BELMOKHTAR, through an interpreter, explained to Witness-2 and Witness-1 what to expect and what would occur during the course of their captivity.

33. I have reviewed two French-language videos of Witness-1 and Witness-2, made while they were in captivity (the "Proof of Life Videos"), as well as draft French-to-English translations of the Proof of Life Videos.

a. On the first Proof of Life Video, Witness-1 and Witness-2 are seen sitting in a tent. Behind Witness-1 and Witness-2 are three masked individuals kneeling and holding what appear to be heavy-caliber assault weapons. Among other things, Witness-2 stated that Witness-2 and Witness-1 "were kidnapped by a branch of al Qaeda in the Islamic Maghreb." Among other things, Witness-1 stated that Witness-2 and Witness-1 were "kidnapped by a branch of al Qaeda in the Islamic Maghreb this past Sunday."

b. On the second Proof of Life Video, Witness-1, Witness-2, and the Driver are seen sitting in a tent. Behind Witness-1 and Witness-2 stand four masked individuals, three of

whom are holding heavy-caliber assault weapons. Behind the four masked individuals, on the back of the tent, is a black banner with Arabic writing. Among other things, Witness-2 stated that the captives "were abducted by al Qaeda in the Islamic Maghreb branch . . . [and] we are still captives of the al Qaeda branch." Among other things, Witness-1 stated that "we have been captives of al Qaeda in the Islamic Maghreb branch since December 14<sup>th</sup>."

IV. Late 2012: al Qaeda Calls For Kidnappings and Belmokhtar Creates "The Signers in Blood" Battalion

34. During October 2012, Ayman al Zawahiri, the "emir" of al Qaeda, issued a videotaped statement. In the statement, Zawahiri called for the kidnapping of Westerners in an effort to secure the release of Omar Abdul Rahman.<sup>10</sup> Zawahiri further said: "And we, by the grace of Allah, have announced that we will not release the American captive<sup>11</sup> [], Allah willing, until the Crusaders release our captives including Sheikh Omar Abdul Rahman and Aafia Siddiqui."<sup>12</sup>

35. On or about December 5, 2012, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, appeared and spoke Arabic in an online video entitled "Our Shari'ah: Loyalty and Steadfastness Until Victory" (the "December Video"). A caption on the video identified the speaker as "Khalid Abu al Abbas, Amir of the Al-Mulathammin [Brigade]."<sup>13</sup> BELMOKHTAR was holding a machinegun as he spoke on the December Video. Based on my review of a draft Arabic-to-English translation of portions of the December Video, BELMOKHTAR made the following statements:

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<sup>10</sup> Abdul Rahman, commonly known as the "Blind Sheikh," was convicted of various terrorism-related offenses following a jury trial in the Southern District of New York. Abdul Rahman is currently serving his sentence in federal prison.

<sup>11</sup> This is an apparent reference to a particular American who had been kidnapped and held by al Qaeda.

<sup>12</sup> Siddiqui was convicted of various terrorism-related offenses following a jury trial in the Southern District of New York. Siddiqui is currently serving her sentence in federal prison.

<sup>13</sup> As noted above, see supra ¶¶ 31 and 32, and below, see infra ¶ 38a, BELMOKHTAR is often referred to as "Khalid." "Amir" is apparently a rendering of "emir."

- BELMOKHTAR announced the creation of a guerilla battalion called "The Signers in Blood" "made up of our best mujahedeen, boys and young men, immigrants and supporters."
- BELMOKHTAR called for fighting in Algeria and elsewhere to oppose Western influence, and stated: "we vow to all those who planned and participated in the aggression against the right of our Muslim people to be ruled by Islamic Shari'ah on our land, we will respond with all available force and you will hear from us on the battlefield. It is our promise to you that we will fight you in your own homes, you will experience the heat of wounds in your own countries, and we will threaten your interests."
- BELMOKHTAR promised to liberate "our prisoners . . . those present in the prisons of injustice and tyranny . . . ."
- BELMOKHTAR referred to Ayman al Zawahiri, the leader of al Qaeda, as "our role model and persevering emir," and offered Zawahiri, and others, "a greeting of love and loyalty."

V. 2013: Belmokhtar's "The Signers in Blood" Battalion Conducts a Mass Kidnapping in North Africa

36. Since January 18, 2013, United States law enforcement agents have interviewed numerous witnesses. Based on, among other things, reports of these interviews, I know the following:

a. On January 16, 2013, armed terrorists of "The Signers in Blood" Battalion attacked a gas processing facility near In Amenas, Algeria (the "Facility"). The Facility is owned and operated as a joint venture involving multiple international companies, including a multinational energy company based in the West (the "Company"). On January 16, before sunrise, terrorists armed with AK-47s and rocket propelled grenade launchers attacked a bus carrying



approximately twelve workers from the Facility to the local airport, as well as security vehicles escorting the bus. At around the same time, armed terrorists attacked the Facility itself and breached its perimeter.<sup>14</sup> Numerous workers inside the Facility, including Algerian nationals and citizens of the United States, the United Kingdom, Japan, Norway, the Philippines, Colombia, Romania and other nations were taken hostage by force; others fled, or hid within the Facility. Many employees of the Facility were ultimately killed. The terrorists segregated and released the Algerian nationals and those they apparently believed to be Muslims; others continued to be held by force or were murdered. The terrorists gathered many of the hostages in a central area of the Facility and bound them so that they could not escape. The terrorists attached explosives to some of the hostages, wound detonation cord around their necks, and threatened to kill them. The siege of the Facility ended on or about January 20, 2013. A large number of hostages, including three United States citizens, were killed.

37. Since January 18, 2013, United States law enforcement agents have interviewed numerous employees of the Facility who were held hostage during the siege and subsequently escaped or were freed. The information set forth below is derived from the interviews of four employees, three citizens of the United States and one citizen of the United Kingdom, who witnessed the events described above.

a. On January 16, 2013, in the early morning, Witness-3, a United States citizen, was traveling by bus from the Facility to the local airport, with approximately eleven other Facility workers. Two security escort vehicles drove in front of the bus and two drove behind the bus. After approximately ten minutes, as the bus approached a checkpoint, the bus was hit with gunfire on both sides. The initial attack was repelled by the personnel in the security escort vehicles. Thereafter, another wave of gunfire hit the bus. Witness-3 and the other eleven passengers on the Bus then escaped.

b. On January 16, 2013, in the early morning, Witness-4, a United States citizen, had just left a dining area within the Facility. Witness-4 heard the sound of gunfire and

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<sup>14</sup> The terrorists who attacked the Facility were from multiple countries, consistent with BELMOKTAR's December 2012 declaration that the newly formed Battalion would be made up of "immigrants."

saw a vehicle crash through one of the Facility's security gates. Witness-4 saw guns being fired from the vehicle and hid inside the room of a co-worker along with two other Facility workers, including Witness-5 (see paragraph 37c below). While hiding, Witness-4 looked out of the window of the room and observed at least four males carrying AK-47 assault rifles (hereinafter, "AK-47s"). After approximately three and a half hours in hiding, Witness-4 heard doors to nearby rooms being knocked on and forcibly opened. Shortly thereafter, terrorists broke down the door of the room where Witness-4 was hiding. An attacker armed with an AK-47 found Witness-4 and his colleagues and directed them to go outside. Witness-4 complied, and was taken to a plaza within the Facility. There, Witness-4 observed approximately eight Facility employees - all nationals of Western countries - seated in a row with their hands and feet bound. Apparently believing that Witness-4 was not a Westerner due to Witness-4's dark complexion, the attackers placed Witness-4 with a group of Algerians, who were separated from the Western hostages. After being placed with the Algerian workers, Witness-4 saw approximately ten to twelve Facility employees, who appeared to Witness-4 to be Western nationals, with their hands and feet bound. Witness-4 observed an American employee among the hostages ("US Citizen-1"). Later that day, Witness-4 observed two attackers, armed with AK-47s, escort US Citizen-1 into a vehicle. That was the last time that Witness-4 saw US Citizen-1.<sup>15</sup> The following day, the terrorists released the group of Algerian nationals from the Facility, including Witness-4 who had remained with this group.

c. On January 16, 2013, in the early morning, Witness-5 was passing the main entrance gate of the Facility, and heard gunfire. Witness-5 turned in the direction of the gunfire, and observed a vehicle carrying armed attackers crash through the Facility's main gate. Attackers started shooting at Witness-5. Witness-5, Witness-4, and another Facility employee hid inside a room in one of the buildings in the Facility. Witness-5, Witness-4, and the other employee hid in the bathroom until the attackers broke down the bathroom door and found them. The attackers repeatedly shouted "al Qaeda," and took Witness-5, Witness-4, and the co-worker outside. Witness-5, who has a light complexion, was separated from Witness-4 and the other co-worker. Witness-5 was brought to an area with approximately

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<sup>15</sup> It was later determined that US Citizen-1, as well as two other United States citizens, had been killed during the attack.

eight to nine other hostages. The attackers bound the hands and feet of Witness-5 and the other hostages with plastic ties. Witness-5 overheard one of the attackers speaking in English on the telephone and making demands, including that incarcerated al Qaeda members be released in exchange for the release of the hostages. Eventually, the attackers looped a wire around Witness-5's neck and the necks of the other hostages; the wire was connected to an explosive device. Witness-5 slept that night with the wire around his neck. The following day, the attackers told Witness-5 and the other hostages that they (the hostages) would be taken to the central processing area at the Facility. Witness-5 and four other hostages were placed in a vehicle with four attackers. One of the attackers in the vehicle - the English speaker who Witness-5 had previously heard speaking on the telephone - held what appeared to be an explosive device in his lap. Another attacker pointed a large gun out of the back window of the vehicle. As the vehicle drove off, the attackers yelled "Allah akbar" as they fired their weapons. The vehicle was then hit by gunfire, apparently from a helicopter overhead, and flipped over. Witness-5 crawled out of the overturned vehicle and fled to safety.

d. On or about January 16, 2013, in the early morning, Witness-6, a United States citizen, heard an alarm indicating a security breach at the Facility and simultaneously heard gunfire. Witness-6 retreated to Witness-6's living quarters. Witness-6 barricaded the door, drew the blinds, and turned off the lights. While hiding, Witness-6 received a text message from a co-worker which read, "I guess better hide my passport . . . .?" After receiving the text message, Witness-6 looked out the window and observed an attacker holding a man at gunpoint. Witness-6 remained in hiding until he was freed on January 17, 2013.

38. I have reviewed draft transcripts of a series of recorded calls placed by one of the hostage-takers to a representative of the Company on January 16 and January 17, 2013 (the "Company Representative"). During those recorded calls, the hostage-taker, who spoke English, told the Company Representative, among other things, in sum and substance and in part, that:

a. The leader of the terrorists holding the Facility was named "Khalid al Daas," and was located in Northern Mali.<sup>16</sup>

b. The hostages held at the Facility were citizens of the United States, the United Kingdom, Norway, Columbia, Japan, the Philippines, and South Africa, among other nations.

c. The hostage-taker stated: the "main thing is we want to exchange the prisoners[,] these foreign nationals we have[,] we want to exchange for the list of prisoners we have a list we want released . . . ." <sup>17</sup>

d. The attackers demanded a military escort to Northern Mali for themselves and the hostages.

e. The hostage-taker stated: "if you attack they're going to kill everyone. Everyone here has explosive cord attached to . . . around their necks attached to a lot of TNT . . . so everyone here as well as the factory is all wired up."

f. During at least two calls, two hostages spoke on the phone to the Company Representative, apparently under the direct supervision of the hostage-taker.

39. I have reviewed a draft Arabic-to-English translation of a statement released by a foreign media organization on or about January 21, 2013, titled "Statement from 'Al-Mulathamain Brigade' Regarding the In Amenas Hostage Operation." It stated, among other things, that "[a] Fedayan company from the 'Signers with Blood Brigade' of Al-Qaeda Organization conducted a double storming operation which its goal was controlling the natural gas plant and the Al-Hayat compound belonging to the British [] company, and holding of some Western workers in the compound . . . ." Based on the events of January 16 through January 20, 2013, which are set forth above, and based on my training and experience, I believe that the statement described above was released by members of

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<sup>16</sup> As described above, see supra ¶¶ 31 and 32, BELMOKHTAR is often referred to as Khalid.

<sup>17</sup> As described above, see supra ¶ 40, as recently as December 2012, BELMOKHTAR had promised to liberate prisoners.

the Brigade, taking responsibility for the January 16, 2013 attack on the Facility.

40. I have reviewed an online video issued on January 21, 2013, approximately one day after Algerian authorities ended the kidnappers' siege of the Facility. In the video, MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, appeared and spoke in Arabic (the "January Video"). A caption on the video identified the speaker as "Khalid Abu al Abbas, Amir of the Mulatham Brigade." Based on my review of a draft Arabic-to-English translation of the January Video, I learned that BELMOKHTAR stated, among other things, that:

- a. "We, in al Qaeda Organization, we announce our responsibility for this sacrificial blessed operation, which was led by 40 Mujahedeen, Muhajirin and Ansar, from various Muslim countries, and even from Western countries, under the Signatories With Blood we promised Allah to bring back victory and return the dignity, or otherwise [receive] martyrdom and paradise."

Here, I believe that BELMOKHTAR was referring to the kidnappers' siege of the Facility and the multinational Battalion under his command that carried out the attack. Cf. supra ¶ 38 (noting that one of the hostage takers was an English speaker). BELMOKHTAR's statement continued,

- b. "This brigade which we established in defense of our land and honors, which the Crusader France plotted against it along with the head of the ruling regime in Algeria, who [in return] humiliated the dignities and sacrifices of these defiant people and the blood of one and a half million pious martyrs, by allowing the enemy of yesterday to use our land and air space to kill our people and brothers in Mali. And we are

ready to negotiate with the Western countries and the Algerian regime on the condition of halting the aggression and the raids on the Muslim Malian people, especially the Azawad Province, and to respect their choice in establishing the rule of Islamic Sharia on their land."

I believe that in the above passage, BELMOKHTAR described the motivation for the terrorist attack on the Facility and his willingness to negotiate, with both Western countries and Algeria, for an end to alleged Western and Algerian aggression against Muslims in North Africa, including the recent French military operations against jihadist forces in Northern Mali.

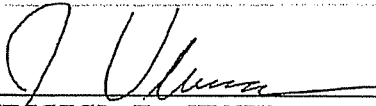
c. "As to the Americans, we say: we are ready to exchange all of your hostages held by us, in return for releasing the Sheikh, patient scholar Omar Abdul Rahman and returning him to his family in Egypt, and if we had a thousand of you we would've sacrificed all of them for him, in loyalty to his knowledge, Hijra and Jihad, as well as our patient sister Aafia Siddiqui, may Allah release her from her hardship."

Similarly, in this section of the January Video, I believe that BELMOKHTAR was specifically addressing the United States by offering to exchange the American hostages for two prisoners held in United States jails as a result of federal criminal convictions. Cf. supra ¶ 35 (noting that in December 2012 BELMOKHTAR described Ayman al Zawahiri as his "emir") and ¶ 34 (noting that in October 2012 Ayman al Zawahiri publicly sought the release of Sheikh Omar Abdul Rahman and Aafia Siddiqui).


41. I have reviewed the photograph of BELMOKHTAR that Witness-1 and Witness-2 identified as "Khalid," see supra ¶¶ 31 and 32, and I have compared it to the images of BELMOKHTAR in the December Video, see supra ¶ 35, and the January Video, see supra ¶ 40. Based on my review, I believe that the person in the photograph identified as "Khalid" by Witness-1 and Witness-2

is the same person appearing in the two videos, i.e., BELMOKHTAR.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for MOKHTAR BELMOKHTAR, a/k/a "Khalid Abu al Abbas," a/k/a "Khalid al Daas," the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

  
\_\_\_\_\_  
JESSICA E. ULMER  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
26th day of February, 2013

  
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THE HONORABLE KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK