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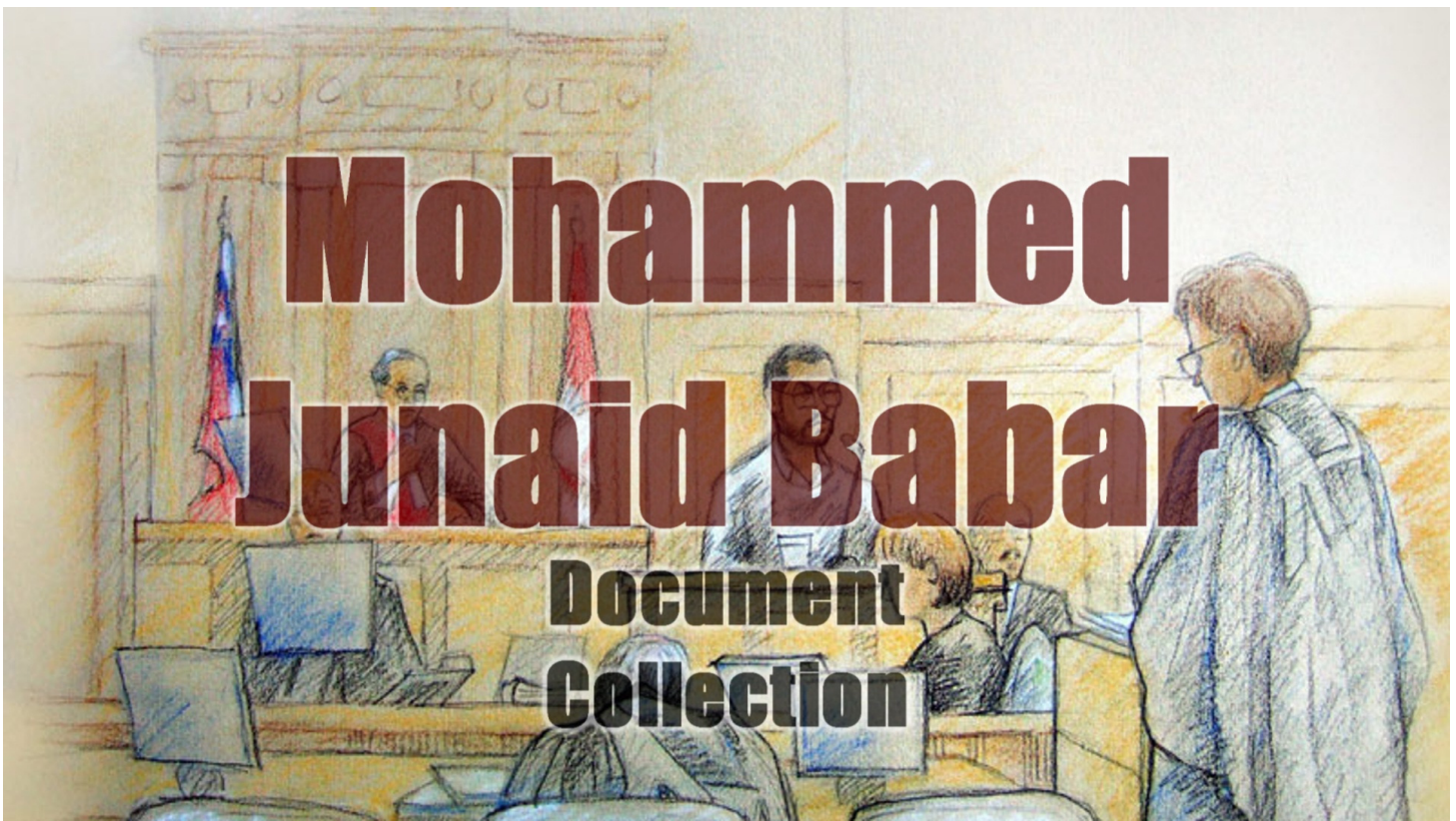


**Mohammed
Junaid Babar**

**Document
Collection**

**e-book collection of documents
relating to a probable 7/7-linked
double agent**

edited by Tom Secker



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Introduction

This collection of over 100 pages of unsealed court documents and security service records presents the story of Al Qaeda 'supergrass' Mohammed Junaid Babar. Babar was born in Pakistan in 1975 but moved to the United States only two years later. He grew up in Queens, NY, and attended the all-male La Salle military boarding school, graduating in the mid 1990s. He attended St. John's university but dropped out, and in the year 2000 became involved with the New York chapter of Al-Muhajiroun.

Al-Muhajiroun are an international Islamist organisation originally founded in Pakistan, but with a major presence in the United States and the United Kingdom. The choice of these three countries, and the ease with which they set up in them, have led many to suspect that the organisation are affiliated with the security services. Most notably, the major figures in the British chapter – Abu Hamza, Abu Qatada and Omar Bakri – all have reported connections to the British state security services, with the latter two admitting to being informants for MI5.

On September 11th 2001, Babar was in New York and witnessed the 9/11 terrorist attacks. His mother was a cleaner on the 9th floor of one of the World Trade Center towers, but she managed to escape. It is at this point that Babar's story stops making sense. Rather than being angry at the terrorists who had nearly killed his mother, Babar apparently decided to join them. He travelled to Pakistan, and gave two different televised interviews where he promised to kill Americans in Afghanistan, and to kill American soldiers in Pakistan. He made no effort to disguise his identity in these interviews, and though he claimed to have been paid \$500 to make these statements, he later admitted that this was untrue.

He joined up with Al Muhajiroun in Pakistan and for most of 2002 he worked for the Pakistan Software Export Board, an agency of the Pakistan government. He also became an Al Qaeda facilitator, providing equipment and money and setting up a terrorism training camp in Malakand, in the Afghan-Pak border region.

This camp was apparently used by several people from Britain, including Omar Khyam, Salahuddin Amin, Mohammed Siddique Khan and Mohammed Shakil. The former two men were prosecuted and convicted as part of Operation Crevice – the British security services investigation into what is commonly known as the 'fertiliser bomb plot'. Mohammed Siddique Khan was the alleged ringleader of the 7/7 bombings, and Shakil was one of three men prosecuted but not convicted of involvement in the 7/7 conspiracy. Also during this period Babar flew in and out of Britain on several occasions, apparently without any difficulties.

Babar flew back to the US in early 2004 and not long afterwards he gave himself up to the FBI. Shortly after Babar's return to America, eight men

were arrested in Britain and Canada and charged with being involved in the 'fertiliser bomb plot'. Ultimately, five men would be convicted in the UK and one in Canada. Two were exonerated.

Babar co-operated with the United States authorities and appeared as the prosecution's star witness at both of the Crevice trials, one in the UK and one in Canada. His appearance at the Old Bailey in London took place under heavy protection by the state, with traffic being halted to allow the armed motorcade to deliver him to the courthouse. Nonetheless, there is absolutely no evidence of anyone within Al Qaeda or Al Muhajiroun trying to take revenge against Babar.

Babar also testified in the two trials of Mohammed Shakil, Sadeer Saleem and Waheed Ali, accused of carrying out hostile reconnaissance in support of the 7/7 bombing plot. The men were ultimately found innocent, though two were convicted of planning to attend a terrorism training camp. Collectively, those who Babar testified against received sentences of over 100 years in prison. Babar himself, who pleaded guilty to several charges of involvement in terrorism, spent less than five years behind bars.

The big question is also the relatively obvious one – was Babar a double agent, working for the security services all along? He was educated at a military academy, was involved with an organisation known to have ties to intelligence agencies, and was mysteriously able to travel all over the world for over two years despite having been publicly interviewed about his willingness to commit murder. When he was finally brought to ground, he co-operated instantly and without any resistance. He was ultimately rewarded for his co-operation with a ridiculously short sentence. The documents in this collection shed some light on this key issue.

Metropolitan Police Service summary timeline of Operation Crevice (undated)
– source:

http://nefafoundation.org/miscellaneous/FeaturedDocs/MPS_OpCreviceTimeline.pdf

This is a very useful summary of the Crevice case, albeit from a police perspective. It outlines the who, the when and the where. This timeline very much paints Omar Khyam as the ringleader of the 'fertiliser bomb plot', inasmuch as there was a plot. Despite lengthy surveillance on the group and hours of bugged conversations, there was no indication that the supposed conspirators had chosen a target or method of delivery. They had acquired certain materials that are useful in bomb-making, and had vaguely discussed terrorist plots.

Khyam is also very significant because he had familial connections to the Pakistani Inter Services Intelligence (ISI). At the Crevice trial (R v Khyam et al) in 2007, Khyam explained that he had even been trained at an ISI-run

camp several years earlier. This and other revelations about Khyam's past clearly rippled across the globe because after only a couple of days on the stand Khyam announced that he wasn't going to answer any more questions because the ISI had threatened his family if he continued explaining what had happened.

It is also worth noting that this timeline, for all it is a useful summary of the case, does not mention the role of Mohammed Quayyum Khan, referred to at the trial as 'Q'. He is suspected to have been an MI5 or Special Branch informant but was never called as a witness by either the prosecution or the defence. 'Q' was perhaps the real ringleader of the plot, and is also the first point of contact between the Operation Crevice group and Mohammed Siddique Khan.

Criminal Information filed against Mohammed Junaid Babar, June 3rd 2004 - source:

<http://nefafoundation.org/file/FeaturedDocs/U.S. v Babar SealedInformation.pdf>

This is the fundamental case brought against Junaid Babar after his lengthy interrogation/confession by the FBI. Babar pleaded guilty to all five counts, including 'providing material support or resources to a foreign terrorist organisation'. The offences listed are extremely severe, and precisely the sort of charge that the US Department of Justice has brought against numerous men who have effectively been entrapped by the FBI. Yet after a lengthy proffer negotiation, Babar had no issues entering a guilty plea.

It is interesting that none of the five counts date to before December 2002. That leaves over a year from when Babar set off for Pakistan in the wake of 9/11 to when he apparently started taking part in criminal activities. During this period he was involved with Al Muhajiroun and working for an agency of the Pakistan government, neither of which seemed to concern the Department of Justice. Was this the period where Babar was recruited as an agent and had his mission outlined for him?

US vs Babar Guilty Plea, June 3rd 2004 – source:

<http://www.investigativeproject.org/case/108>

The transcript of the court hearing where Babar pleaded guilty to all five counts levelled against him. The proceedings took great care to keep itself secret, with the courtroom being cleared and those left present warned to keep quiet about what they heard.

Babar also admitted that he not only provided aluminium powder and ammonium nitrate at his training camp, but also purchased the aluminium powder ultimately found in Omar Khyam's back garden. The three main

figures in the 'fertiliser bomb plot' all appear to have been informants – Omar Khyam and the ISI, 'Q' and MI5/Special Branch, and Junaid Babar (FBI). 'Q' was never even arrested, Babar successfully negotiated a very low sentence, but Khyam will serve a minimum of 20 years. Was he hung out to dry by Babar, and ultimately by the ISI? If anything, Babar played a bigger role in the plot than Khyam, at least according to this transcript.

Letters requesting postponement of Babar's sentencing, 2006-2008 – source: <http://www.pacer.gov/>

Several letters from the period 2006-2008 written by the prosecuting US Attorney Michael J Garcia to the judge Victor Marrero. This was the timeframe when Babar was being the world's most co-operative witness in the various trials at which he provided stunning useful testimony against the defendants. One case against Syed Hashmi, accused of two counts of providing support to a foreign terrorist organisation, did not go to trial. Hashmi was arrested in 2006 at Heathrow airport and was extradited to the United States. Following over two years in solitary confinement, he pleaded guilty and received a 15 year prison sentence – over three times what Babar received for pleading guilty to equivalent charges.

Extracts from FBI summary of interrogation of Babar (undated, sent to UK on December 2nd 2010) – source: <http://julyseventh.co.uk/j7-inquest-transcripts/77-inquests-transcripts-evidence-week-18.html>

Several pages of this summary were made available during the July 7th inquests, though the full document remains classified. The pages that are available are not particularly revelatory, though they do detail how when he was in the custody of the FBI, Babar was shown batches of photographs taken during British surveillance operations, including during Operation Crevise.

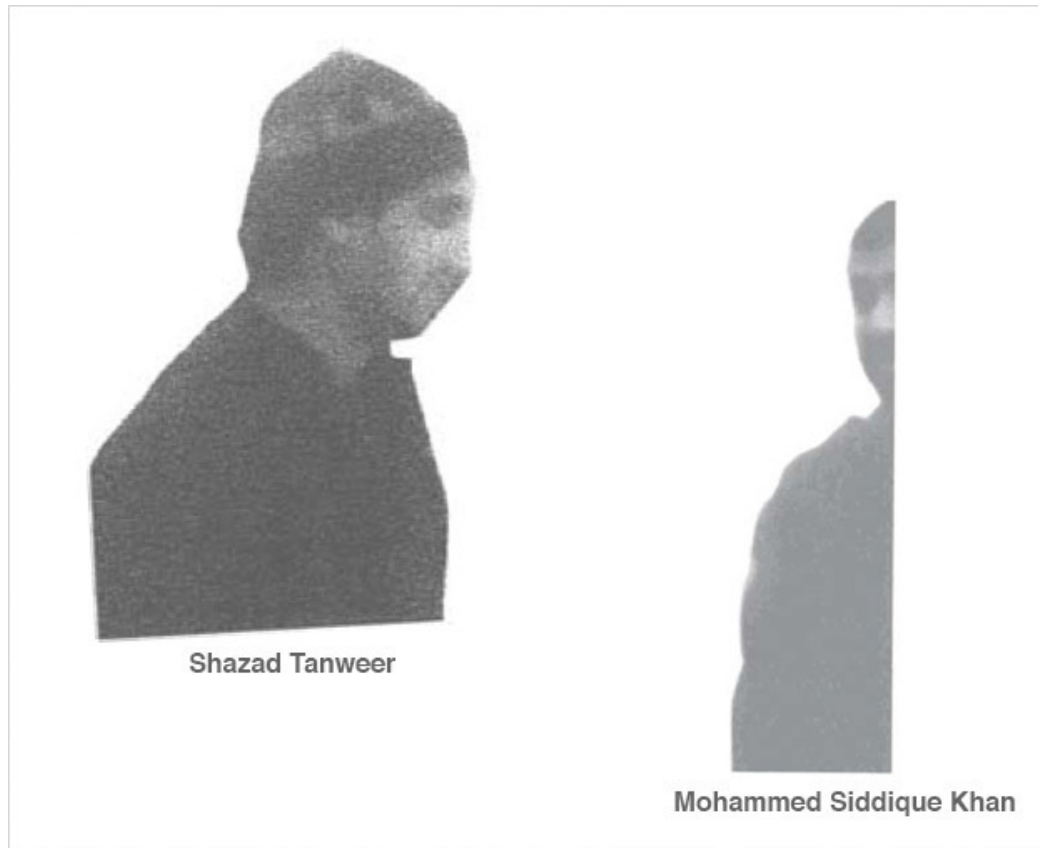
What these limited pages show is that Babar was routinely able to recognise and identify numerous different people from the photographs that he was shown. However, when he was shown pictures of the alleged 7/7 bombers, he was unable to recognise them. During the inquests it was explained that the picture sent by MI5 to the US for Babar's scrutiny was cropped so as to disguise the surveillance methods used by MI5 and the location where the picture was taken.

As you can see from the images below, the original surveillance photograph reveals nothing except that MI5 can take a photograph and that the men were located near some arcade machines. The cropped picture is so bad that not even Khan and Tanweer's mothers would have recognised them. Perhaps MI5 did not want them to be identified before 7/7.

Figure one: original surveillance photo of alleged 7/7 bombers Mohammed Siddique Khan (right) and Shehzad tanweer



Figure Two: Cropped version of above photograph sent by MI5 to the US for Babar's consideration



Security Service summary of connections between Operation Crevice and two of the 'Stepford bombers' (the alleged 7/7 bombers) (undated) – source <http://julyseventh.co.uk/j7-inquest-transcripts/77-inquests-transcripts-evidence-week-18.html>

This summary was also made available at the July 7th Inquests and shows how the Crevice 'plotters' were connected to Mohammed Quayyum Khan ('MQK' in this document), Mohammed Junaid Babar ('MJB' in this document) and two of the alleged 7/7 bombers.

Part of the story told here is definitely untrue, because another Security Service (MI5) document from the Inquests shows that the first check on a phone connected to Mohammed Siddique Khan took place in March 2003, not in July as this summary suggests (and other reports state as fact).

Perhaps also of significance is that the alleged 7/7 bombers are referred to by MI5 as the 'Stepford bombers'. Aside from this being a purely random word, the only association with that word is the book and films 'The Stepford Wives'. In that story, a group of men club together and systematically

replace their wives with servile, submissive robots who will do their bidding unquestioningly. What this implies about the relationship between MI5 and the 'Stepford bombers' is left up to the reader.

Mohammed Junaid Babar 5K1 letter, November 23rd 2010 – source
<http://abcnews.go.com/Blotter/page?id=13079220>

Babar's 5K1 letter, written by the US Attorney to Judge Marrero to argue the case for a reduced sentence. It is extremely glowing and complimentary, explaining how Babar began co-operating with the FBI as soon as they first approached him, days before he was arrested.

The letter also provides a few more telling details. It notes how Babar first came to the attention of US intelligence in the year 2000 when he got involved with Al Muhajiroun in New York. This only adds to the suspicion that Babar was working for them throughout his time in Pakistan, and explains why they did nothing about him despite his public declarations.

The letter also details how Babar still advocated violence against foreign troops in Muslim countries when he was released from prison. Maybe 'either you're with us or you're against us' becomes a bit more flexible if you're a double agent.

It goes on to say how Babar met several times with Abd al Hadi al Iraqi, reported to be the number 3 in Al Qaeda and also said to be the mastermind behind the 7/7 bombings. Babar's last meeting with al Iraqi took place shortly before he left Pakistan to return to New York.

Perhaps most telling of all, the letter says that Babar returned to America in 'early March 2004'. Most reports have him returning to the US in early April, only a few days before the FBI approached him. This letter shows that Babar was back in America for around a month before the FBI got in contact, strongly supporting the contention that he had nothing to fear from the US authorities because a deal had already been struck.

Comically, in the section on Babar's willingness to admit his crimes the letter says, 'Babar has also admitted that he knowingly overcharged customers while working as a parking valet in New York in the late 1990s', as though that had any bearing on the sentencing of a supposed international terrorist facilitator.

US vs Babar, Sentencing, December 10th 2010 - source:
<http://www.guardian.co.uk/uk/interactive/2011/feb/14/court-transcript-mohammed-junaid-babar>

The transcript of Babar's sentencing hearing in December 2010, while the July 7th inquests were taking place. The transcript largely repeats the material from the 5K1 letter but also shows how everyone in the room was trying their hardest to get a low sentence for Babar. Talk of his 'extraordinary co-operation' and how the 5K1 letter was 'the most glowing' that they had ever seen provided the judge with every excuse to sentence Babar to what amounted to time served.

In total, Babar spent about four and a half years in prison, and two years on supervised release. For five counts of conspiracy and providing assistance to terrorists he could have seen between 30 and 70 years in prison and been fined over a million dollars.

US vs Babar, Trial Order, December 10th 2010 – source:
<http://www.pacer.gov/>

This order details the exact conditions of Babar's release, including requiring his continued co-operation with the authorities. Whether this 'supergrass' will testify at any further trials is unlikely, but possible. Two tidbits that show the absurdity of the whole sentencing fiasco are that Babar has been allowed to skip the mandatory drug testing expected of freshly-released prisoners, and that his fine was reduced to a paltry \$500, of which only \$100 was due immediately.



**METROPOLITAN
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Directorate of Public Affairs

OPERATION CREVICE

Timeline and facts and figures

Timeline

2001-2004

- Pakistani-born Mohammed Junaid Babar leaves his home in the USA, just days after 9/11 and travels to Pakistan to live

End of 2001

- Mohammed Junaid Babar has contact in Pakistan with Waheed Mahmood

November 2002

- Mohammed Junaid Babar travels to England to raise money to assist jihad in Afghanistan
- During his visit Babar meets Omar Khyam (who he knew as Ausman). He also meets other individuals, including Anthony Garcia (who he knew as Abdul Rahman)

Early 2003

- Mohammed Junaid Babar returns to Lahore in Pakistan to live
- Mohammed Junaid Babar visits Waheed Mahmood in Gujar Khan in Pakistan,
- Waheed Mahmood tells Mohammed Junaid Babar that instead of travelling to Pakistan or Afghanistan to fight, people should be conducting operations in the UK
- Anthony Garcia is in Gujar Khan around the same time
- In due course Salahuddin Amin (who Mohammed Junaid Babar knew as Khalid) arrives in Pakistan
- Omar Khyam travels from Islamabad where he was living to visit Mohammed Junaid Babar in Lahore

Spring 2003

- Mohammed Junaid Babar meets Omar Khyam and Waheed Mahmood in England.
- Later, a training camp is arranged in Malakand, Pakistan, and various arrangements made to finance the camp

June 2003

- Omar Khyam tells Mohammed Junaid Babar that he wants to carry out operations in the UK because of its support the US. Khyam refers to potential targets - pubs, nightclubs, or trains. Khyam talks about how detonators might be transported to the UK. Khyam asks Babar to obtain a quantity of aluminium powder - some of which is to be used at the Malkand training camp

.

Second half of 2003

- Mohammed Junaid Babar, Omar Khyam, Anthony Garcia, Jawad Akbar and Mohammed Momin Khawaja go to a training camp in Malakand. To disguise this fact they take on the appearance of tourists visiting lakes and glaciers in the area of the camp. They take photographs of each other. The film is found by police after their arrests
- Material, including ammonium nitrate and aluminium powder is taken to the training camp where the group use it to experiment with explosives.

October/November 2003

- Anthony Garcia makes inquiries at agricultural merchants Bodle Brothers in Burgess Hill, Sussex, about buying nitrogen and ammonium nitrate fertiliser.
- There is an initial prospective purchase of 50kg of ammonium nitrate fertiliser then eventually delivery is taken of 600kg of ammonium nitrate fertiliser.
- Nov 10th - Anthony Garcia goes to Access Self Storage in Boston Road, Hanwell and books a storage unit with 100 sq ft capacity. Cost agreed at £207.45 per month.
- Nov 11th - A drop-sided lorry is hired from a company just outside Crawley. Anthony Garcia, Omar Khyam deliver the ammonium nitrate fertiliser to Access Storage in the lorry.

January 2004

- Mohammed Junaid Babar travels to England and subsequently meets Omar Khyam, Waheed Mahmood, Jawad Akbar and Anthony Garcia

February 2004

- Mohammed Junaid Babar returns to Pakistan.
- Police and Security Service covert surveillance operation. Listening devices put in the homes of Omar Khyam at Flat 4, 56 Hencroft Street, Slough and that of Jawad Akbar at 16 Colley House, Whitehall Road, Uxbridge. A similar device is put into Khyam's Suzuki Vitara

February 11-19 2004

- While under surveillance Omar Khyam visits internet cafes - two in Slough and one in Crawley where he contacts Mohammed Momin Khawaja in Canada via e-mail. It includes discussion on how to make a remotely operated detonation device.
- Omar Khyam buys substantial quantities of outdoor equipment, including clothing, torches, walking shoes.

February 20-22 2004

- 20th - Canadian Mohammad Momin Khawaja arrives at Heathrow Airport and is met by Omar Khyam.

Later that day on the listening device the three men are heard talking at Omar Khyam's flat in Hencroft Street about a remote controlled detonator with an increased range

- 20th - Staff at Access Storage become suspicious of the ammonium nitrate fertiliser being stored and contact police. Later police photograph the ammonium nitrate fertiliser in the unit and replace it with an inert substance without the defendants becoming aware.

- 21st - Mohammad Momin Khawaja, Omar Khyam, and Waheed Mahmood meet in Crawley.

- 22nd - Omar Khyam takes Mohammad Momin Khawaja to Heathrow Airport and he returns to Canada where he is kept under surveillance by the Canadian authorities.

- 22nd - Later that day Jawad Akbar and Omar Khyam are heard on the listening device discussing potential targets. Jawad Akbar refers to attacks upon the utilities - gas, water, electrical supplies, or a big nightclub in London.

February 23 to March 16 2004

- Omar Khyam continues to visit internet cafes in Slough and Crawley.

- Jawad Akbar is heard on the listening device talking at his home at Colley House about the importance of him not appearing religious.

- There are further discussions at Colley House about possible targets and the consequences of being arrested after an attack.

- March 10th - A female undercover police officer using the name "Amanda" takes up the position of receptionist at Access Self Storage.

- March 12th - Omar Khyam visits Access Self Storage and inspects the ammonium nitrate fertiliser.

- March 14th - Omar Khyam is heard on the listening device in the Suzuki Vitara praising those responsible for the Madrid bombing

- March 15th - Omar Khyam visits Access Self Storage, inspects the ammonium nitrate fertiliser and is captured on camera, apparently marking the bag containing the substance.

March 17-30 2004

- Terrorist planning moves into a final phase.

- 17th - Omar Khyam is heard on a listening device discussing plans to leave for Pakistan. Omar Khyam has previously indicated that he will travel to Pakistan before the attack takes place

- 19th - Omar Khyam and Waheed Mahmood are heard on a listening device talking in Khyam's Suzuki Vitara. Mahmood makes it clear that he wants to act sooner rather than later. He raises the possibility of attacking Bluewater shopping centre in Kent the following day (Saturday 20th).

Monday, March 29 2004

- Mohammad Momin Khawaja arrested at his home in Canada by the Royal Canadian Mounted Police

Tuesday, March 30 2004

- At approx 0600hrs a pre-planned, intelligence-led operation begins involving officers from MPS,

Thames Valley, Sussex, Surrey and Bedfordshire Police

Eight men arrested under the Terrorism Act 2000: Shujah-Ud-Din Mahmood Anthony Garcia, Jawad Akbar, Omar Khyam, Waheed Mahmood, Nabeel Hussain, plus two other men. (The two unnamed men are subsequently de-arrested under the Terrorism Act 2000, arrested under PACE in connection with alleged theft and deception offences and bailed pending further police inquiries. They are NFA'd by police in April 2005)

Police execute search warrants under the Terrorism Act 2000 at residential and business premises in Uxbridge, Ilford, Colindale in London and in Crawley, Slough, Luton, Horley and Reading.

Unbeknown to the eight suspects, at the time of their arrest, the half a tonne of ammonium nitrate fertiliser stored at Access Storage in Boston Road, Hanwell, West London, has been replaced with a similar amount of inert material.

In Canada, Mohammad Momin Khawaja is charged with terrorist-related offences

Wednesday, March 31 2004

- MPS makes the first in a series of court applications for warrants of further detention. These applications are granted by the court

April 2004

- Salahuddin Amin gives himself up to the Pakistani authorities who are believed to be looking for him

Tuesday, April 6 2004

- Shujah-Ud Din Mahmood is charged with conspiracy to cause an explosion with intent to injure or damage property contrary to Section 3(1)(a) of the Explosive Substances Act 1883. Remains in police custody.

Wednesday April 7 2004

- Shujah-Ud-Din Mahmood appears in custody at Bow Street Magistrates Court sitting as a youth court and is remanded in custody.

Thursday April 8 2004

- Anthony Garcia, Jawad Akbar, Omar Khyam, Waheed Mahmood, charged with conspiracy to cause an explosion likely to endanger life or injure property contrary to Section 3 (1) (a) of the Explosive Substances Act 1883. Remain in police custody.

- Anthony Garcia, Omar Khyam and Nabeel Hussain charged with possession of an article for purposes of terrorism contrary to Section 57(1) and (4) of the Terrorism Act 2000. Remain in police custody.

Saturday, April 10 2004

· Anthony Garcia, Jawad Akbar, Omar Khyam, Waheed Mahmood and Nabeel Hussain appear in custody at Belmarsh Magistrates Court and are remanded in custody.

Tuesday February 8 2005

· Police arrest Salahuddin Amin at Terminal 4 Heathrow Airport after he arrives on flight from Pakistan. He is arrested under the Terrorism Act 2000.

Thursday, February 10 2005

· MPS applies to a court and is granted a warrant of further detention for Salahuddin Amin. The extension granted until Saturday February 12 2005.

Saturday February 12 2005

· Salahuddin Amin is charged with conspiracy to cause an explosion likely to endanger life or injure property contrary to Section 3 (1) (a) of the Explosive Substances Act 1883. Remains in police custody.

Monday February 14 2005

· Salahuddin Amin appears in custody at Bow Street Magistrates Court and is remanded in custody.

Tuesday March 21 2006

Operation Crevice trial starts at the Central Criminal Court

Friday, March 16 2007

· Jury in the Operation Crevice trial retires to consider its verdict.

Monday, April 30 2007

Jury return verdicts in Operation Crevice trial

Facts and figures

- Largest ever counter terrorist operation in United Kingdom at the time
- Involved MPS, Thames Valley, Sussex, Surrey, Bedfordshire, Security Service
- More than 960 officers from the five police forces involved when arrests were made and search warrants executed on March 30 2004.
- Approx 50 scenes searched, including residential and business premises, vehicles

- 173 interviews conducted with 18 people arrested as part of the inquiry
- 24,000 hours of video material reviewed (includes CCTV, surveillance and material recovered in searches)
- 3,500 hours of audio material listened to and transcribed (surveillance material)
- 950 surveillance and observation post logs
- 33,894 man hours of surveillance logged
- 4,831 total allocated actions
- 7,935 exhibits
- 7,655 people have had involvement in the inquiry - witnesses, police, security service etc
- 5,267 documents recovered from searches or exhibits generated during subsequent enquiries
- 80 computers recovered and interrogated
- 12 million files (equal to 1.3 terrabytes or 1,363 gigabytes) recovered from the computers and interrogated
- Significant fingerprint/DNA identifications made linking suspects to packaging on aluminium powder
- 3,644 witness statements taken from 1,335 people
- International co-operation with FBI, Royal Canadian Mounted Police. Officers travelled to USA, Canada, Pakistan
- Longest terrorism trial held at the Central Criminal Court

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
FILED
JUN 3 2004
S. D. OF N. Y.

UNITED STATES OF AMERICA

-v-

SEALED
INFORMATION

MOHAMMED JUNAID BABAR,

04 Cr.

Defendant.

04 CRIM

528

Judge Marrero

COUNT ONE

Conspiracy To Provide Material Support Or
Resources To A Foreign Terrorist Organization

The United States Attorney charges:

1. From at least in or about August 2003, up to and including in or about March 2004, in an offense begun out of the jurisdiction of any particular State or district of the United States, MOHAMMED JUNAID BABAR, the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, 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 18 U.S.C. § 2339A(b), including currency and other physical assets, to a foreign terrorist organization, to wit, al Qaeda, which was designated by the Secretary of State as a foreign terrorist organization on October 8, 1999, pursuant to Section 219 of the Immigration and Nationality Act, and was redesignated as such on or about October 5, 2001, and October 2, 2003.

2. It was a part and an object of the conspiracy that MOHAMMED JUNAID BABAR, a United States citizen, agreed with others to assist al Qaeda by providing military gear to co-conspirators not named as defendants herein who transported the gear to al Qaeda associates in South Waziristan, Pakistan, and by himself traveling to South Waziristan, Pakistan, to provide military gear and money to al Qaeda associates there, to be used to fight against U.S. forces in Afghanistan.

(Title 18, United States Code, Sections 2339B and 3238.)

COUNT TWO

Providing And Attempting To Provide Material Support Or Resources To A Foreign Terrorist Organization

The United States Attorney further charges:

3. From at least in or about August 2003, up to and including in or about March 2004, in an offense begun out of the jurisdiction of any particular State or district of the United States, MOHAMMED JUNAID BABAR, the defendant, who was first brought to and arrested in the Southern District of New York, unlawfully and knowingly did provide and attempt to provide "material support or resources," as that term is defined in 18 U.S.C. § 2339A(b), including currency and other physical assets, to a foreign terrorist organization, to wit, al Qaeda, which was designated by the Secretary of State as a foreign terrorist organization on October 8, 1999, pursuant to Section 219 of the Immigration and Nationality Act, and was redesignated as such on

or about October 5, 2001, and October 2, 2003, in that MOHAMMED JUNAID BABAR, a United States citizen, provided military gear to others who transported it to al Qaeda associates in South Waziristan, Pakistan, and himself traveled to South Waziristan, Pakistan, to provide military gear and money to al Qaeda associates there, to be used to fight against U.S. forces in Afghanistan.

(Title 18, United States Code, Sections 2339B, 2, and 3238.)

COUNT THREE

Conspiracy To Provide Material Support
Or Resources To Terrorist Activity

The United States Attorney further charges:

4. From at least in or about December 2002, up to and including in or about March 2004, in an offense begun out of the jurisdiction of any particular State or district of the United States, MOHAMMED JUNAID BABAR, the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, 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 18 U.S.C. § 2339A(b), including lodging, training, weapons, lethal substances, explosives, transportation and other physical assets, and concealed and disguised the nature, location, source and ownership of material support and resources, knowing and intending that such material

support and resources were to be used in preparation for, and in carrying out, a violation of Section 2332a(b) of Title 18, United States Code, and in preparation for, and in carrying out, the concealment and an escape from the commission of such violation.

5. It was a part and an object of the conspiracy that MOHAMMED JUNAID BABAR, a United States citizen, agreed with others to organize a jihad training camp where training in military skills, explosives, and weapons was given, agreed to provide lodging and to arrange transportation for others to and from the training camp, and agreed to purchase and attempt to purchase ammonium nitrate and aluminum powder for destructive devices and bombs to be used in attacks in the United Kingdom.

(Title 18, United States Code, Sections 2339A and 3238.)

COUNT FOUR

Providing Material Support Or Resources To Terrorist Activity

The United States Attorney further charges:

6. From at least in or about December 2002, up to and including in or about March 2004, in an offense begun out of the jurisdiction of any particular State or district of the United States, MOHAMMED JUNAID BABAR, the defendant, who was first brought to and arrested in the Southern District of New York, unlawfully and knowingly did provide and attempt to provide "material support or resources," as that term is defined in 18 U.S.C. § 2339A(b), including lodging, training, weapons, lethal

substances, explosives, transportation and other physical assets, and concealed and disguised the nature, location, source and ownership of material support and resources, knowing and intending that such material support and resources were to be used in preparation for, and in carrying out, a violation of Section 2332a(b) of Title 18, United States Code, and in preparation for, and in carrying out, the concealment and an escape from the commission of such violation, to wit, MOHAMMED JUNAID BABAR, a United States citizen, organized a jihad training camp where training in military skills, explosives, and weapons was given, provided lodging and arranged transportation for others to and from the training camp, and purchased and attempted to purchase ammonium nitrate and aluminum powder for destructive devices and bombs to be used in attacks in the United Kingdom.

(Title 18, United States Code, Sections 2339A, 2, and 3238.)

COUNT FIVE

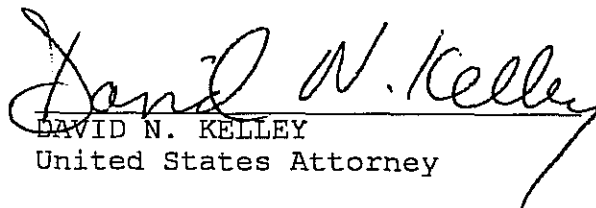
Making Or Receiving A Contribution Of Funds,
Goods, Or Services To, And For The Benefit Of, Al Qaeda

The United States Attorney further charges:

7. From at least in or about August 2003, up to and including in or about March 2004, in an offense begun out of the jurisdiction of any particular State or district of the United States, MOHAMMED JUNAID BABAR, the defendant, a United States person who was first brought to and arrested in the Southern District of New York, unlawfully, willfully, and knowingly

violated a regulation issued under Chapter 35 of Title 50, United States Code, to wit, MOHAMMED JUNAID BABAR and others attempted to and did make and receive a contribution of funds, goods, and services to, and for the benefit of, al Qaeda, a specially designated terrorist, by providing military gear to others who transported the gear to al Qaeda associates in South Waziristan, Pakistan, and by traveling to South Waziristan, Pakistan, to provide military gear and money to al Qaeda associates there.

(Title 50, United States Code, Section 1705(b); Title 31, Code of Federal Regulations, Sections 595.204 & 595.205; and Title 18, United States Code, Sections 2 and 3238.)


DAVID N. KELLEY
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

- v -

MOHAMMED JUNAID BABAR,
Defendant.

**SEALED
INFORMATION**

04 Cr.

(Title 18, United States Code,
Sections 2339A, 2339B and 2;
Title 50, United States Code,
Title 1705(b).)

DAVID N. KELLEY
United States Attorney.

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

DOC # 5

3 UNITED STATES OF AMERICA,

New York, N.Y.

4 04 Cr. 528

5 v.

UNsealed on 7/30/04
U. S. DISTRICT COURT
FILED
JUL 30 2004
S. D. OF N. Y.

6 MOHAMMED JUNAID BABAR,

7 Defendant.

8
9
10 June 3, 2004
4:00 p.m.

11 Before:

12 HON. VICTOR MARRERO,

13 District Judge

14 APPEARANCES

15 DAVID N. KELLEY

16 United States Attorney for the
17 Southern District of New York

18 BY: LISA BARONI

Assistant United States Attorney

19 DANIEL OLLEN

20 Attorney for Defendant

1 (Defendant present)

2 THE DEPUTY CLERK: All rise.

3 THE COURT: Please be seated.

4 All right. This is the matter of United States versus
5 Mohammed Junaid Babar. It does not yet have a docket number.

6 Miss Baroni, does the government have an application?

7 MS. BARONI: Yes, your Honor, good afternoon, Lisa
8 Baroni for the government. With me are Kaiser Gill and Charles
9 Ribando from the FBI and Joint Terrorism Task Force.

10 Your Honor, the government has handed up to your
11 Honor's law clerk a felony information to be filed today. The
12 government would ask that your Honor arraign the defendant on
13 the information in the first instance.

14 MR. OLLEN: Your Honor, Daniel Ollen for Mr. Babar.
15 Good afternoon.

16 Before we proceed any further, I would ask your Honor
17 to seal the courtroom and seal the transcript of the
18 proceedings.

19 THE COURT: All right. Miss Baroni?

20 MS. BARONI: Government has no objection, Judge.

21 THE COURT: All right. The courtroom -- the
22 application will be granted, the courtroom will be sealed. If
23 there is anybody in the audience who is not court personnel or
24 on the staff of the U.S. Attorney's Office or FBI or related in
25 some way to the defendant, you may step out at this point.

1 Otherwise, anyone who is in the audience, given the
2 extraordinary circumstances of sealing a courtroom to a
3 proceeding like this should understand that this matter is
4 strictly confidential, and that you are under obligation,
5 professional and otherwise, to make sure that anything that
6 occurs here this afternoon is to kept strictly within the
7 confines of this room.

8 All right, you may proceed. Counsel, please enter
9 your appearances for the record.

10 MS. BARONI: Lisa Baroni for the government, your
11 Honor.

12 MR. OLLEN: Daniel Ollen Mr. Babar.

13 THE COURT: All right.

14 I note that the defendant Mohammed Babar is present in
15 the courtroom seated next to his attorney.

16 Mr. Ollen, I understand that the defendant is prepared
17 to waive indictment and plead at this point. Before we do
18 that, we will proceed with the arraignment.

19 Mr. Babar, please rise. Before I begin, let me remind
20 you of certain rights that you have with respect to the
21 information that the government has filed in this proceeding.
22 Mr. Babar, you have the right to remain silent. You need not
23 make any statement. If you have already made statements to the
24 authorities, you need not make any additional statement. Any
25 statements that you do make may be used against you.

1 I see that you're represented by counsel today, and
2 you will have the right to be represented by an attorney at all
3 future proceedings in this matter.

4 Mr. Ollen, have you seen a copy of the information?

5 MR. OLLEN: Yes, your Honor.

6 THE COURT: And have you discussed it with your
7 client?

8 MR. OLLEN: Yes.

9 THE COURT: Mr. Babar, have you received a copy of the
10 information?

11 THE DEFENDANT: Yes.

12 THE COURT: Have you had an opportunity to discuss it
13 with your counsel?

14 THE DEFENDANT: Yes.

15 THE COURT: And do you waive a detailed reading of the
16 information?

17 THE DEFENDANT: Yes.

18 THE COURT: I understand again that the defendant is
19 prepared to waive his right to be charged by an indictment and
20 instead to be charged by this information. Accordingly, the
21 clerk will proceed with the waiver entry.

22 THE CLERK: Are you Mohammed Babar?

23 THE DEFENDANT: Yes.

24 THE CLERK: Is the person standing beside you your
25 attorney?



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THE DEFENDANT: Yes.

THE CLERK: Have you signed the waiver of Indictment?

THE DEFENDANT: Yes.

THE CLERK: Before you signed it, did you discuss it with your attorney?

THE DEFENDANT: Yes.

THE CLERK: Did he explain it to you?

THE DEFENDANT: Yes.

THE CLERK: Did you understand what you were doing?

THE DEFENDANT: Yes.

THE CLERK: Do you understand that you are under no obligation to waive indictment?

THE DEFENDANT: Yes.

THE CLERK: Do you understand that if you do waive -- if you do not waive indictment, and if the government wants to prosecute you, the government will have to present this case to a Grand Jury, which may or may not indict you?

THE DEFENDANT: Yes.

THE CLERK: Do you realize that by signing the waiver of Indictment you have given up your right to have this case presented to a Grand Jury?

THE DEFENDANT: Yes.

THE CLERK: Do you understand what a Grand Jury is?

THE DEFENDANT: Yes.

THE CLERK: Have you seen a copy of the information?



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THE DEFENDANT: Yes, I have.

THE CLERK: Do you waive a detailed reading of the information?

THE DEFENDANT: Yes.

THE CLERK: Thank you.

THE COURT: All right, thank you.

Mr. Ollen, is there an application on behalf Mr. Babar?

MR. OLLEN: Yes, your Honor. Mr. Babar authorizes me to enter a plea of guilty on his behalf to the entire information.

THE COURT: All right. Would you specify the charges contained in the information to which your client's plea relates?

MR. OLLEN: Yes, your Honor. Count one charges him with conspiracy to provide material support or resources to a foreign terrorist organization.

Count two charges him with providing and attempting to provide materials, support or resources to a foreign terrorist organization.

Count three charges him with conspiracy to provide material support or resources to a terrorist activity.

Count four charges him with providing material support or resources, excuse me, resources to terrorist activity.

Count five charges him with making or receiving a

1 contribution of funds, goods or services to, and for the
2 benefit of Al Qaeda.

3 THE COURT: Is this plea pursuant to a plea agreement?

4 MR. OLLEN: Yes, your Honor.

5 THE COURT: The clerk will administer the oath to the
6 defendant.

7 (Defendant sworn)

8 THE COURT: Mr. Babar, do you understand that you're
9 now under oath, and that if you answer any of my questions
10 falsely, your false answers may later be used against you in
11 another prosecution for perjury or for making a false
12 statement?

13 THE DEFENDANT: Yes.

14 THE COURT: Mr. Babar, the Court intends to question
15 you regarding the facts of the crime alleged by the government.
16 Do you understand that you have a constitutional right to
17 remain silent and not incriminate yourself?

18 THE DEFENDANT: Yes.

19 THE COURT: Do I understand correctly that you wish to
20 waive that right for the purpose of pleading to the charges set
21 forth in the information?

22 THE DEFENDANT: Yes.

23 THE COURT: Mr. Babar, if you do not understand
24 anything as we proceed here today, please advise me immediately
25 and either I or your attorney will explain it to you more

1 fully.

2 Mr. Babar, please state and spell your name for the
3 record?

4 THE DEFENDANT: It's Mohammad M-o-h-a-m-m-a-d, Junaid,
5 J-u-n-a-i-d, Babar, B-a-b-a-r

6 THE COURT: How old are you?

7 THE DEFENDANT: 29.

8 THE COURT: And how far did you go in school?

9 THE DEFENDANT: One year Saint John's University
10 College.

11 THE COURT: Are you now or have you recently been
12 under the care of a doctor or a psychiatrist?

13 THE DEFENDANT: No.

14 THE COURT: Have you ever been treated or hospitalized
15 for any mental illness or any type of addiction, including drug
16 or alcohol addiction?

17 THE DEFENDANT: No.

18 THE COURT: In the past 24 hours have you taken any
19 drugs or medicines or pills or have you consumed any alcohol?

20 THE DEFENDANT: No.

21 THE COURT: Is your mind clear today?

22 THE DEFENDANT: Yes.

23 THE COURT: Are you feeling well today?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you have a factual and rational basis

1 for understanding the proceedings brought against you by the
2 government and the charge that is set forth in the information?

3 THE DEFENDANT: Yes.

4 THE COURT: Do either counsel have any doubt as to the
5 defendant's competence to plead at this time; Miss Baroni?

6 MS. BARONI: No, your Honor.

7 THE COURT: Mr. Ollen?

8 MR. OLLEN: No, your Honor.

9 THE COURT: Mr. Babar, your attorney has informed me
10 that you wish to plead, to enter a plea of guilty to the crimes
11 with which you have been charged by the government in this
12 information, is that correct?

13 THE DEFENDANT: Yes.

14 THE COURT: The information charges you with five
15 counts of criminal activity.

16 Count one charges you with conspiracy to provide
17 material support or resources to a foreign terrorist
18 organization in violation of Title 18 U.S.C. Sections 2339B and
19 3238.

20 Count two charges you with providing and attempting to
21 provide material support or resources to a foreign terrorist
22 organization in violation of Title 18 U.S.C. Sections 2339B, 2
23 and 3238.

24 Count three charges you with conspiracy to provide
25 material support or resources to a terrorist activity in

1 violation of Title 18 U.S.C. Sections 2339A and 3238.

2 Count four charges you with providing material support
3 or resources to a terrorist activity in violation of 18 U.S.C.
4 Sections 2339A, 2, and 3238.

5 And count five charges you with making or receiving a
6 contribution of funds, goods or services to and for the benefit
7 of, Al Qaeda, in violation of Title 50 U.S.C. Section 1705(b),
8 Title 31 Code of Federal Regulations, Sections 595.204 and 595.
9 205, and 18 U.S.C. Sections 2 and 3238.

10 Mr. Babar, how do you wish to plead to these charges?

11 THE DEFENDANT: Guilty.

12 THE COURT: Are you entering a plea of guilty to all
13 five counts in the information the government has brought
14 against you?

15 THE DEFENDANT: Yes.

16 THE COURT: Have you had a full opportunity to discuss
17 your case with your attorney and to discuss the consequences of
18 entering a plea of guilty to the charges set forth in the
19 information?

20 THE DEFENDANT: Yes.

21 THE COURT: Are you satisfied with your attorney and
22 his representation of you?

23 THE DEFENDANT: Yes.

24 THE COURT: On the basis of Mr. Babar's responses to
25 my questions and my observation of his demeanor, I find that he

1 is fully competent to enter an informed plea at this time.

2 Before I accept any plea from you, Mr. Babar, I'm
3 going to ask you certain additional questions. I ask these
4 questions so that I am satisfied that the reason you wish to
5 plead guilty to the crimes in the charges brought against you
6 by the government in this proceeding is that, in fact, you are
7 guilty, and that you fully understand the consequences of your
8 plea.

9 I understand that this plea is being entered pursuant
10 to a plea agreement that I presume, Mr. Babar, that you believe
11 there is some benefit to you or to your family in your entering
12 a plea of guilty, or entering into the plea agreement.
13 Whatever benefit you believe exists, however, it's not a reason
14 to plead guilty. You should plead guilty only if you are
15 guilty, meaning that you did commit the crimes with which the
16 government has charged you and for no other reason. You
17 understand this?

18 THE DEFENDANT: Yes.


19 THE COURT: Now, are you guilty of the charges brought
20 against you by the government in the information?

21 THE DEFENDANT: Yes.

22 THE COURT: I'm going to describe to you certain
23 rights that you have under the Constitution and the laws of the
24 United States, which rights you will be giving up if you enter
25 a plea of guilty and I accept it. Please listen carefully.

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1 Under the Constitution and the laws of the United
2 States, you have a right to a speedy and public trial by a jury
3 on the charges brought against you by the government. If there
4 were a trial on these charges, you would be presumed innocent,
5 and the government would be required to prove you guilty by
6 competent evidence, beyond a reasonable doubt.

7 At a trial the burden of proving you guilty beyond a
8 reasonable doubt, would be on the government. You would not
9 have to prove that you were innocent. If there were a trial, a
10 jury composed of 12 people selected from this district would
11 have to agree unanimously that you are guilty. If there were a
12 trial, you would have a right to be represented by an attorney,
13 and if you could not afford one, an attorney would be provided
14 to you free of cost.

15 If there were a trial, you would have a right to see
16 and to hear all of the witnesses against you, and your attorney
17 could cross-examine them. You would have a right to have your
18 attorney object to the Government's evidence and offer evidence
19 in your behalf if you so desired. You, yourself, would have
20 the right to offer evidence, and you would have the right to
21 have subpoenas issued or other compulsory process used to
22 compel witnesses to testify in your defense.

23 If there were a trial, you would have a right to
24 testify in your defense if you wanted, but no one could force
25 you to testify if you do not want to testify. And further, no

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1 inference or suggestion of guilt could be drawn if you were to
2 choose not to testify in your defense at a trial.

3 Mr. Babar, do you understand each and every one of
4 these rights?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you have any questions about any of
7 these rights?

8 THE DEFENDANT: No.

9 THE COURT: Do you understand that by entering a plea
10 of guilty today, you are giving up each and every one of these
11 rights, that you're waiving these rights, and that you will of
12 no trial?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand that you can change your
15 mind right now and refuse to enter a plea of guilty, that you
16 do not have to enter this plea if you do not want to for any
17 reason?

18 THE DEFENDANT: Yes.

19 THE COURT: Mr. Babar, let me ask you again, have you
20 received a copy of the information?

21 THE DEFENDANT: Yes.

22 THE COURT: Have you reviewed it?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand that you have a
25 constitutional right to be charged by an indictment rather than

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1 by information? An indictment would contain charges from a
2 Grand Jury composed of private citizens and not like this
3 information, simply charges by the government Prosecutor. Do
4 you understand that you're waiving your right to be charged by
5 an indictment?

6 THE DEFENDANT: Yes.

7 THE COURT: You waive this right voluntarily and
8 knowingly?

9 THE DEFENDANT: Yes.

10 THE COURT: Mr. Babar, you're charged with five counts
11 of criminal activities which I referred to before.

12 Count one charges that from in or about August 2003,
13 up to and including March 2004, in an offense begun out of the
14 jurisdiction of any particular State or district of the United
15 States, you and others, known and unknown, at least one of whom
16 was first brought to and arrested in the Southern District of
17 New York, unlawfully and knowingly did combine, conspire,
18 confederate, and agree together and with each other to provide,
19 material support or resources, as that term is defined in 18
20 U.S.C. Section 2339A(b), including currency, and other physical
21 assets, to a foreign terrorist organization, to wit, Al Qaeda,
22 which was designated by the Secretary of State as a foreign
23 terrorist organization on October 8, 1999, pursuant to Section
24 219 of the Immigration and Nationality Act, and was
25 redesignated as such on or about October 2001 and 2003, all in

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1 violation of Title 18 U.S.C. Sections 2339B and -- I'm sorry,
2 3238.

3 Count two charges that prior to being brought to and
4 arrested in the Southern District of New York, from at least in
5 or about August 2003, up to and including March 2004, in an
6 offense begun out of the jurisdiction of any particular state
7 or district of the United States, you unlawfully and knowingly
8 did provide and attempt to provide material support or
9 resources, as the term is defined in 18 U.S.C. Sections
10 2339A(b), including currency and other physical assets, to a
11 foreign terrorist organization, to wit, Al Qaeda, all in
12 violation of Title 18 U.S.C. Sections 2339B, 2, and 3238.

13 Count three charges that from at least in or about
14 December 2002, up to and including March 2004, in an offense
15 begun out of the district, jurisdiction of any particular state
16 or district of the United States, you and others, known and
17 unknown, at least one of whom was first brought to and arrested
18 in the Southern District of New York, unlawfully and knowingly
19 did combine, conspire, confederate, and agree together and with
20 each other to provide material support or resources, as that
21 term is defined in 18 U.S.C. Section 2339A(b), including
22 lodging, training, weapons, lethal substances, explosives,
23 transportation and other physical assets, and conceal the
24 nature and location, source and ownership of material support
25 and resources, knowing and intending that such material support

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1 and resources were to be used in the preparation for, and in
2 carrying out, a violation of Section 2332a(b) of Title 18,
3 United States Code, and in preparation for and in carrying out
4 the concealment and an escape from the commission of such
5 violation.

6 Count three further charges that it was a part and an
7 object of the conspiracy that you, a United States citizen,
8 agreed with others to organize a jihad training camp where
9 training in military skills, explosives, and weapons was given,
10 agreed to provide lodging and to arrange transportation for
11 others to and from the training camp, and agreed to purchase
12 and attempt to purchase ammonium nitrate and aluminum powder
13 for destructive devices and bombs to be used in attacks in the
14 United Kingdom, all in violation of Title 18 U.S.C. Sections
15 2339A and 3238.

16 Count four charges that prior to being brought to and
17 arrested in the Southern District of New York from at least in
18 or about December 2002, up and including March 2004, in an
19 offense begun out of the jurisdiction of any particular state
20 or district of the United States, you unlawfully and knowingly
21 did provide and attempt to provide material support or
22 resources, as that term is defined in 18 U.S.C. Section
23 2339A(b), including lodging, training, weapons, lethal
24 substances, explosives, transportation and other physical
25 assets, and concealed and disguise the nature and location,

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1 source and ownership of material support and resources, knowing
2 and intending that such material support and resources were to
3 be used in preparation for, and in carrying out, a violation of
4 Section 2332a(b) of Title 18, United States Code, and in
5 preparation for, and in carrying out, the concealment and
6 escape from the commission of such violation, all in violation
7 of Title 18 U.S.C. Sections 2339A, 2 and 3238.

8 And count five charges that prior to being brought to
9 and arrested in the Southern District of New York, from at
10 least in or about August 2003, up to and including in or about
11 March 2004, in an offense begun out of the jurisdiction of any
12 particular state or district of the United States, you, a
13 United States citizen, unlawfully, willfully, and knowingly
14 violated a regulation issued under Chapter 35 of Title 50 U.S.
15 Code, to wit, you and others attempted to and did make and
16 receive a contribution of funds, goods, and services to, and
17 for the benefit of, Al Qaeda, a specially designated terrorist
18 organization, by providing military gear to others who
19 transported the gear to Al Qaeda associates in South
20 Waziristan, Pakistan, and by travelling to South Waziristan,
21 Pakistan, to provide military gear and money to Al Qaeda
22 associates there, all in violation of Title 50, U.S.C. Section
23 1705(b); Title 31, Code of Federal Regulations, Sections
24 595.204 and 595.205; and Title 18, U.S.C. Sections 2 and 3238.

25 Mr. Babar, do you understand the charges contained in

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1 count one through five of the information as contained in the
2 information you have seen and summarized by the Court above?

3 THE DEFENDANT: Yes.

4 THE COURT: In pleading guilty to these charges,
5 you're pleading guilty to certain elements or parts of those
6 crimes. The elements of the charges contained in count one of
7 the information conspiracy to provide material support or
8 resources to a foreign terrorist organization are as follows:

9 One, conspiracy to commit the crime alleged in count
10 two existed; two, you became a member of the conspiracy with
11 knowledge of its illegal objective; three, you provided items
12 of material support or resources defined in 18 U.S.C. Section
13 2339A(b) as money, lodging, training, expert advice or
14 existence of safe houses, false documentation or identification
15 communications equipment, facilities, weapons, lethal
16 substances, explosives, personnel transportation or other
17 physical assets to a designated foreign terrorist organization;
18 four, designated foreign terrorist organization was designated
19 as such at a time that the material support was provided; five,
20 you knew the identity of the foreign terrorist organization,
21 and that the foreign terrorist organization, and that the
22 terrorist organization was involved in terrorism or terrorist
23 activity; and six, you're subject to United States
24 jurisdiction.

25 Mr. Babar, do you understand the elements of the

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1 charge contained in count one of the information?

2 THE DEFENDANT: Yes.

3 THE COURT: The elements of the crime contained in
4 count two of the information, providing and attempting to
5 provide material support or resources to a foreign terrorist
6 organization are: One, you provided items of material support
7 or resources as defined in 18 U.S.C. Section 2339A(b), as
8 money, lodging, training expert advice or assistance, safe
9 houses, false documentation or identification from
10 communications equipment, facilities, weapons, lethal
11 substances, explosives, personnel transportation or other
12 physical assets to a designated foreign terrorist organization;
13 two, the designated foreign terrorist organization was
14 designated as such at the time that the material support was
15 provided; three, you knew the identity of the foreign terrorist
16 organization, and that the foreign terrorist organization was
17 involved in terrorism or terrorist activity; four, you're
18 subject to the United States jurisdiction.

19 Mr. Babar, do you understand the elements of the
20 charge contained in count two of the information?

21 THE DEFENDANT: Yes.

22 THE COURT: The elements of the charges contained in
23 count three of the information conspiracy to provide material
24 support or resources to a terrorist activity are: One,
25 conspiracy to commit the crime alleged in the count, you became

1 a member of the conspiracy with knowledge of its legal
2 objective, a statutorily prohibited terrorist activity existed
3 or was prepared for, namely, in this case a violation of
4 Section 2332a(b) of Title 18, in that a United States National,
5 without lawful authority, uses, threatens, attempts or
6 conspires to use a weapon of mass destruction outside of the
7 United States; four, you provided or concealed or disguised the
8 nature and location or source of the material support or
9 resources; five, you provided or concealed or disguised the
10 material support or resources knowing or intending that the
11 support or resources were to be used in preparation for or in
12 carrying out the use or attempted use of a weapon of mass
13 destruction outside the United States; and six, you're subject
14 to United States jurisdiction.

15 Mr. Babar, do you understand the elements contained in
16 the crime charged in count three of the information?

17 THE DEFENDANT: Yes.

18 THE COURT: The elements of the charge contained in
19 count four of the information, providing material support or
20 resources to a terrorist activity, are that a statutorily
21 prohibited terrorist activity existed or was prepared for;
22 namely, in this case a violation of Section 2332a(b) of Title
23 18, in that a United States National, without lawful authority
24 uses, threatens, attempts or conspires to use a weapon of mass
25 destruction outside the United States, you provided or

1 PT concealed or disguised the nature, location or source of the
2 material support or resources, you provided, concealed or
3 disguised the material support or resources knowing or
4 intending that the support or resources were to be used in
5 preparation for or in carrying out the use or attempted use of
6 a weapon of mass destruction outside the United States; and
7 four, you are subject to United States jurisdiction.

8 Mr. Babar, do you understand the elements of the
9 charge contained in count four of the information?

10 THE DEFENDANT: Yes.

11 THE COURT: The elements of the charge contained in
12 five, in count five of the information, making or receiving a
13 contribution of funds, goods or services to and for the benefit
14 of Al Qaeda, are that; one, you knowingly and willfully made or
15 received a contribution of goods, services; two, the goods,
16 funds or services were provided to or for the benefit of a
17 specially designated terrorist, namely, Al Qaeda; three, the
18 terrorist was designated at the time the transaction occurred
19 under an executive order; and four, you're subject to United
20 States jurisdiction.

21 Mr. Babar, do you understand the elements of the crime
22 charged in count five of the information?

23 THE DEFENDANT: Yes.

24 THE COURT: Mr. Babar, do you understand that the
25 government would have to prove each and every element of each

1 charge beyond a reasonable doubt at a trial?

2 THE DEFENDANT: Yes.

3 THE COURT: The maximum and minimum penalties for the
4 crimes contained in count one of the information to which
5 you're entering a plea of guilty is as follows: A maximum term
6 of imprisonment of 15 years, a maximum fine of the greatest of
7 \$250,000, twice the gross pecuniary gain derived from the
8 offense, or twice the gross pecuniary loss to persons other
9 than you as a result of the offense, plus a mandatory \$100
10 special assessment, plus a maximum term of supervised release
11 of three years. Supervised release means that you will be
12 subject to monitoring for a specified period after your release
13 from prison, said monitoring under the terms and conditions
14 which could lead to reimprisonment without a jury trial if you
15 violate them.

16 Maximum possible penalties for the crimes contained in
17 count two of the information to which you're entering a plea of
18 guilty is as follows: Maximum term of imprisonment of 15
19 years, a maximum fine of the greatest of \$250,000, twice the
20 gross pecuniary gain derived from the offense or twice the
21 gross pecuniary loss to persons other than you as a result of
22 the offense, a mandatory \$100 special assessment, plus a
23 maximum term of supervised release of three years. The maximum
24 penalties for the crimes contained in count three to which
25 you're entering a plea of guilty are as follows: A maximum

1 term of imprisonment of 15 years, a maximum fine of the
2 greatest of \$250,000, twice the gross pecuniary gain derived
3 from the offense or twice the gross pecuniary loss to persons
4 other than you as a result of the offense, plus a mandatory
5 \$100 special assessment, plus a maximum term of supervised
6 release of three years.

7 The maximum penalty for the crimes contained in count
8 four to which you're entering a plea of guilty as follows: A
9 maximum term of imprisonment of 15 years, a maximum fine of the
10 greatest of \$250,000, twice the gross pecuniary gain derived
11 from the offense or twice the gross pecuniary loss to persons
12 other than person other than you as a result of the offense,
13 plus a mandatory \$100 special assessment, plus a maximum term
14 of supervised release of three years.

15 The maximum penalties for the crimes contained in
16 count five to which you're entering a plea of guilty are as
17 follows: A maximum term of imprisonment of 10 years, a maximum
18 fine of the greatest of \$250,000, twice the gross pecuniary
19 gain derived from the offense or twice the gross pecuniary loss
20 to a person other than you as a result of the offense, plus a
21 \$100 special assessment, plus a maximum term of supervised
22 release of three years.

23 Accordingly, combined total maximum term of
24 incarceration on counts one through five of the information to
25 which you're entering a plea of guilty is 75 years of

1 imprisonment. Court may also order --

2 MS. BARONI: Excuse me, your Honor, it's maximum term
3 of imprisonment of 70 years.

4 THE COURT: I'm sorry, 70 years, I stand corrected, 70
5 years, of imprisonment.

6 The Court may also order restitution to any victims of
7 the offense pursuant to Title 18 United States Code Sections
8 3663, 3663(a) and 3663. Restitution means that you would be
9 ordered to, you would be ordered to pay -- compensate any
10 victims of the crimes for any losses that they may have
11 suffered.

12 Mr. Babar, do you understand the maximum possible
13 penalties for counts one through five of the information?

14 THE DEFENDANT: Yes.

15 THE COURT: Mr. Babar, you are a citizen of the United
16 States?

17 THE DEFENDANT: Yes.

18 THE COURT: Since you're pleading guilty, I want to
19 make sure that you understand that if I accept your guilty plea
20 and adjudge you guilty, such adjudication may deprive you of
21 valuable civil rights, such as the right to vote, the right to
22 hold public office, and the right to serve on a jury, and the
23 right to possess any kind of firearm; do you understand this?

24 THE DEFENDANT: Yes.

25 THE COURT: Under current law, there are sentencing

1 guidelines that judges must follow in determining your
2 sentence. Have you talked to your attorney about the
3 Sentencing Guidelines?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you understand that the Court will not
6 be able to determine the sentence applicable under the
7 guidelines until after a presentence report has been completed
8 by the probation office, and after you and the government have
9 had a chance to challenge any of the facts reported by the
10 probation office?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you further understand that even after
13 it is determined what guidelines range applies to your case,
14 the Court has the authority, in some circumstances, to impose a
15 sentence that is higher or lower than the sentence called for
16 by the guidelines, although the Court does not have the
17 authority to exceed any applicable statutory maximum or to
18 order a sentence that is less than any statutory minimum?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you understand that if your attorney or
21 anyone else has attempted to estimate or predict what your
22 sentence will be, it is possible that this estimate or
23 prediction could be wrong?

24 THE DEFENDANT: Yes.

25 THE COURT: No one, not even your attorney or the

1 government can or should give you any assurance of what your
2 sentence will be, since that sentence will not be determined by
3 the Court until after the probation report is completed and the
4 Court has determined whether there are appropriate grounds to
5 depart from the guidelines range; do you understand this?

6 THE DEFENDANT: Yes.

7 THE COURT: And do you also fully understand that even
8 if your sentence is different from what your attorney or anyone
9 else has told you it might be or if it is different from what
10 you expect, you will still be bound to your guilty plea and you
11 will not be allowed to withdraw your guilty plea?

12 THE DEFENDANT: Yes.

13 THE COURT: And, finally, do you understand that
14 parole has been abolished and that you will not be eligible to
15 be released from prison sentence on parole?

16 THE DEFENDANT: Yes.

17 THE COURT: I have a copy of the plea agreement which
18 is dated May 28, 2004. It appears from page eight of the
19 agreement that it was agreed and consented to by you on June
20 2nd, 2004 and approved by your attorney, Mr. Ollen, on June 2nd
21 2004. Mr. Babar, have you signed the agreement?

22 THE DEFENDANT: Yes.

23 THE COURT: Did you review the agreement when you
24 signed it?

25 THE DEFENDANT: Yes.

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1 THE COURT: Did you discuss it with your attorney
2 before you signed it?

3 THE DEFENDANT: Yes.

4 THE COURT: Did you fully understand the agreement
5 before you signed it?

6 THE DEFENDANT: Yes.

7 THE COURT: Does this letter agreement constitute your
8 complete and total understanding of the entire agreement
9 between the government and you and your attorney?

10 THE DEFENDANT: Yes.

11 THE COURT: Is everything that you understand about
12 the circumstances of your plea contained in this agreement?

13 THE DEFENDANT: Yes.

14 THE COURT: Has anyone offered you any inducement or
15 threatened you or forced you to plead guilty or to enter into
16 this plea agreement?

17 THE DEFENDANT: No.

18 THE COURT: You understand that the Court is
19 completely free to disregard the Government's recommendation or
20 position with regard to your sentence and to impose whatever
21 sentence it believes is appropriate under the applicable
22 guidelines and circumstances, and that in that event you will
23 have no right to withdraw your plea?

24 THE DEFENDANT: Yes.

25 THE COURT: Now, I would like to ask you certain

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1 questions about provisions of the plea agreement. Do you
2 understand that under the terms of your agreement as to the
3 charges contained in the information, you agree to waive any
4 challenges, objections to defenses you may have as to venue in
5 the Southern District of New York, and you agree to plead
6 guilty to these charges in this district?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand that under the terms of
9 the agreement you shall truthfully and completely disclose all
10 information with respect to the activities of yourself and
11 others concerning all matters about which the United States
12 Attorney's Office requires of you, which information can be
13 used for any purpose. You shall cooperate fully with the
14 United States Attorney's Office, the Federal Bureau of
15 Investigation, and any other law enforcement agency, including
16 but not limited to law enforcement intelligence, military and
17 public safety agency of the United States and other countries
18 designated by the United States Attorney's Office. You shall
19 attend all meetings at which the United States Attorney's
20 Office requests your presence. You shall provide to the United
21 States Attorney's Office, upon request, any document, record or
22 other tangible evidence relating to matters about which the
23 United States Attorney's Office or any designated law
24 enforcement, intelligence, military and public safety agencies
25 requires of you. You shall truthfully testify before the Grand

1 Jury and any trial and other court proceeding with respect to
2 any matters about which the United States Attorney's Office may
3 request your testimony. You shall bring to the United States
4 Attorney's Office's attention all crimes which you have
5 committed in all administrative, civil or criminal proceedings,
6 investigations or prosecutions in which you have been or are
7 subject, target party or witness, and you shall commit no
8 further crimes whatsoever.

9 Moreover, any assistance you may provide the federal
10 criminal investigators, as well as investigators and
11 representatives from any other law enforcement, intelligence,
12 military and public safety agencies shall be pursuant to a
13 specific instruction and control of the United States
14 Attorney's Office and designated investigators.

15 Mr. Babar, do you understand these provisions of your
16 plea agreement?

17 THE DEFENDANT: Yes.

18 THE COURT: You understand that the United States
19 Attorney's Office cannot and does not agree to not to prosecute
20 you for criminal tax violations?

21 THE DEFENDANT: Yes.

22 THE COURT: However, if you fully comply with the
23 understandings specified in the agreement, no testimony or
24 other information given by you or any other information
25 directly or indirectly derived therefrom, will be used against

1 you in any criminal tax prosecution.

2 Do you further understand that if you fully comply
3 with the understandings specified in the plea agreement, you
4 will not be further prosecuted criminally by the United States
5 Attorney's Office for any crimes, except for criminal tax
6 violations related to your participation in certain activities
7 specifically detailed in the agreement, to the extent you have
8 disclosed such participation to the United States Attorney's
9 Office as of the date of the this agreement. Do you understand
10 this provision?

11 THE DEFENDANT: Yes.

12 THE COURT: Mr. Babar, do you understand that this
13 agreement does not provide any protection against prosecution
14 for any crimes, except as set forth in the agreement?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you further understand that since your
17 truthful cooperation with the United States Attorney is likely
18 to reveal activities of individuals who might use force,
19 violence and intimidation against you, your family, your loved
20 ones, the United States Attorney's Office, upon your written
21 request, will take steps that it determines to be reasonable
22 and necessary to attempt to ensure your safety and that of your
23 family and loved ones?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you understand that these steps may

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1 include application to the Witness Security Program of the
2 United States Marshals Service, whereby your family and love
3 ones could be relocated under a new identity?

4 THE DEFENDANT: Yes.

5 THE COURT: And do you understand, however, that the
6 Witness Security Program is under the direction and control of
7 the United States Marshals Service and not of the United States
8 Attorney's Office?

9 THE DEFENDANT: Yes.

10 THE COURT: Do you also understand that your plea
11 agreement does not bind any federal, state or local prosecuting
12 attorney, other than the United States Attorney's Office?

13 THE DEFENDANT: Yes.

14 THE COURT: The United States Attorney's Office will
15 bring your cooperation to the attention of other prosecuting
16 offices if you so request under the terms of the agreement.

17 Mr. Babar, do you understand that to ensure that you
18 remain available to provide assistance to the United States
19 Government, and to maintain your safety, you agreed to write or
20 contract to write or otherwise assist in -- I'm sorry -- you
21 agree not to write or contract to write or otherwise assist in
22 writing of any book, novel, screenplay or other media, sell the
23 rights to your story, provide interviews to newspapers,
24 magazines, television or radio stations, or otherwise
25 communicate with any news medium concerning the subject of

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1 matter of your life or your knowledge of any Al Qaeda or any
2 other part of the subject matter of your potential testimony
3 without obtaining the prior written approval of the United
4 States Attorney's Office; do you understand this provision?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you understand that the decision
7 whether to grant such approval is within the sole discretion of
8 the United States Attorney's Office?

9 THE DEFENDANT: Yes.

10 THE COURT: Mr. Babar, do you understand that the
11 sentence to be imposed upon you is within the sole discretion
12 of the Court, and that the United States Attorney's Office
13 cannot and does not make any promise or representation as to
14 what your sentence will be and will not recommend any specific
15 sentence to this Court?

16 THE DEFENDANT: Yes.

17 THE COURT: However, the United States office will
18 inform the Probation Department and the Court of the plea
19 agreement, the nature and extent of your activities with
20 respect to this case, and any other of your activities which
21 the United States Attorney's Office deemed relevant to
22 sentencing, the nature and extent of your cooperation with the
23 United States Attorney's Office. In doing so, the United
24 States Attorney's Office may use any information they deem
25 relevant, including information provided both prior to and

1 subsequent to the signing of this agreement.

2 In addition, you understand that if the United States
3 Attorney's Office determines that you have provided substantial
4 assistance in an investigation or prosecution, and if you have
5 fully complied with the understandings specified in the
6 agreement, the United States Attorney's Office will file a
7 motion pursuant to Section 5K1.1 of the United States
8 Sentencing Guidelines requesting the Court to sentence you in
9 light of the factors set forth in the United States Sentencing
10 Guidelines, Sections 5K1.1(a)(1) through (5). Do you
11 understand this provision?

12 THE DEFENDANT: Yes.

13 THE COURT: And do you also fully understand that even
14 if such proceeding is filed, the sentence to be imposed on you
15 remains within the sole discretion of the Court, and that
16 nothing in the plea agreement limits the United States
17 Attorney's Office's right to present any facts and make any
18 arguments relevant to sentencing to the Probation Department
19 and the Court or to take any position on post sentencing
20 motions. Do you understand that provision?

21 THE DEFENDANT: Yes.

22 THE COURT: And do you understand that you are
23 consenting to any adjournments of your sentence as may be
24 requested by the United States Attorney's Office?

25 THE DEFENDANT: Yes.

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1 THE COURT: Do you understand that should the United
2 States Attorney's Office determine that either that you have
3 not provided substantial assistance in an investigation or
4 prosecution, or that you have violated any provision of the
5 agreement, such a determination will release the United States
6 Attorney's Office from obligation to file a motion pursuant to
7 Section 5K1.1 of the Sentencing Guidelines and U.S. 18 U.S.C.
8 Section 3553(e), but will not entitle you to withdraw your plea
9 once it has been entered?

10 THE DEFENDANT: Yes.

11 THE COURT: And do you fully understand that should
12 the United States Attorney's Office determine, subsequent to
13 the filing of a motion pursuant to Section 5K1.1 of the
14 Sentencing Guidelines and/or 18 U.S.C. Section 3553(e) that you
15 have violated any provision of the plea agreement, the United
16 States Attorney's Office shall have the right to withdraw such
17 motion?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you understand that should you commit
20 any further crimes or should it be determined that you have
21 given false, incomplete or misleading testimony or information
22 or should otherwise violate any provision of the plea
23 agreement, you shall, thereafter, be subject to prosecution for
24 any federal criminal violation of which the United States
25 Attorney's Office has knowledge, including perjury and

1 obstruction of justice; do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: That any such prosecution that is not time
4 barred by the applicable Statute of Limitations on the day of
5 the signing of the agreement may be commenced against you,
6 notwithstanding the expiration of the statute of limitations,
7 between the signing of the agreement and the commencement of
8 such prosecution, and that it is the intent of the plea
9 agreement to waive all defenses based on the statute of
10 limitations with respect to any prosecution that is not time
11 barred on the date that this agreement was signed. Do you
12 understand that provision?

13 THE DEFENDANT: Yes.

14 THE COURT: Finally, do you understand that in the
15 event it is determined that you have committed any further
16 crimes, giving false, incomplete or misleading at the time or
17 information, or otherwise violated any provision of the
18 agreement, all statements made by you to the United States
19 Attorney's Office or other designated law enforcement agency
20 agents and any testimony given by you before a Grand Jury or
21 other tribunal, whether prior to or subsequent to the signing
22 of the agreement, and any leads from such statements or
23 testimony shall be admissible in evidence in any criminal
24 proceeding brought against you, and you shall assert no claim
25 under the United States Constitution and statute Rule 410 of

1 the Federal Rules of Evidence or any other federal rule that
2 such statements or leads therefrom should be suppressed. Do
3 you understand this provision?

4 THE DEFENDANT: Yes.

5 THE COURT: And do you understand that it is the
6 intent of the plea agreement to waive all such rights in the
7 foregoing respects?

8 THE DEFENDANT: Yes.

9 THE COURT: Mr. Ollen, do you know any reason why your
10 client should not be permitted to plead guilty?

11 MR. OLLEN: No, your Honor.

12 THE COURT: Mr. Babar, I would like you to tell me in
13 your own words what you did in connection with the crimes which
14 you're entering a plea of guilty. Please state when the crimes
15 occurred, where, what happened, and what your involvement in
16 the crimes was. Please begin with the crimes set forth in
17 count one of the information.

18 THE DEFENDANT: Starting the summer of '03, your
19 Honor, summer of '03, I -- that's when I first started
20 providing, you know, funding, material support to Al Qaeda, you
21 know, for the war in Afghanistan. And from summer '03 to about
22 March of '04 I provided night vision goggles, sleeping bags,
23 water proof socks, water proof ponchos, and money to a high
24 ranking Al Qaeda official in South Waziristan. In summer of
25 '03, I handed off to someone else, you know, to send it to

1 South Waziristan. Then in January and February '04, I went
2 myself, personally, to South Waziristan and handed over money
3 to, and supplies to a high ranking Al Qaeda official.

4 THE COURT: All right. Mr. Babar, when you engaged in
5 these activities, was there an agreement or some form of
6 understanding that you entered into for the purpose of those
7 activities?

8 THE DEFENDANT: Excuse me? I don't understand.

9 THE COURT: Was there an agreement between you and
10 other persons?

11 THE DEFENDANT: Yeah.

12 THE COURT: For the purposes of the activities that
13 you've indicated?

14 THE DEFENDANT: Yes.

15 THE COURT: Did you become a member of that agreement
16 or understanding, conspiracy, with knowledge of its illegal
17 activity?

18 THE DEFENDANT: Yes.

19 MS. BARONI: May I interrupt, your Honor?

20 THE COURT: Yes, Miss Baroni.

21 MS. BARONI: Thank you, your Honor. If you could also
22 allocute the defendant, A, what he did with the other people;
23 and, B, what he -- what his knowledge was that these, this
24 material support or resources was going to be used for.

25 THE COURT: We'll get to that.

1 Mr. Babar, you indicated that you became a member of
2 an agreement or understanding with others, and that you became
3 a member with knowledge of its illegal objective. Can you
4 indicate what your agreement, as you understood it, provided as
5 a purpose of the agreement and your role and that of other
6 persons in the agreement?

7 THE DEFENDANT: The agreement that I with others was,
8 A, was, you know, concerning people was, A, to provide funding
9 that would -- then I would then transport, you know, to, you
10 know, to South Waziristan, Al Qaeda, and also to provide
11 supplies, you know, you know, when I would give them a list of
12 anything that I needed, and they would provide the supplies
13 that I would need that I would then pass over in South
14 Waziristan.

15 THE COURT: And you knew, Mr. Babar, the identity of
16 the organization that was involved in the activities that
17 you've indicated?

18 THE DEFENDANT: Yes.

19 THE COURT: And did you know the organization was a
20 terrorist organization?

21 THE DEFENDANT: Yes.

22 THE COURT: All right. Miss Baroni, are there any
23 questions from the government concerning the sufficiency of the
24 allocution with respect to the elements of count one?

25 MS. BARONI: Yes, your Honor. If you could allocute

1 the defendant on what he believed the material support or
2 resources was going to be used for.

3 THE COURT: All right. Mr. Babar, the government has
4 asked for clarification, elaboration of your knowledge of the
5 intended use of the material support that you've indicated was
6 involved as part of the agreement.

7 THE DEFENDANT: I just -- I understood that the money
8 and supplies that I had given to al Qaeda was supposed to be
9 used in Afghanistan, you know, against U.S. or International,
10 International Forces or against the Northern Alliance.

11 THE COURT: All right. Mr. Babar, with regard to the
12 elements of count two of the information, can you again
13 indicate in your own words what you did in that connection? If
14 the activities are the same that you've thus just related, you
15 can just summarize.

16 THE DEFENDANT: Yeah. The activities are basically
17 the same. It was the same. We got together with a couple of
18 people to provide funding and to provide supplies for Al Qaeda,
19 and we knew what the supplies where, the supplies and weapons
20 were going -- what they were going to be used for, and we know
21 who they were going to, and that's what we did. We got
22 together with people, tried to raise money and supplies and
23 tried to give them to high ranking al Qaeda official to be used
24 with the ongoing war inside of Afghanistan.

25 THE COURT: And you actually provided these items,

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1 material support as defined in the summary the Court gave
2 before?

3 THE DEFENDANT: Yes.

4 THE COURT: Miss Baroni, does the government have any
5 questions concerning the sufficiency of the allocution with
6 respect to count two?

7 MS. BARONI: Your Honor, I think coupled with his
8 allocution on count one, it's sufficient.

9 THE COURT: All right, thank you.

10 Mr. Babar, would you indicate in your own words what
11 you did in connection with count -- the elements contained in
12 count three of the information?

13 THE DEFENDANT: Count three, one of the things that we
14 did was I set up a jihad training camp where those who wanted
15 to go into Afghanistan where they could learn how to use
16 weapons, and also, you know, any explosive devices that they
17 wanted to test out over there. And I also provided lodging and
18 transportation in Pakistan for them, and I transported them to
19 and from the training camp.

20 At the same time, I was aware that some of the people
21 who attended the jihad training camp had ideas about, you know,
22 plotting against some targets in the United Kingdom, and I
23 provided some of the materials, like I mentioned, aluminum
24 nitrate, ammonium nitrate and aluminum powder for them in the
25 use of explosive devices that was then tested out at the

1 training camp.

2 THE COURT: All right. And in connection with the
3 crimes charged in count three, Mr. Babar, if you would just
4 again confirm that you knew that there was an agreement or
5 understanding for the purposes that you indicated?

6 THE DEFENDANT: Yes.

7 THE COURT: Did you become a member of that agreement
8 or conspiracy with knowledge of its illegal objectives?

9 THE DEFENDANT: Yes.

10 THE COURT: And did you provide or conceal the nature
11 of the location or sources of the material support or resources
12 that you've just indicated?

13 THE DEFENDANT: Yes.

14 THE COURT: And you actually provided or concealed the
15 provision of material support, knowing or intending that the
16 support or resources were to be used in preparation for or
17 carrying out the use or attempted use of weapons of mass
18 destruction outside the United States?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. Miss Baroni, does the
21 government have any questions concerning the sufficiency of the
22 allocution with respect to the elements of count three?

23 MS. BARONI: Yes, your Honor. If you could just
24 allocute the defendant that the aluminum powder that he
25 purchased, and the ammonium nitrate that he intended to

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1 purchase, his understanding was that at the time that they
2 would be used in explosive devices in a plot in the United
3 Kingdom.

4 THE COURT: All right. Mr. Babar, the government has
5 asked for a clarification and elaboration of the materials that
6 you purchased for the purposes of this activity in the United
7 Kingdom. Would you elaborate?

8 THE DEFENDANT: As far as the aluminum powder goes, I
9 knew purchasing aluminum powder, what it was going to be used
10 for, and they had told me, you know, what it would be used for,
11 explosive device, and they wanted to, you know, plot or target
12 some targets in the UK, and I knew purchase of aluminum powder,
13 that's what I was purchasing it for. And the ammonium nitrate
14 was the same thing. Although I never purchased it, I tried to
15 get it, but at that time I couldn't get it. So I was able to
16 get the aluminum powder, which I then passed along to them,
17 which I knew where it was going to, what it was going to be
18 used for, eventually.

19 THE COURT: All right.

20 MS. BARONI: Also, your Honor, if your Honor can
21 allocute the defendant on the timeframe of the conspiracy.

22 THE COURT: Yes. Mr. Babar, can you indicate the time
23 when these activities occurred with respect to count three?

24 THE DEFENDANT: It started about the spring -- this is
25 the spring and the summer of '03.

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THE COURT: And where did they start?

THE DEFENDANT: Excuse me?

3

THE COURT: Where did this occur?

4

THE DEFENDANT: In Pakistan.

5

MS. BARONI: And how long, if your Honor can allocute
6 him -- it began in the spring of '03 three, but how long did
7 the conspiracy --

8

THE COURT: Until when did it go, Mr. Babar?

9

THE DEFENDANT: Excuse me?

10

THE COURT: Until when did this --

11

THE DEFENDANT: Oh.

12

THE COURT: -- activity continue?

13

THE DEFENDANT: Up to March of '04.

14

THE COURT: All right. If we may move to the elements
15 of the charges contained in count four in the information,
16 would you indicate what your involvement was in those
17 activities? To the extent they're the same, you may so
18 indicate.

19

THE DEFENDANT: Count four is the same as count three
20 and I -- it's the same. You know, they wanted to set up a
21 jihad training camp, and I provided -- I, you know, provided
22 the area and the weapons for them where they can get the
23 training, and also provided some of the materials like aluminum
24 powder and ammonium nitrate for the explosive devices that were
25 used at the training camp.

1 Also same thing, also I purchased aluminum powder,
2 ammonium nitrate knowing it was going to be eventually be
3 used -- well, not the nitrate, the aluminum powder I purchased
4 with the knowledge that it was going to be used for a plot
5 somewhere in the UK, and the ammonium nitrate which I tried to
6 purchase but wasn't able to.

7 THE COURT: And these activities took place in the
8 same timeframe you've indicated earlier?

9 THE DEFENDANT: Yes.

10 THE COURT: And in the same places?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. Miss Baroni, does the
13 government have any further questions concerning the
14 sufficiency of the allocution with respect to the elements of
15 Count Four?

16 MS. BARONI: Again, I think coupled with his
17 allocution on count three, since it's the same count, it's
18 sufficient, except for one fact which I think has been
19 established. But during this part of the plea proceeding it's
20 required that the defendant obviously is a U.S. citizen for
21 counts one through four and five, so if your Honor could
22 allocute the defendant on that also.

23 THE COURT: All right. The defendant has previously
24 indicated that he is a United States citizen.

25 All right, Mr. Babar, with respect to the count five,

1 would you indicate your involvement?

2 THE DEFENDANT: Count five is the same as count one
3 and two. I tried to raise money with other people, money and
4 gear which I mentioned before, like night vision goggles,
5 sleeping bags, water proof socks, water proof ponchos and other
6 military gear to then pass it onto a high ranking al Qaeda
7 official in South Waziristan. And the timeframe is same with
8 the spring, summer of '03, up to '04, March of '04. And it was
9 sometimes I passed it along to someone else. And in the
10 beginning of '04 I personally went to South Waziristan and I
11 gave money and gear, the gear I just mentioned, to a high
12 ranking al Qaeda official, which I knew was going to be used in
13 the ongoing war in Afghanistan against U.S. and International
14 forces and Northern Alliance in military operations.

15 THE COURT: And when you did these activities, you did
16 so knowingly and willfully?

17 THE DEFENDANT: Yes.

18 THE COURT: And you knew that the goods, the funds
19 were to be provided for the benefit of Al Qaeda?

20 THE DEFENDANT: Yes.

21 THE COURT: All right. Miss Baroni, does the
22 government have any questions concerning the sufficiency of the
23 allocution with respect to the elements of count five?

24 MS. BARONI: No, your Honor. I think that is
25 sufficient, given that the elements are similar to one and two.

1 If I just may go back to an issue that relates to one,
2 two and five. If you could allocute the defendant on his
3 understanding of his knowledge that the kind of terrorist
4 activity that Al Qaeda was involved with at the time that he
5 was providing support.

6 THE COURT: All right. Thank you.

7 Mr. Babar, the government has asked for clarification
8 of your understanding of the kinds of activities that Al Qaeda
9 was involved in at the time that you were providing this
10 material support that you indicated.

11 THE DEFENDANT: I understood that it was involved in
12 ongoing military operations within Afghanistan, and also that
13 Al Qaeda was involved in military organizations outside of
14 Afghanistan, namely, bombings and highjackings and kidnappings
15 outside of Afghanistan, so that's what I understood that Al
16 Qaeda was involved in, those kinds of military operations.

17 THE COURT: All right. Mr. Babar, when you engaged in
18 these activities, did you know that what you were doing was
19 wrong and illegal?

20 THE DEFENDANT: Yes.

21 THE COURT: All right. Miss Baroni, would you
22 indicate the evidence that the government would bring against
23 this defendant should this matter go to trial?

24 MS. BARONI: Yes, your Honor.

25 Your Honor, the government would, with respect to

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1 count one and two, and five, your Honor, the government would
2 prove through witness testimony, through documentary evidence
3 and other physical evidence that this defendant met with a high
4 ranking leader of Al Qaeda on several occasions in early 2004.
5 That he provided him with money and military equipment from the
6 end of 2003 through the early 2004 on several different
7 occasions; that he knew these items were going to Al Qaeda; he
8 knew that Al Qaeda was, in fact, involved in terrorist
9 activities, and that he had intended to provide these items
10 knowing that it would be used in the fight against U.S. troops
11 and other western troops in Afghanistan.

12 The government would further prove that the defendant
13 is a U.S. citizen, obviously, with respect to counts one, two
14 and five.

15 With respect to counts three and four, the government
16 would prove that this defendant worked with other associates,
17 other individuals to plan a bombing plot in the United Kingdom
18 from approximately December of 2002 until approximately March
19 of 2004; that he arranged a jihad training camp where members
20 of this conspiracy would receive training in military skills,
21 explosives and weaponry. That lasted for approximately three
22 or four weeks in July of 2003.

23 The Government would further prove that the defendant
24 provided lodging and transportation to the members of the other
25 members of the conspiracy, before and after their attendance at

X463zbabp

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1 the training camp.

2 The government would further prove that the defendant
3 purchased and attempted to purchase the aluminum powder and
4 ammonium nitrate that he knew would be used in explosive
5 devices in the bombing plot in the United Kingdom, and that he
6 did this throughout from December 2002 through March of 2004.

7 THE COURT: All right, thank you.

8 Mr. Babar, having heard the government indicate the
9 evidence that it would bring against you, if this matter were
10 to go to trial, do you agree with what the government has said?

11 THE DEFENDANT: Yes.

12 THE COURT: Now, Mr. Babar, having heard me inform you
13 of your rights of a trial and the consequences of your pleading
14 guilty, and of the maximum sentence that you would face, and of
15 the civil rights that you would lose, how do you now plead to
16 the charges contained in information, guilty or not guilty?

17 THE DEFENDANT: Guilty.

18 THE COURT: Are you pleading guilty because you are
19 guilty?

20 THE DEFENDANT: Yes.

21 THE COURT: Are you pleading guilty voluntarily and of
22 your own free will?

23 THE DEFENDANT: Yes.

24 THE COURT: Because you acknowledge that you're guilty
25 as charged in the information, because you know your rights and

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1 you are waiving them, because your plea is entered knowingly
2 and voluntarily and is supported by an independent basis in
3 fact, containing each of the essential elements of the
4 offenses, I accept your guilty plea and adjudge you guilty of
5 the offense to which you've just pleaded.

6 The Probation Officer will next prepare a presentence
7 report to assist the Court in sentencing you. You will be
8 interviewed by the Probation Officer. It is important that the
9 information you give to the Probation Officer be truthful and
10 accurate. The report is important in my decision as to what
11 your sentence will be. You and your attorney have a right and
12 will have an opportunity to examine the report to challenge or
13 comment point to speak on your behalf before sentencing.

14 Does the government propose a sentencing date?

15 MS. BARONI: Your Honor, the government would request
16 a control date, I guess six months.

17 THE COURT: All right, six months control date.

18 THE DEPUTY CLERK: Friday, December 3rd at 10:00 a.m.
19 or November? Keep it December 3rd.

20 THE COURT: All right. Mr. Ollen, is that date
21 suitable?

22 MR. OLLEN: That's fine, your Honor.

23 THE COURT: Miss Baroni?

24 MS. BARONI: Yes, your Honor.

25 THE COURT: All right, Miss Baroni, what is the bail

1 status of the defendant, and is there any application
2 contemplated?

3 MS. BARONI: Your Honor, the defendant was arrested on
4 a material witness warrant in April and was presented in front
5 of Judge Sand, and at that time consented to detention.

6 THE COURT: All right. Is there anything else from
7 the government?

8 MS. BARONI: No, your Honor. Thank you.

9 THE COURT: Anything from Mr. Ollen?

10 MR. OLLEN: No, your Honor.

11 THE COURT: Thank you.

12 (Adjourned to December 3, 2004 at 10:0 a.m.)
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DATE FILED : *MM*

U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

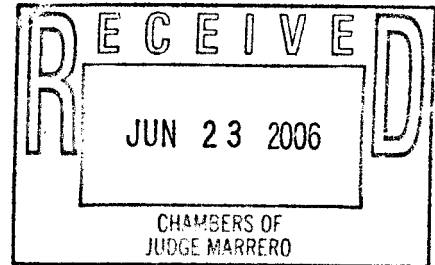
June 23, 2006

MEMO ENDORSED

TO BE FILED UNDER SEAL

BY FAX

The Honorable Victor Marrero
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007



Re: United States v. Mohammed Junaid Babbar
04 Cr. 528 (VM)

Dear Judge Marrero:

The Government respectfully requests that the sentencing control date in this matter be adjourned for approximately six months, to on or about December 22, 2006. Mr. Babbar continues to cooperate with the Government and this extension is necessary to allow that cooperation to continue. Daniel J. Ollen, Esq., counsel for the defendant has no objection to this request.

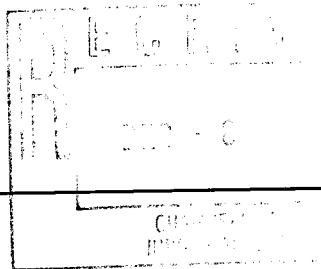
Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By: *Edward C. O'Callaghan*
Edward C. O'Callaghan
Assistant United States Attorney
(212) 637-2634

cc: Daniel J. Ollen, Esq.

Request GRANTED. The sentencing of defendant *Mohammed Junaid Babbar* herein is rescheduled to *12-22-06* at *4:30 p.m.*
SO ORDERED.
6-23-06
DATE *[Signature]*
VICTOR MARRERO, U.S.D.J.



United States Attorney
Southern District of New York

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED : 4/18/11

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 8, 2006

REQUESTED TO BE FILED UNDER SEAL

SEALED

BY HAND

Honorable Victor Marrero
United States District Judge
United States District Court
Southern District of New York
40 Centre Street, Chambers 414
New York, New York 10007

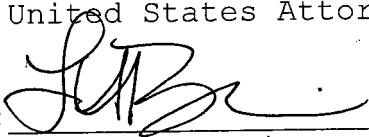
Re: United States v. Mohammed Junaid Babar
04 Cr. 528 (VM)

Dear Judge Marrero:

The Government respectfully requests that the sentencing of the defendant Mohammed Junaid Babar in the above-referenced case, which is currently scheduled for Friday, December 22, 2006, be adjourned for six months to June 2007. Earlier this year, Babar gave testimony in a terrorism trial in the United Kingdom. However, Babar is expected to testify in a terrorism trial in Canada which is scheduled to begin in April 2007. The Government respectfully requests that this letter application and any order of the Court regarding this request be filed under seal.

Respectfully submitted,

MICHAEL J. GARICA
United States Attorney

By: 

Lisa A. Baroni
Assistant U.S. Attorney
(212) 637-2405

Request GRANTED. The sentencing of defendant Mohammed Junaid Babar herein is rescheduled to 6-22-07
at 4:00 P.M.
SO ORDERED.
12-8-06
DATE VICTOR MARRERO, U.S.D.J.

SEALED

cc: Daniel J. Ollen, Esq.
20 Vesey Street, Suite 1200
New York, NY 10007



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

SEALED

June 7, 2007

REQUESTED TO BE FILED UNDER SEAL

BY HAND

Honorable Victor Marrero
United States District Judge
United States District Court
Southern District of New York
40 Centre Street, Chambers 414
New York, New York 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED : <u>4/8/11</u>

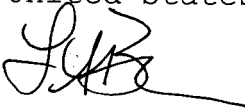
Re: United States v. Mohammed Junaid Babar
04 Cr. 528 (VM)

Dear Judge Marrero:


The Government respectfully requests that the sentencing of the defendant Mohammed Junaid Babar in the above-referenced case, which is currently scheduled for Friday, June 22, 2007, be adjourned for six months to December 2007. Babar is expected to testify in United States v. Syed Hashmi, 06 Cr. 442 (LAP) which is pending in front of the Honorable Loretta A. Preska, as well as in a terrorism trial in Canada. Trial dates have not yet been set in either case. The Government respectfully requests that this letter application and any order of the Court regarding this request be filed under seal.

Respectfully submitted,

MICHAEL J. GARICA
United States Attorney

By: 

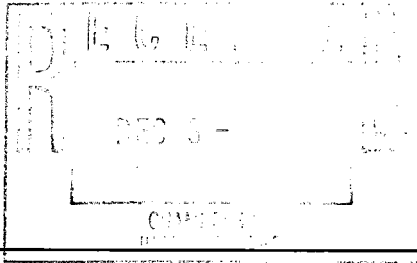
Lisa A. Baroni
Assistant U.S. Attorney
(212) 637-2405

Request GRANTED. The sentencing of defendant <u>Mohammed Junaid Babar</u> herein is rescheduled to <u>12-14-07</u> at <u>4:00 p.m.</u> SO ORDERED. <u>6-8-07</u> DATE  VICTOR MARRERO, U.S.D.J.

SEALED

cc: Daniel J. Ollen, Esq.
20 Vesey Street, Suite 1200
New York, NY 10007

U.S. Department of Justice



United States Attorney
Southern District of New York

ORIGINAL

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 3, 2007

REQUESTED TO BE FILED UNDER SEAL

BY HAND

Honorable Victor Marrero
United States District Judge
United States District Court
Southern District of New York
40 Centre Street, Chambers 414
New York, New York 10007

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DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>4/8/10</u>

Re: United States v. Mohammed Junaid Babar
04 Cr. 528 (VM)

Dear Judge Marrero:

The Government respectfully requests that the sentencing of the defendant Mohammed Junaid Babar in the above-referenced case, which is currently scheduled for Friday, December 14, 2007, be adjourned for six months to June 2008. Babar is expected to testify in United States v. Syed Hashmi, 06 Cr. 442 (LAP) which is pending in front of the Honorable Loretta A. Preska, as well as in a terrorism trial in Canada. Trial dates have not yet been set in either case. The Government respectfully requests that this letter application and any order of the Court regarding this request be filed under seal.

Respectfully submitted,

MICHAEL J. GARICA
United States Attorney

By: [Signature]

Lisa A. Baroni
Brendan R. McGuire
Assistant U.S. Attorneys
(212) 637-2405 /2220

Request GRANTED. The sentencing of defendant <u>Mohammed Junaid Babar</u> herein is rescheduled to <u>6-6-08</u> at <u>4:30 p.m.</u>
SO ORDERED.
<u>12-3-07</u> DATE <u>[Signature]</u> VICTOR MARRERO, U.S.D.J.

cc: Daniel J. Ollen, Esq.
20 Vesey Street, Suite 1200
New York, NY 10007
Counsel to Babar

DANIEL J. OLLEN
ATTORNEY AT LAW
805 THIRD AVENUE
11TH FLOOR
NEW YORK, N. Y. 10022

(212) 619-1245

FACSIMILE
(212) 619-1248

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6-12-08

June 11, 2008

BY FACSIMILE

Honorable Victor Marrero
United State District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: US v. Mohammed Junaid Babar
04 Cr. 528 (VM)

Dear Judge Marrero:

As you know, I represent Mohammed Junaid Babar, who is scheduled to be sentenced on Friday, June 13, 2008. This letter is written to respectfully request that Mr. Babar's sentencing be adjourned until any date in November that is convenient to the Court. Mr. Babar has been cooperating with the Government for several years and has testified at several trials to date. His cooperation has not yet been completed.


Thank you for your consideration.

Respectfully,



Daniel J. Ollen

cc: AUSA Lisa Baroni

Request GRANTED. The sentencing of defendant Junaid Babar herein is rescheduled to 11-21-08
at 3:30 p.m.
SO ORDERED.
6-12-08
DATE  VICTOR MARRERO, U.S.D.J.



United States Attorney
Southern District of New York

NOV 20 2008

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 19, 2008

SEALED

BY HAND

TO BE FILED UNDER SEAL

Honorable Victor Marrero
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED : 11/19/08

Re: United States v. Mohammed Junaid Babar
04 Cr. 528 (VM)

Dear Judge Marrero:

The Government respectfully submits this letter to request an adjournment for the sentencing in this case, which is currently scheduled for Friday, November 21, 2008, at 3:30 pm. The reason for the adjournment is that the Government anticipates that the defendant, who pled guilty pursuant to a cooperation agreement, will be testifying in a trial in the Spring of 2009, most likely in May. Accordingly, the Government requests a sentencing date for some time in June or July of 2009.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By:

Brendan R. McGuire/Iris Lan
Assistant United States Attorneys
(212) 637-2220/2263

Request GRANTED. The sentencing of defendant Mohammed Junaid Babar herein is rescheduled to 6-5-09 at 2:00pm.
SO ORDERED.
11-20-08
DATE VICTOR MARRERO, U.S.D.J.

cc: Daniel J. Ollen, Esq. (by fax)

SEALED

UNCLASSIFIED//FOUO REL USA, GBR

Embassy of the United States of America
Office of Legal Attache
United States Embassy
London, W1A 1AE

File No. 80-LO-C9545

2 December 2010

DCS Doug McKenna
New Scotland Yard
SO-15

RE: FBI Authorization to Utilize Investigative
Materials in Administrative Review

The information in this document is provided to New Scotland Yard for the limited purpose of use during the Inquests into the London Bombings of July 7, 2005, which is currently a matter before the Coroner at the Royal Courts of Justice. The information has been coordinated with Federal Bureau of Investigation (FBI) Headquarters for limited use in the proceedings referenced above. This information may not be used in any other legal or administrative proceedings or further disseminated to any other agency within your government without the advanced authorization of FBI headquarters. If, at the conclusion of the Inquests, the Coroner's Office will produce a final report, we request that the FBI documents are not reproduced in their entirety in the final report and that the FBI documents not be attached to the final report as exhibits.

Compendium #1:

Mohammed Junaid Babar was interviewed on the following dates:

04/06/2004

(FOUO) Mohammed Junaid Babar (Babar) advised he and his family arrived in the US from Pakistan in 1977. They resided with Babar's grandfather, who had come to the US approximately ten (10) years before, at his Highland Road, Jamaica, New York address. Babar's father worked at the US branch of Habib Bank, a Pakistani owned bank, as an administrative clerk. Babar's father retired in the mid 1990's. Babar's mother worked as an administrative clerk at the Bank of America office in the World Trade Center. Babar's mother was rescued from the ninth floor of the World Trade Center on September 11, 2001. Babar's mother retired from the company in 2003.

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(FOUO) Babar was shown photograph labeled F (known to the FBI as Jawad Akbar). Babar did not recognize the individual in photograph F.

(FOUO) Babar was shown photograph labeled G (known to the FBI as Wajid Rahim). Babar did not recognize the individual in photograph G.

(FOUO) Babar was shown photograph labeled H (known to the FBI as "Man D"). Babar did not recognize the individual in photograph H.

(FOUO) Babar was shown photograph labeled I (known to the FBI as Abdel Karim El Ghariaoui). Babar did not recognize the individual in photograph I.

(FOUO) Babar was shown photograph labeled J (known to the FBI as Azhar Shezad Khan). Babar did not recognize the individual in photograph J.

(FOUO) Babar was shown photograph labeled K (known to the FBI as Shujahuddin Mahmood). Babar recognized the individual in photograph K to be Shuja LNU.

(FOUO) Babar was shown photograph labeled L (known to the FBI as "Man C"). Babar did not recognize the individual in photograph L.

(FOUO) Babar was shown photograph labeled M (known to the FBI as Mohammed Momin Khawaja). Babar recognized the individual in photograph M to be Momin LNU.

(FOUO) Babar was shown photograph labeled N (known to the FBI as Ali Ahmed Khan). Babar did not recognize the individual in photograph N.

(FOUO) Babar was shown photograph labeled O (known to the FBI as Asim Rashid). Babar did not recognize the individual in photograph O.

(FOUO) Babar was shown photograph labeled P (known to the FBI as Syed M. Hashmi). Babar recognizes the individual in photograph P to be Fahad LNU.

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Lahore in order to travel to Haleem's wedding together. Babar advised that as he approached Sajeel's apartment, he observed Khalid departing the area. Khalid advised that Sajeel had a British reporter in his apartment, thus Khyam, Waheed, and he (Khalid) were leaving for security reasons. Babar further advised later that night, Babar received a phone call from Waheed instructing Babar to come to a hotel immediately. Babar traveled to the hotel and was met by Waheed, Khyam and Akib. Babar advised that Waheed was angry that Sajeel had a reporter at his apartment, because that could expose their identities. Babar advised that this is his first encounter with Khyam in Pakistan. Khyam advised that he is affiliated with Sheikh Abdul Hadi (Hadi) Al-Iraqi

04/30/2004

(FOUO) Babar was shown pictures of Operation Crevice Subjects that were passed over by the British authorities. Babar identified Khyam, Shuja, Khawaja, Mashup (Ali Ahmed Khan), John, John's little brother who Babar did not know the name of and Abdul Majeed (Umer Bin Amin).

(FOUO) In March 2003, Khyam and four of his associates (Babar did not remember the names of the individuals) arrived at Babar's residence in Lahore to meet Abdul Haleem, Abdul Khadeeja, and Abdul Hamza. Babar advised that at the time Babar was under the impression that Abdul Khadeeja and Abdul Hamza were Al-Qaeda members who were collecting money for the families of Afghani Jihadists who had expired in battle. Khyam gave Abdul Khadeeja 5,500 pounds (British Currency) for the families. Khyam asked Abdul Khadeeja and Abdul Hamza if they had any contacts who could facilitate Khyam and his associates going into Iraq to conduct jihad. Abdul Hamza gave his mobile number to Khyam and told Khyam and Haleem that he (Abdul Hamza) had a contact who could get the individuals Syrian visas. Abdul Hamza further advised that once in Syria, he (Abdul Hamza) had contacts who would take the individuals into Iraq.

(FOUO) At the conclusion of the above mentioned meeting, Khyam offered Haleem and his associates explosives training. Khyam advised that he knew some Uzbeks who could provide the training, but the conditions were that Haleem would not have any contact with the men or could he (Haleem) continue to be their leader. Babar advised that Haleem refused, because he was not receptive to losing contact with his associates especially if

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individuals who could take him (Babar) to see Hadi. In November 2003, Mufti Babar advised Babar that he (Mufti Babar) could arrange a meeting between Babar and Sheikh Abdul Hadi Al Iraqi (Hadi). In January 2004, Babar, Imran, and Mufti Babar traveled to Shkai, Pakistan and met with Hadi.

(FOUO) Babar advised that he (Babar) is not aware of Mufti Babar's current location, because he (Mufti Babar) is currently on a one year missionary assignment with Tabligh Jamaat (TJ). Babar stated that in November 2003, Mufti Babar went to Raiwind, Pakistan for the TJ conference, and from there he (Mufti Babar) was to be taken to various places within Pakistan to spread the Dawaa (religious teachings).

(FOUO) Babar advised that Imran should currently be residing at the madrassa in Lahore sponsored by Sajeel Shahid. Babar advised that the madrassa is located on Kamran Block, Wahadat Road, Alam Iqbal Town, Lahore, Pakistan.

(FOUO) Babar advised that in June 2003, Omar Khyam (Khyam) and he (Babar) traveled to Islamabad International Airport to pick up Mashup LNU (Babar identified by photograph as Ali Ahmed Khan), Akib LNU, and Hamza LNU (Babar identified by photograph as Jawad Akbar), who were arriving from the UK. At the airport, Babar and Khyam met Khalid, who was there to pick up Ibrahim LNU (Ibrahim) and Zubair LNU (Zubair), who had also arrived from the UK. Babar advised that Khalid introduced Ibrahim and Zubair (using their names) to the group. All the individuals then traveled to a restaurant to have breakfast.

(FOUO) Babar advised that he never heard of any plans that included Moroccans mentioned as potential operatives. Babar advised that the only time he had heard of Moroccans mentioned was when Khyam had stated that Abu Munthir was of Moroccan descent.

(FOUO) Babar advised that the only meeting that Khalid and Momin Khawaja (Momin) were both a part of was in October 2003 at the hotel in Islamabad. Babar advised that in Momin's July 2003 trip to Pakistan, he (Babar) was with Momin most of the time except the days that Momin spent at the camp. Babar further advised that he is not aware of any meeting in July 2003, where Momin, Khyam, Khalid, and Babar were present.

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near Gangaram Hospital (Suhail believes in Al-Muhajiroun ideas of establishing a Khalifah but does not pray). Suhail's import/export business was previously reported). Babar advised that he (Babar) and Omar Khyam (Khyam) spoke in approximately August/September 2003 about shipping Ammonium Nitrate from Pakistan to the UK. Khyam wanted to use/obtain the same concentrate of Ammonium Nitrate while in the UK as he used and tested in Pakistan. Babar and Khyam tried to use the courier DHL to ship the Ammonium Nitrate in dried walnuts from Pakistan to the UK but were told DHL could not deliver their package. Babar and Khyam visited Suhail to educate themselves on the process of exporting goods to the UK from Pakistan. Babar advised that he nor Khyam told Suhail their intentions of shipping Ammonium Nitrate to the UK. They asked Suhail the cost of a container to the UK, which they were told that one (1) container would cost approximately 800 English pounds. Babar and Khyam asked Suhail what would happen to the container when it arrived in the UK. Suhail advised that the container would be met by a Customs Clearing Agent and a tax would be levied on the products. Suhail advised that if they did not need a full container, they might be able to find someone to share the container and perhaps split the cost. Babar is not aware if Khyam shipped any Ammonium Nitrate to the UK. Babar does not recall any further conversations with Khyam regarding the shipment of Ammonium Nitrate to the UK.

08/12/2004

(FOUO) Babar was shown a photograph of Nadeem Ashraf, Babar recognized the individual in the photograph as Nadeem Ashraf, aka Nadz.

(FOUO) Babar was shown photographs marked 1-24:

(1) Babar identified the individuals from left to right as Shuja (known to the FBI as Shujahuddin Mahmood), Unidentified Male, Usman (known to FBI as Omar Khyam).

(2) Babar identified the individuals from left to right as Shuja (known to the FBI as Shujahuddin Mahmood), Unidentified Male.

(3) Babar identified the individuals from left to right as Shuja (known to the FBI as Shujahuddin Mahmood), Unidentified Male, Usman (known to FBI as Omar Khyam).

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(4) Babar was not shown this photograph due to the lack of clarity of the photograph.

(5) Babar identified the individuals from left to right as Shuja (known to the FBI as Shujahuddin Mahmood), Usman (known to FBI as Omar Khyam), and Momin (known to the FBI as Mohammed Momin Khawaja).

(6) Babar identified the individuals from left to right as Shuja (known to the FBI as Shujahuddin Mahmood) and Usman (known to FBI as Omar Khyam).

(7) Babar identified the individuals from left to right as Shuja (known to the FBI as Shujahuddin Mahmood), Unidentified Male, and Usman (known to FBI as Omar Khyam).

(8) Babar identified the individuals from left to right as Unidentified Male, Shuja (known to the FBI as Shujahuddin Mahmood) and Usman (known to FBI as Omar Khyam).

(9) Babar identified the individuals from left to right Nadeem Ashraf, aka Nadz (Babar was not positive about this identification, Usman (known to FBI as Omar Khyam), Mashup INU (Babar was not positive about this identification) and Shuja (known to the FBI as Shujahuddin Mahmood).

(10) Babar could not identify the individuals in this photograph.

(11) Babar identified the individuals from left to right as Unidentified Male, Unidentified Male, Unidentified Male, Usman (known to FBI as Omar Khyam) and Unidentified Male.

(12) Babar identified the individuals from left to right as Unidentified Male, Unidentified Male, Usman (known to FBI as Omar Khyam), Unidentified Male and Unidentified Male.

(13) Babar identified the individuals from left to right as Unidentified Male, Unidentified Male, Unidentified Male, Unidentified Male, Shuja (known to FBI as Shujahuddin Mahmood) and Unidentified Female.

(14) Babar was not shown this photograph due to the lack of

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clarity of the photograph.

(15) Babar could not identify any of the individuals in the photograph with the two subjects. Babar identified the individual as Shuja (known to FBI as Shujahuddin Mahmood) in the photograph beside the photograph with the two individuals. Babar identified the individual as possibly being Usman's (known to FBI as Omar Khyam) father in the photograph above the other two photographs.

(16) Babar was not shown this photograph due to the lack of clarity of the photograph.

(17) Babar the individual as Shuja (known to FBI as Shujahuddin Mahmood).

(18) Babar was not shown this photograph due to the lack of clarity of the photograph.

(19) Babar identified the individuals from left to right as Unidentified Male, Unidentified Male, Usman (known to FBI as Omar Khyam), Unidentified Male and Unidentified Male.

(20) Babar identified the individuals from left to right as Unidentified Male, Unidentified Male, Usman (known to FBI as Omar Khyam), Unidentified Male and Unidentified Male.

(21) Babar could not identify the individual in this photograph.

(22) Babar could not identify the individual in this photograph.

(23) Babar advised that the individual in the photograph could possibly be Mashup LNU, aka Suleiman LNU, who is Khyam's cousin.

(24) Babar identified the individuals from left to right Unidentified male and Shuja (known to FBI as Shujahuddin Mahmood).

08/17/2004

(FOUO) Babar advised that Ansar Butt (Ansar) raised large sums of money for jihad activities. Babar estimated that Ansar

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[REDACTED]

This document summarises the occasions when two of the STEPFORD bombers (MSK and Shezad TANWEER) came to our attention during the CREVICE investigation and related enquiries.

Early links to Mohammed Qayum KHAN (MQK)

1. On 13 July 2003 [REDACTED] the mobile phone of Mohammed Qayum KHAN (MQK) [REDACTED] contacted the unidentified user of 07904186076 (*now known to be Mohammed Siddique KHAN*) on several occasions [REDACTED]

2. On 19 July 2003 [REDACTED] MQK's mobile [REDACTED] contacted 07792261882 [REDACTED] 07792261882. MQK made three subsequent calls [REDACTED] Incidentally, MQK contacted this individual on 07904186076 in two of their four communications that day, [REDACTED]

3. On 24 July 2003 probably MSK using 07792261882 contacted MQK [REDACTED]

[REDACTED] The same [REDACTED] called MQK 45 minutes later [REDACTED]

4. On 15 August 2003 MSK (using 07904186076) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Subscribers

07904186076: SIDDIQUE KHAN: 49a Bude Road, Leeds, West Yorks, LSI 1 6HX

07792261882: Unregistered PAYG

Assessment/Action taken when reporting received

5. In the summer of 2003 we assessed MQK to be the co-ordinator of a Luton-based network of Al Qaida facilitators. He would use couriers to send money [REDACTED] to, [REDACTED] AQ operatives in Pakistan. Technical and surveillance coverage of MQK during the Spring/Summer of 2003 indicated that he was in contact with a large number of individuals. [REDACTED]

6. In 2003 we had no intelligence to indicate that MQK's facilitation network stretched beyond the Luton area, let alone as far as Leeds. [REDACTED] there was no intelligence to suggest that their [REDACTED]

[REDACTED]

[REDACTED]

association was linked to AQ support activity or Islamist extremism in general. MSK was therefore regarded as one of many associates of MQK and he was not investigated further.

Malakand Training Camp - July 2003

7. In April/May 2004 reporting from Mohammed Junaid BABAR (MJB) indicated that two individuals known as IBRAHIM (now known to be MSK) and ZUBAIR (now known to be Mohammed SHAKIL) arrived at Islamabad airport in July 2003, where they were met by [REDACTED]. Co-incidentally, on the same day three Operation CREVICE targets Ahmed Ali KHAN, Jawad AKBAR and Waseem GULZAR also arrived in Islamabad with the intention of attending a training camp in Malakand. They were met at the airport by KHYAM and MJB. Members of the two groups were then introduced to each other and they had breakfast together.

8. In May 2004 [REDACTED] also highlighted the existence of IBRAHIM and ZUBAIR, who he described as originating from Leeds. The information [REDACTED] provided on the two individuals effectively mirrors that gleaned from MJB in April/May 2005 (see para.7), although he provided a couple of additional snippets. [REDACTED] stated that IBRAHIM and ZUBAIR were sent to Pakistan by MQK on a fact-finding mission about Mujahideen fighters gaining access into Afghanistan. He also mentioned that the two individuals wanted to meet senior AQ commander Abu MUNTHIR. [REDACTED] stated that MQK had left the decision as to whether IBRAHIM and ZUBAIR should travel to the tribal areas to his discretion. [REDACTED] maintained that he advised them not to travel there and instead they returned to the UK after two weeks. It has been confirmed, post 7/7, that MSK and SHAKIL departed Lahore for London on 7 August 2003.

9. During an evidential interview with SO13 in March 2005, MJB provided additional information on IBRAHIM and ZUBAIR and their visit to Pakistan. He described them as originating from Bradford and confirmed information previously provided by [REDACTED] that the two individuals had been sent to Pakistan by MQK to gain an insight into Mujahideen operations on the Pakistan/Afghanistan border. MJB also mentioned that IBRAHIM and ZUBAIR attended the Malakand training camp along with several of the CREVICE targets.

10. MJB advised that the Malakand training camp commenced in early July 2003 with the initial attendees consisting of: Omar KHYAM, Shujah Uddin MAHMOOD, Anthony GARCIA, Shiraj UI-ISLAM @ AYOUB, Zeeshan SIDDIQUE @ IMRAN, Rizwan SHAMIM @ RIAZ and Atif JALEEL @ Uni Boy. Later in July 2003 this group was joined by KHAN, AKBAR, GULZAR, Mohammed Momin KHAWAJA, MSK @ IBRAHIM and Mohammed SHAKIL @ ZUBAIR. The group were reported to have fired weapons and used rocket launchers at the camp as well as experimenting with explosives.

Assessment/Action taken when reporting received

11. The FBI provided us with notes from their debriefs of MJB in April/May 2004, which included references to IBRAHIM and ZUBAIR. However, it is important to note that these were two of many individuals named by MJB. Although the information he provided showed that they had met members of the CREVICE network in Pakistan, there was no indication that they were involved in terrorist planning or even AQ support activities. It is worth noting that MJB described other individuals who appeared far more likely to be involved in terrorist planning than IBRAHIM and ZUBAIR. It is also worth noting that the FBI debriefs were received in several parts and as scanned images. It was therefore a lengthy process to manually collate all the intelligence on each target.

[REDACTED]

12. In May 2004, the A4 surveillance photos of MSK, TANWEER and Shipon ULLAH were included in a pack of all CREVICE-related photographs sent [REDACTED] for identification purposes. However, he did not positively identify any of the three individuals. The photos of TANWEER and ULLAH were also amongst a set shown to MJB during FBI debriefs in April/May 2004. MJB did not positively identify TANWEER and ULLAH, who were depicted in the surveillance photographs. The surveillance photo of MSK was omitted from the pack shown to MJB due to its poor quality.

13. The evidential statement taken by SO 13 from MJB in March 2005 was the first time that the intelligence he provided was assembled in chronological order, which made it easier to judge the significance of each target he mentioned. In late March 2005 facts relevant to each target were collated. Recommendations were then made to [REDACTED] management that we should initiate investigations into three sets of individuals described by MJB in the statement - these included IBRAHIM and ZUBAIR. This recommendation was accepted and Operation DOWNTempo commenced on 12 April 2005 in order to fully identify and investigate IBRAHIM and ZUBAIR.

14. Several possible candidates for IBRAHIM and ZUBAIR were identified, but the identification was difficult as the above bears no resemblance to their real names and the task was further complicated as MJB erroneously reported that they were from Bradford as opposed to Leeds. In May 2005 the three Leeds-based individuals who featured in the 2 February 2004 surveillance coverage of Omar KHYAM (see para. 18) were flagged up as three of several possible candidates for IBRAHIM and ZUBAIR.

15. Despite the fact that IBRAHIM and ZUBAIR were recommended as investigative targets, the intelligence cases against them did not justify them being considered as high priority [REDACTED] targets.

Activities of 2 February 2004

16. On 28 January 2004 [REDACTED] KHYAM's phone [REDACTED] received a call from 07951364275, [REDACTED]

17. [REDACTED] Later in the day, [REDACTED] Omar KHYAM's mobile indicated that he was in contact [REDACTED] with MSK, who was using 07951364275 [REDACTED]

18. At 20:28 KHYAM and Shujah MAHMOOD in the Suzuki Vitara travelled to Langley Parade in Crawley, which is near to his home address. A few minutes later a Green Honda Civic (R840 CCA) pulled up alongside the Vitara. We now know that its three occupants were MSK, Shezad TANWEER and Shipon ULLAH. However, all three were unidentified at the time. KHYAM joined MSK in the Honda Civic and they drove around for approximately 25 minutes, possibly for the purpose of a meeting. KHYAM handed MSK a piece of paper (nfd) and all six individuals then returned to their respective vehicles. The Honda Civic proceeded north on the M1 while KHYAM and MAHMOOD probably returned to the home address.

[REDACTED]

19. A4 Surveillance followed the vehicle to Toddington Service station where photographs of ULLAH, TANWEER and MSK were taken. They were labelled Man C, D and E respectively at the time. The Honda then carried on North to Leeds where ULLAH and TANWEER were dropped off in the vicinity of addresses (a) and (b), while MSK was housed at address (c).

- a) 115 or 117 Lodge Lane, Leeds, West Yorkshire, LSI 1 6JF
- b) 115 Tempest Road, Leeds, West Yorkshire, LSI 1 6AU
- c) 10 Thornhill Park Avenue, Dewsbury, West Yorkshire, WF12 ODA

Assessment/Action taken when reporting received

20. Our assessment of Omar KHYAM at the time was [REDACTED]

[REDACTED]

The 2 February meeting preceded the [REDACTED]

[REDACTED] This intelligence was received [REDACTED] February 2004 and triggered the major CREVICE investigation.

21. Our initial telephone coverage of KHYAM showed that he had many associates and used his phone regularly. [REDACTED]

22. It is important to realise that Shipon ULLAH, TANWEER and MSK were not identified at the time and were labelled Man C, D and E respectively. Furthermore, based on the intelligence available, there was no clear indication that MSK was the individual [REDACTED] back in July 2003: MSK was not listed on the voters roll at 10 Thornhill Park Avenue, the phone he used to contact KHYAM was a pre-pay mobile and the mobile he used to contact MQK in 2003 was registered to a different address in Leeds. Incidentally, post 7/7 phone record analysis shows that MSK was actually in contact with KHYAM as early as October 2003.

23. On 11 February 2004 a cluster was sent to MPSB which included details of the addresses and vehicles associated with the 'Leeds three' to date. A request for further details regarding the owner of the Honda Civic driven by MSK and the associated address (Hasina PATEL, 10 Thornhill Park Avenue, Dewsbury) was sent to West Yorkshire SB on 16 February 2004. Thornhill Park Avenue and the Honda Civic appear on a list of vehicles and addresses recommended for priority targeting by A1/A4 on 18 February 2004.

Activities of 21 February 2004

24. At 18:39 KHYAM and 2 UMs were seen to exit 92 Langley Drive (this is probably 90 Langley Drive: the home address of Waheed MAHMOOD). KHYAM and one of the UMs joined Shujah Uddin MAHMOOD and Momin KHAWAJA in the Suzuki. The other UM (strongly assessed to be Waheed MAHMOOD) boarded a White Morrisons van. Both vehicles drove south. Surveillance allowed the van to proceed and the Suzuki eventually

[REDACTED]

stopped outside 2 The Hollow (the home address of Waseem GULZAR). All four individuals entered the address.

25. Surveillance observed KHYAM and Shujah MAHMOOD leaving 2 The Hollow at 20:49. They boarded the Vitara and drove to a Kebab shop on Langley Parade. At 21:05 the Vitara returned to the area of 2 The Hollow and surveillance observed KHYAM and MAHMOOD chatting in the car until approximately 21:34, when they re-entered the address. Eavesdropping product from the device installed in the Vitara between 20:50 and 21:30 indicates the presence of a third individual in the vehicle.

26. At approximately 00:00 seven UMs and Ahmed Ali KHAN exited 2 The Hollow and boarded four separate vehicles. Three boarded a White Morrisons transit van (ND02 HLH), one of whom is almost certainly Waheed MAHMOOD. The other vehicles observed were a Blue Toyota Avensis (VRN unknown), a Silver Vauxhall Corsa (FP53 UEM) and Ahmed Ali KHAN's Blue VW Golf.

27. At 00:38 the Silver Corsa returned to 2 The Hollow, where a UM alighted and entered with a key (this could be Waseem GULZAR). At 04:58 a UM wearing a checked jacket boarded the Corsa and drove North on the A23 to Manor Royal Industrial Estate, and entered the carpark for Invenysis. Crews then handed over control of the Corsa to Police surveillance teams. At 06:07 the Corsa was seen parked empty outside 2 The Hollow.

28. At 09:18 on Sunday 22 February 2004, surveillance observed KHYAM, Shujah MAHMOOD and Momin KHAWAJA leaving 2 The Hollow. They subsequently boarded the Vitara and drove to KHYAM's flat in Slough.

Assessment/Action taken when reporting received

29. In view of the personnel who attended the meeting at 2 The Hollow, our assessment at the time was that the meeting was likely to be of significance in an Islamist extremist context and possibly relevant to the CREVICE plot. However, given that there was no audio eavesdropping device installed at the address, this is conjecture.

30. There is no mention in the surveillance report of a third individual (*now known to be MSK*) boarding the Vitara at 20:49 with KHYAM and Shujah MAHMOOD. Furthermore, surveillance observed only two individuals (KHYAM and MAHMOOD) re-entering 2 The Hollow at 21:34. The original transcript of the 40 minute conversation, which took place in the Vitara between 20:50 and 21:30, indicates that three individuals were present, referred to as UM1, UM2 and UM3. There is no mention of any individual having a Northern accent. Also, there was no telephone contact between KHYAM and MSK prior to their meeting, unlike the other four occasions when they met. It would therefore have been impossible to identify the third individual in the Vitara as MSK when the reporting was received.

31. The original transcript of the conversation is unclear and disjointed. Also, given that all three individuals are listed as UMs it is unclear which passages of speech relate to each individual. Pakistan, the tribal areas and various fraud scams are mentioned. However, given what we knew at the time (in a pre-MJB statement era) and in view of the lack of a verbatim transcript of the conversation, it was not possible to understand its true significance. Another important factor is that there was no mention of the CREVICE plot in this particular conversation, which was the primary focus at the time. As a consequence, no further work was carried out in relation to this piece of intelligence as the investigation was moving at a fast pace, identifying separate intelligence which was relevant to the CREVICE conspiracy.

[REDACTED]

Activities of 28 February 2004

32. On 28 February 2004 between 06:33 and 06:56 [REDACTED]
[REDACTED]

33. At 08:56 KHYAM and Shujah MAHMOOD in the Suzuki Vitara arrived at Sainsburys car park in Crawley and pulled up alongside the Honda Civic (see surveillance of 2 February 2004). Three unidentified males (now known to be MSK, TANWEER and 'ULLAH') entered McDonalds with KHYAM and MAHMOOD. The Suzuki and the Honda then travelled in convoy to several builders merchants in Crawley. An individual believed to TANWEER enquired about opening accounts with the companies they visited.

34. At 13:07 the two vehicles travelled to a Mosque in Slough where they stayed for approximately 40 minutes. All five individuals then travelled to 56 Hencroft Street, Slough, which is KHYAM's flat. CCTV coverage of the address showed that KHYAM was carrying a video camera. At 15:36 CCTV footage showed KHYAM, Shujah MAHMOOD, MSK, TANWEER and 'ULLAH' leaving 56 Hencroft Street.

35. After visiting the New Kabana Restaurant, all five individuals boarded the Honda Civic and travelled north on the M1 via the M25. The CREVICE log indicates that at 17:30 the Honda stopped at Junction 11 of the M1 (Luton turn-off) where MQK was waiting for them. The meeting is assessed to have lasted for only 10 minutes as [REDACTED] showed MQK entering his home address in Luton a short time after the meeting took place.

36. The Honda Civic continued travelling north on the M1 until it reached Easytalk.com, a mobile phone shop in Wellingborough, Northants which is owned by radical Imam Bisharat ALL. All five individuals entered Easytalk.com at 19:00 and left at 21:26 when the shop closed down. The group moved to Flames Restaurant in Wellingborough before returning to 56 Hencroft Street, Slough where KHYAM and Shujah MAHMOOD were dropped off. MPSB S-Squad followed the Honda back to Leeds where two individuals, probably 'ULLAH' and TANWEER were dropped off at Lodge Lane and Tempest Road. The driver, believed to be MSK, was housed at 12 or 14 Pickles Field, Batley at 03:05 on 29 February 2004.

Assessment/Action taken when reporting received

37. We were aware at the time that the three Leeds-based individuals who featured in the surveillance on 28 February 2004 were identical with Man C, D and E. ELG minutes from 28/02/04 record that the ELG was briefed to this effect. [REDACTED]

[REDACTED] Our assessment at the time was that the CREVICE targets were opening accounts with a number of building merchants with the intention of obtaining a large quantity of expensive building equipment on credit.

38. We believe their subsequent intention would have been to default on the repayment of the money and possibly sell the equipment to third parties for cash. The CREVICE targets would therefore have fraudulently obtained large sums of money, which they are likely to have intended to transfer to Pakistan for the benefit of senior Al Qaida commanders. This is

[REDACTED]

[REDACTED]

[REDACTED]

supported by the fraud-related discussion between the above mentioned individuals on 23 March 2004 (see para.51). We assessed that most of the other activities observed by surveillance on 28 February 2004 are likely to be innocuous.

39. The visit to Easytalk.com was interesting as it occurred after opening hours and their presence there was clearly for the purpose of having a meeting. Although it was quickly established that the shop was owned by Bisharat ALI, his significance was unknown at this time. The reporting stating that he was a radical Imam was not received by the Service from Northants SB until 6 May 2004. As a result, there was no reason to suspect that this meeting was any more suspicious than the numerous other meetings KHYAM had with various associates.

40. At this point in the investigation the focus was very much on the fertiliser plot and the investigative resource was devoted to those individuals who were clearly linked to it: Man C, D and E were not. Although this was the second occasion the Leeds three had featured, apart from KHYAM and Shujah MAHMOOD, none of the other CREVICE principles appeared to have direct links to the Leeds three.

41. On 20 March 2004 [REDACTED]

[REDACTED] 14 Langley Walk showed a car arriving at the address at 23:20, which was subsequently identified as MSK's hired Vauxhall Corsa (YB52 LUF). Probably MSK alighted the vehicle and rang the bell of 14 Langley Walk. Two individuals, believed to be KHYAM and Shujah MAHMOOD, left the address and all three individuals boarded the Vauxhall Corsa.

42. The Vauxhall Corsa drove around for approximately 30 minutes, returning to 14 Langley Walk at 00:51 on 21 March 2004. KHYAM, Shujah MAHMOOD and probably MSK engaged in a 10 minute conversation on the pavement outside the address. KHYAM and MAHMOOD returned to the home address at 01:00, while MSK and his unidentified passenger(s) were allowed to proceed and may have returned to Leeds.

Assessment/Action taken when reporting received

43. Our assessment at the time was that KHYAM, MAHMOOD, MSK and his associates drove around for the purpose of a meeting, which mirrors their activities on 2 February 2004. Unfortunately, there was no eavesdropping device installed in MSK's vehicle and we were therefore unable to establish what was discussed during the meeting. We maintained our assessment that the Leeds-based individuals were unlikely to be directly related to the fertiliser plot, which was clearly our prime focus at the time given that it represented a direct and credible threat to National Security.

Activities of 23 March 2004

44. On 22 March 2004 [REDACTED] KHYAM's operational mobile indicated that he contacted MSK on 07944420814 [REDACTED]

[REDACTED]

[REDACTED]

45. [REDACTED]

46. MPSB S-Squad observed KHYAM leaving 36 Langley Drive, Crawley with four unidentified males (now known to be Shujah MAHMOOD, MSK, TANWEER and 'ULLAH'). They visited Nadeem ASHRAF's address in Crawley before travelling to the home address of Azhar Shezad KHAN in Slough. KHAN joined KHYAM and TANWEER in the Vitara and they proceeded in convoy with MSK, Shipon ULLAH and Shujah MAHMOOD, who were travelling in a Green Vauxhall Corsa (YB52 LUF). This vehicle was hired by MSK.

47. At 13:25 [REDACTED] KHYAM's operational mobile [REDACTED] received calls on 07745909000 and 07969723498, [REDACTED]

48. At 14:45 the two vehicles travelled to Uxbridge town centre before heading to Ilford. Eavesdropping product from KHYAM's vehicle during the journey covered a lengthy conversation predominantly between KHYAM and TANWEER. Large parts of their discussion are unclear, but they did mention the importance of being physically and mentally prepared for travelling to Pakistan. A verbatim transcript of this product has not yet been produced. The six individuals mentioned in para.46 visited SS Designers, Raman Cash and Carry and the Subrung Bookshop on two separate occasions (the second visit lasted approximately 1 hour).

49. The two vehicles returned in convoy to Hencroft Street, Slough arriving at 21:11. CCTV footage showed that KHAN, Shujah MAHMOOD, TANWEER and ULLAH entered the home address while KHYAM and MSK visited the Universal Internet Cafe. [REDACTED]

[REDACTED] KHYAM and MSK returned to Hencroft Street.

Assessment/Action taken when reporting received

50. Our assessment of the activities of 23 March 2004 almost mirrors that of 28 February 2004. The surveillance observed them meeting up in the morning and travelling to places that had not previously featured in the investigation i.e. the Subrung bookshop, SS Designers and Raman Cash & Carry. Similar to the conversation between KHYAM and MSK on 21 February 2004, it was not possible at the time to understand the significance of the former's conversation with TANWEER. It is worth re-iterating that the focus in March 2004 was on the CREVICE conspiracy and not individuals travelling to Pakistan. This piece of audio product was therefore judged to be irrelevant to the plot and no further action was taken.

51. The meeting later that evening was also judged not to be significant or relevant to the CREVICE plot. Although Bisharat ALI was in attendance, his significance was not known at the time. Product from the eavesdropping device indicated that the attendees mainly discussed how they could defraud various financial institutions. This appeared to tie in with their visits to the Builders Merchants on 28 February 2004. There was no direct reference to the CREVICE plot or other groups planning terrorist operations and no comments which could have been interpreted to refer to these subjects.

U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 23, 2010

TO BE FILED UNDER SEAL
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Honorable Victor Marrero
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 660
New York, New York, 10007

Re: United States v. Mohammed Junaid Babar,
04 Cr. 528 (VM)

Dear Judge Marrero:

The Government respectfully submits this letter to advise the Court of the pertinent facts concerning the assistance that Mohammed Junaid Babar has rendered in the investigation and prosecution of other persons. In light of these facts, and assuming that Babar continues to comply with the terms of his cooperation agreement and commits no additional crimes before sentencing, the Government intends to move at sentencing, pursuant to Section 5K1.1 of the United States Sentencing Guidelines and Title 18, United States Code, Section 3553(e), that the Court sentence Babar in light of the factors set forth in Section 5K1.1(a)(1)-(5) of the Sentencing Guidelines. Babar is currently scheduled to be sentenced on December 10, 2010.

Babar's Offense Conduct

As set forth in the Probation Office's Pre-sentence Report dated October 29, 2010, Babar first became known to law enforcement through his activities with the fundamentalist group al-Muhajiroun ("ALM") in New York. ALM was founded in 1985 and supported the overthrow of Western governments and the institution of an Islamic state. In the late 1990s and early 2000s, ALM maintained offices in New York, London and Pakistan, among other places.

Babar joined ALM while a student at SUNY-Stonybrook in 2000. It was through his membership in ALM that Babar met and befriended Syed Hashmi. Babar was active in ALM from January to September 2001, and held ALM meetings in the basement of his parents' house in Queens. During this time period, Babar and Hashmi organized numerous ALM-sponsored events, including lectures and demonstrations, in and around New York City.

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On September 20, 2001, following the attacks of September 11, 2001, Babar left the United States to move to Pakistan to provide support to the Afghan jihad. At the time, Babar intended to travel to the front lines in Afghanistan to fight for the establishment of an Islamic state in Afghanistan.

After Babar arrived in Pakistan in the fall of 2001, he immediately began working at the ALM office in Lahore. At the office, he participated in a video recorded television interview with a British news reporter. On November 4, 2001, the British 5 News in the United Kingdom broadcast a story describing Al-Muhajiroun as a facilitator of United Kingdom citizens' travel to Afghanistan through Pakistan to fight for the Taliban against Western forces. During this broadcast, under the caption, "Taliban New Yorker," Babar stated, "I did not feel any remorse for the Americans [who died]. . . . I am willing to kill the Americans. I will kill every American that I see in Afghanistan. And every American soldier I see in Pakistan." During initial proffers with the Government, Babar stated that he made these statements to the reporter because the reporter paid Babar \$500 to do so. However, Babar later admitted that he was never paid any money by the reporter.

According to Babar, he still supports today the killing of American military service members on battlefields in Muslim countries. Babar has advised that he also supports the killing of Americans (both military and civilian) in Muslim countries "occupied" by the United States.

During his first year in Pakistan in 2001 and 2002, Babar worked at the Pakistani Software Export Board ("PSEB"), an agency within the Pakistan Government. Babar used his PSEB employment identification card to create approximately ten false identification cards for his friends and fellow jihad supporters. The false PSEB identification cards were valuable within Pakistan because they allowed the holder to claim an affiliation with the government and to travel more freely. In addition, after leaving the PSEB in early 2003, Babar stole five laptop computers from the agency, some of which he sold to friends.

Notwithstanding his jobs during his initial months in Pakistan, Babar spent the majority of his time working for ALM-Pakistan whose primary goal at the time was the overthrow of the Pakistan Government. Babar worked directly with Sajeel Shahid, the head of ALM-Pakistan, as he (Babar) continued to search for opportunities to support the Afghan jihad.

During this period, Babar participated in two different sets of discussions regarding plots to assassinate the President of Pakistan. During the first of these discussions, machine guns and grenades were obtained by others and Babar buried them for later use. Neither set of discussions advanced past the planning stage.

At this time, Babar also participated in discussions about bombing the French embassy in Pakistan, as well as an English library and cultural center in Pakistan; however, these discussions also did not advance beyond the planning stage.

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As part of his efforts to raise money in support of jihadist activities in Pakistan, Babar traveled to London in December 2002. During that trip, Babar met Omar Khyam, a known U.K.-based jihad supporter, at a lecture, and asked Khyam for money for jihad; however, Khyam refused to give Babar any money at that time.

After a one-month stay in London, Babar returned to Pakistan. In early 2003, Babar attended a meeting of al Qaeda supporters in Islamabad and saw Khyam again. During that meeting, another al Qaeda supporter, Salahuddin Amin, a/k/a "Khalid," discussed the different types of training he could arrange for members of the group. Approximately one month later, Babar met with Khyam again in Pakistan, and Khyam discussed for the first time with Babar the fact that he worked for Abd al Hadi al Iraqi ("Hadi al Iraqi"). According to Babar, Khyam told him that Hadi al Iraqi was the third in command within al Qaeda behind Osama bin Laden and Ayman al Zawahri and the senior commander of al Qaeda's fighters in Afghanistan and Pakistan.

Shortly after this meeting with Khyam, Babar returned to London to meet with al Qaeda supporters based there. During this visit, he met with Khyam again at a hotel outside the city. During this meeting, Khyam introduced Babar to his brother and told Babar that he was in England to buy equipment to send back to Pakistan for a training camp he was setting up. After approximately one month in England, Babar returned to Pakistan.

In May 2003, Khyam contacted Babar in Pakistan, and asked Babar if he could live in the guest quarters of Babar's house in Lahore. Babar agreed, and in June 2003, Khyam and a friend of his, Anthony Garcia, moved in with Babar. At this time, Khyam asked Babar if he could arrange a training camp for him and his associates to conduct physical training and weapons training.

After Khyam moved into the guest quarters at Babar's residence in Pakistan, Khyam told Babar that he wanted to bomb soft targets, including trains and nightclubs, in England. Khyam also spoke in positive terms about a recent suicide bombing at a restaurant in Israel. In response, Babar said that more needed to be done. This conversation was the first of several that Khyam and Babar had about potential targets for detonating a bomb, though Babar was never aware of any specific targets identified by Khyam and the other members of the plot.

As part of the conversations about the bomb plot in England, Khyam asked Babar to transport detonators in radios from Pakistan to Khyam in Belgium who would then transport them to England. In furtherance of this plan, Khyam gave Babar several detonators. Khyam also sent Babar approximately 230,000 Pakistani rupees (approximately \$2700) via a wire transfer and told Babar that some of the money was for expenses related to Babar's transport of the detonators. Babar never bought any additional aluminum powder and never brought any detonators to England. Babar and Khyam also discussed possibly targeting the U.K., Spain and France; Babar suggested hitting multiple targets either simultaneously or seriatim.

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When Khyam was staying in Babar's house in Lahore, Khyam had a black grocery bag filled with what Khyam said was ricin. Ricin is a severely toxic protein that has been used as an agent of chemical and biological warfare in the past. When Khyam left Pakistan in September 2003, he left the ricin in Babar's house; Babar stated that he later disposed of it.

In July 2003, Babar arranged a three-week training camp in a remote region of Pakistan where Khyam and about ten other young men received training on various types of weapons. Babar charged Khyam 4,000 British pounds for setting up the facility. Babar also coordinated the rental of a private bus to transport the individuals to and from the camp near Peshawar. The training lasted for the entire month. At the camp, the attendees received training in basic military skills, as well as the use of explosives and weapons. Babar only attended the last few days of the camp but during that time, he saw Khyam detonate a one pound ammonium nitrate bomb. In addition, according to Babar, during the stay at the camp, Khyam was "feeling people out" regarding their interest in martyrdom for the bomb operation in England.

During the training camp, Babar provided a video camera which was used to tape the participants, who wore scarves to cover their faces, as they shot at targets and chanted about jihad. According to Babar, Khyam wanted to make the videotape to distribute to associates in the U.K.

After returning from the camp, at Khyam's suggestion, Khyam and Babar together bought different types of substances for use in making bombs, including aluminum powder, ammonium nitrate and urea. They stored the substances in a closet in Babar's residence in Lahore. Around that time, Khyam and Babar constructed a bomb using a jar from Babar's kitchen and then detonated it in the backyard of Babar's residence.

Khyam returned to London in September 2003. He brought some of the aluminum powder he and Babar had bought with him. He also asked Babar to bring additional aluminum powder with him on his next trip to England, and later sent Babar several hundred British pounds to pay for Babar's airfare and for the additional aluminum powder. Babar never brought any aluminum powder to England.

In October 2003, Khyam and Amin, a known al Qaeda supporter, asked Babar to send gear to Hadi al Iraqi that Khyam had left behind in Pakistan with Amin. Babar met with Amin to receive the gear and Amin confirmed to Babar that he also worked for Hadi al Iraqi. After receiving the gear from Amin, Babar sent it to Hadi al Iraqi who was based in North Waziristan in the border region between Afghanistan and Pakistan.

Also in October 2003, Babar traveled to Islamabad to meet with Momin Khawaja. Khawaja, a Canadian resident, was part of the group led by Khyam plotting to bomb soft targets in England. During this trip, they met with Amin. Khawaja was a computer programmer in Canada and they discussed the possible use of remote devices, i.e., devices that could detonate explosives from a distance. Khawaja also told them that he was working on creating a model

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airplane that could carry explosives and could be navigated by a GPS system. During this meeting, Khawaja gave Amin 1,000 to 1,500 British pounds to give to Abu Munthir, a known al Qaeda leader.

In early January 2004, Babar arranged for another individual who knew Hadi al-Iraqi to introduce him (Babar) to the senior al Qaeda commander. During the first meeting at a mosque in North Waziristan, Pakistan, Hadi confirmed that he had received the gear that Babar had sent him a few months earlier, specifically boots, sleeping bags, and clothing, which Babar had received from Amin. In addition, Babar and another individual gave Hadi al Iraq 10,000 Pakistani rupees to support jihad activities.

Approximately one week later, Babar traveled to meet with Hadi al Iraq again. During this meeting, Hadi al Iraq asked Babar to provide him with materials in support of al Qaeda's jihad activities in Afghanistan. Specifically, Hadi al Iraq asked Babar to provide him with money and gear, namely, ponchos, shoes, socks, and sleeping bags. Babar agreed to this request.

In January 2004, Babar traveled again to London in an effort to resolve a dispute among al Qaeda supporters about who was actually working for Hadi al Iraq. Shortly after Babar arrived in London, he and Khyam met in Khyam's car. During this meeting, Khyam asked Babar, "Are you with us?" Babar understood Khyam to be asking whether Babar planned to be part of the bomb plot. In response, Babar indicated to Khyam that he planned to work on his own.

During the same visit, Babar stayed with Syed Hashmi, his friend whom he had met through ALM-New York in 2000, and used Hashmi's cellphone to contact Khyam and other al Qaeda supporters. Babar also introduced Hashmi to Khyam and Khyam's brother. Babar and Hashmi also attended several meetings with al Qaeda supporters about the need to support Hadi al Iraq.

During his nearly two-week stay with Hashmi in London, Babar collected two to three garbage bags full of gear from other al Qaeda supporters in London, which he stored in Hashmi's bedroom with Hashmi's knowledge. The gear included ponchos, waterproof socks and raincoats. Babar collected this gear in order to deliver it to Hadi al-Iraqi when he returned to Pakistan. When he left Hashmi's apartment in early February 2004, he took some of it, as well as additional gear he received from Tanveer Ali, another London-based al Qaeda supporter, with him on the plane back to Pakistan. Babar left the remainder of the gear from Hashmi's apartment with Ali for Ali to bring to Pakistan the following week.

In February 2004, after he returned from the U.K., Babar again traveled to meet with Hadi al-Iraqi for the third time. During this trip, Babar provided Hadi with the ponchos, waterproof socks, and raincoats that he had received from Tanveer Ali in the U.K. One of the individuals who accompanied Babar on the trip, Ansar Butt, was one of the London-based al Qaeda supporters who had asked Babar for an introduction to Hadi al-Iraqi. During the meeting, Butt gave Hadi

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2,000 British pounds. Babar met alone with Hadi for 15 minutes during this trip. During this private meeting, he showed Hadi all of the gear that he had brought and also discussed activities in Afghanistan.

On or about February 21, 2004, Babar made his final trip to meet with Hadi. Babar traveled with Tanveer Ali who had arrived from England. Babar and Ali gave Hadi more ponchos, waterproof socks, sleeping bags, one set of night vision goggles and one set of binoculars with night vision capability. Babar told Hadi that he was going to the U.K. for some period of time but that he would continue to raise money and bring similar items to Hadi in the future. Ali did not return with Babar from South Waziristan; he told Babar that he intended to stay and fight jihad with Hadi for one year.

In early March 2004, Babar returned to New York to live with his parents in Queens. Babar planned to save money working as a taxi cab driver and return to Pakistan to live with his wife and daughter. There is no evidence that Babar returned to the United States in furtherance of any terrorist activity.

On March 30, 2004, as part of a English investigation known as Operation Crevice, Omar Khyam and others were arrested in England for their participation in a plot to detonate fertilizer bombs in various locations across England, including a shopping center and a nightclub. The thirteen-month trial revealed that, over the course of at least five months, the group planned to make an improvised explosive device from ammonium nitrate fertilizer, which they intended to mix with aluminum powder, the necessary fuel for the detonation of the fertilizer. They also discussed using a remotely operated detonation system to detonate the bomb. In November 2003, in furtherance of the plot, the conspirators bought 600 kilograms (approximately 1,300 pounds) of fertilizer at a wholesale agricultural company in rural England, and rented a storage unit to secure the 600 kilogram bag of fertilizer.

On April 6, 2004, FBI agents approached Babar on the street after he walked out of his parents' house in Queens. The FBI agents informed Babar that they wanted to speak to him and Babar voluntarily agreed to accompany them to a hotel room in Manhattan. Once they arrived at the hotel, Babar was advised of his *Miranda* rights. Babar waived his *Miranda* rights orally and in writing. At the conclusion of the first interview by the FBI agents on April 6, 2004, the agents informed Babar that they wanted to continue to speak with him. Babar voluntarily agreed to stay in the hotel room and continue the interview the next day. The FBI agents continued to interview Babar from April 7, 2004, through April 10, 2004.

On April 10, 2004, at the conclusion of five days of voluntary interviews, Babar was arrested on a material witness warrant and taken into custody by the FBI. On April 12, 2004, Babar was appointed counsel, presented before District Judge Leonard B. Sand, and ordered detained.

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On June 3, 2004, after nearly two months of proffering, Babar pled guilty to a five-count Information before this Court, in which he was charged with four counts of providing and conspiring to provide material support to a foreign terrorist organization, namely al Qaeda, and to terrorist activity, in violation of 18 U.S.C. §§ 2339B and 2339A, and one count of making a contribution of funds, goods and services to, and for the benefit of, al Qaeda, in violation of 50 U.S.C. § 1705(b). Following his plea, Babar remained detained until December 18, 2008, when he was released on bail. Accordingly, to date, Babar has served approximately four years and eight months in prison in connection with the offenses to which he pled guilty.

Babar's Other Criminal Conduct

Aside from the terrorism-related offenses to which Babar pled guilty in this case, Babar's other documented criminal conduct is limited to a New York State conviction for driving without proof of insurance for which he was fined \$75. (See PSR §§ 64-65.) Babar has also admitted that he knowingly overcharged customers while working as a parking valet in New York in the late 1990s.

Babar's Guidelines Range

The Government agrees with the Probation Office's calculation of Babar's sentencing range under the United States Sentencing Guidelines. Based on his plea to the five terrorism charges in Information 04 Cr. 528 (VM), Babar's base offense level is 26. Because the offenses involved the provision of funds and other material support or resources with the intent, knowledge or reason to believe they would be used to commit or assist in the commission of a violent act, a two-level increase is warranted. In addition, because the offenses are felonies that involved or were intended to promote a federal crime of terrorism, a twelve-level increase is warranted. After reducing the offense level three levels for acceptance of responsibility, Babar's total offense level is 37. Accordingly, given that he falls within Criminal History Category I, Babar's applicable Guidelines range is 30 years to life imprisonment. The statutory maximum sentence for Counts 1 through 5, however, is 70 years' imprisonment. Accordingly, absent cooperation, Babar would be facing a Guidelines range of 30 to 70 years' imprisonment.

Babar's Cooperation and Assistance

Over the last six and a half years, the level of assistance provided by Babar to both the U.S. Government and foreign governments has been more than substantial; it has been extraordinary. As described in more detail below, Babar testified as a government witness in four terrorism trials overseas; was prepared to testify in a fifth terrorism trial in this District earlier this year; and met with authorities from the U.S. government and foreign governments on nearly 100 occasions in total during which he provided information about organizations and individuals engaged in terrorist activities in various parts of the world.

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Babar attended his first proffer session with the Government on April 6, 2004, after he was approached on the street by representatives of the Joint Terrorism Task Force (“JTTF”). Babar agreed to go with the JTTF agents to a local hotel. Over the course of the following five days, Babar agreed to waive his *Miranda* rights and his right to speedy presentment as he answered the agents’ questions about his prior conduct and the conduct of others. During these initial proffers, while generally forthright and credible, Babar was not entirely forthcoming regarding his knowledge of senior al Qaeda commander Hadi al Iraqi due to his concern that his contacts with Hadi al Iraqi would increase his criminal exposure. However, within a matter of days and before he was placed under arrest on April 10, 2004, Babar admitted that he had been withholding information on Hadi al Iraqi and provided the agents with a full accounting of his visits with Hadi al Iraqi. Other than that single instance, over the last six and a half years, the Government has found that Babar was always completely truthful about his criminal conduct and the criminal activities of others. Babar’s memory has always been precise and detail-oriented, and the information he provided was regularly consistent with and corroborated by other evidence gathered by the U.S. and foreign governments.

During Babar’s initial proffers, it quickly became apparent that his information was of significant value for not only U.S. law enforcement and intelligence agencies but also foreign authorities, including England and Canada. As a result, Babar’s information was regularly disseminated by the FBI through standard law enforcement and intelligence channels. In fact, Babar’s information was so credited and valued by authorities in England and Canada that he ultimately entered into the equivalent of cooperation agreements with each of those two countries. And it was pursuant to these agreements that Babar testified as a critical prosecution witness in three terrorism trials in England and one terrorism trial in Canada.

Babar’s assistance was extremely useful to the Government in a number of ways. Preliminarily, Babar truthfully revealed his own criminal activities, including his organization of a month-long terrorist training camp in rural Pakistan in the summer of 2003, his efforts to assist several extremist groups in England with ties to al Qaeda, and his direct financial and material support of al Qaeda’s military commander for Afghanistan and Pakistan at the time. Some of this information was not previously known to the Government and was not available through other sources.

More importantly, however, Babar provided valuable assistance in the successful prosecution and conviction of many others who engaged in serious terrorism activity, including Omar Khyam and his group in England, Momin Khawaja in Canada, and Syed Hashmi here in New York.

First, in the spring of 2006, Babar was flown to England to testify at the trial of Omar Khyam and others pursuant to his cooperation agreement with the English government. As referenced above, in March 2004, Omar Khyam and seventeen others, including Khyam's brother,

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were arrested for their role in a plot to detonate fertilizer bombs in various locations across England, including a shopping center and a nightclub. Over the course of at least five months, the group planned to make an improvised explosive device from ammonium nitrate fertilizer and aluminum powder. They also discussed using a remotely operated detonation system to detonate the bomb. In furtherance of the plot, the conspirators bought 600 kilograms (approximately 1,300 pounds) of fertilizer, and were recorded discussing the distance needed for the remote detonation system and the use of a cellphone as a transmitter for the detonator.

Prior to trial, Babar met with English authorities on numerous occasions in order to draft his written statement, which was filed with the court in England in advance of trial and formed the basis of his trial testimony. The final version of Babar's witness statement for this trial numbered 47 pages. During the trial, Babar testified as the prosecution's lead witness and was on the stand for 15 days. In April 2007, after a trial and jury deliberations that spanned 13 months, Khyam and four other members of the plot were convicted of various terrorism offenses and all were sentenced to life imprisonment. At the time, this case was considered by many in England to be the most significant terrorism prosecution in the country's history.

According to English authorities, Babar was not only a credible witness at this trial but information provided by Babar led to the investigation of a number of individuals engaged in extremist activity not previously known to them. As a result, the English government has employed and continues to employ a variety of disruptive measures against these individuals, including imprisonment, to frustrate their activities.

Second, in the summer of 2008, Babar was flown to Canada to testify at the trial of Mohammad Momin Khawaja. As described above, Khawaja is a Canadian citizen who was charged for his role in the bomb plot in England led by Khyam. As with the English prosecution, Babar met with representatives of the Canadian government prior to this trial to prepare his testimony and he was again a critical witness for the prosecution. According to the Canadian government, Babar was "cooperative" and the information he provided "greatly assisted" them in their investigation. Babar was on the stand for four days. Khawaja was later convicted of various terrorism offenses, and in March 2009, he was sentenced to 10 and a half years' imprisonment.

Third, in April 2008, Babar testified via video-link in the English prosecution of Mohammed Shakil, Waheed Ali and Sadeer Saleem, three individuals charged with participating in the July 2005 London bus and train bombings that killed 52 people. In preparation for his testimony, Babar again met with English authorities on multiple occasions and assisted in the drafting of multiple witness statements that were filed with the court. While Babar did not provide testimony about the bomb plot itself, he offered important background information about certain of the defendants and their links to terrorist training camps and to terrorist activities. Babar was on the stand for two days. The trial ended in a hung jury, and a retrial was conducted in January 2009.

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At the retrial, Babar once again testified via video-link for two days. After three months, the jury acquitted the three defendants of all charges relating to the July 7, 2005, bombings but convicted two of the defendants – Shakil and Ali – on charges relating to their plans to attend a terrorist training camp. Both Shakil and Ali were sentenced to 7 years' imprisonment.

Fourth, Babar was instrumental in securing the guilty plea of Syed Hashmi in this District to one count of conspiracy to provide material support to al Qaeda. As described above, Babar met Hashmi in 2000 through their mutual membership in ALM's New York chapter. They quickly became close friends as they shared similar views on jihad, al Qaeda and U.S. foreign policy. Four years later, after Babar had moved to Pakistan and Hashmi had moved to London, Babar stayed with Hashmi for approximately two weeks while he met with al Qaeda supporters there to discuss how they could support Hadi al Iraqi and his troops who were fighting Coalition forces in Afghanistan. During Babar's stay, Hashmi accompanied Babar to meetings with fellow al Qaeda supporters, allowed Babar to store gear at his apartment with the knowledge that it was destined for Hadi al Iraqi and his troops, and gave Babar several hundred dollars in cash for an airline ticket back to Pakistan so that Babar could provide the gear to Hadi al Iraqi.

Babar was the central witness (and only cooperating witness) in the Government's case against Hashmi, and thus it is clear that Hashmi pled guilty prior to trial with the knowledge that Babar would testify against him if he did not plead. The Government would have relied on Babar's testimony to explain his friendship with Hashmi, his private conversations with Hashmi about their mutual support of jihad and al Qaeda, and the details of Hashmi's involvement with other al Qaeda supporters in London and his participation in the provision of material support to Hadi al Iraqi, al Qaeda's military commander in Afghanistan and Pakistan.

Hashmi pled guilty before the Honorable Loretta A. Preska on April 27, 2010, and on June 10, 2010, he was sentenced to 180 months' imprisonment. Because Hashmi did not plead guilty until literally the eve of trial, the Government — and hence Babar — went through full pretrial preparations. Babar met with the Government numerous times, often for hours, to prepare for his trial testimony. He reviewed relevant emails and photographs, described in detail the interactions and conversations he had with Hashmi, Hadi al Iraqi and other relevant co-conspirators, and reviewed the extensive quantity of 3500 material that had been generated as a result of his prior testimony and interviews. Throughout the extended pre-trial period (the trial date was adjourned four times), Babar was cooperative and always did what was asked of him. At no point did any Government attorney or agent believe that Babar was not being truthful in the information he provided.

Finally, in addition to the trial testimony he provided in England and Canada and the testimony he was prepared to provide in this District, Babar supplied the Government and foreign governments with a wealth of credible information about terrorist organizations, including al Qaeda, and terrorist activity, including the London bomb plot. Some of this information was relevant to ongoing terrorism investigations both in the United States and abroad and some of it led

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to the initiation of new investigations. Because Babar agreed to cooperate on the day he was first approached and because he was honest, detailed and consistent about his own conduct from virtually the beginning of his proffers, the Government felt comfortable trusting Babar's information at a very early stage. Foreign governments, in turn, came to rely on his insider's perspective as well, and Babar became a valued government resource for certain terrorism-related matters.¹

Conclusion

In sum, it is the Government's view that Mohammed Junaid Babar has contributed substantially and materially to the successful prosecution of the individuals named above. Accordingly, assuming that Babar continues to comply with the terms of his cooperation agreement and commits no additional crimes before sentencing, the Government intends to move at sentencing, pursuant to Section 5K1.1 of the Sentencing Guidelines and Title 18, United States Code, Section 3553(e), that the Court sentence Babar in light of the factors set forth in Section 5K1.1(a)(1)-(5) of the Guidelines. Because of the sensitive nature of this application, the Government further respectfully requests that this letter be filed under seal.

Respectfully submitted,

PREET BHARARA
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF NEW YORK

By: /s/ Brendan R. McGuire
BRENDAN R. MCGUIRE

¹ Although the majority of the individuals against whom Babar could reasonably be expected to testify have been convicted and sentenced or are beyond the Government's jurisdictional reach, some individuals remain unapprehended or are not presently in a position to be criminally prosecuted. Should certain of those individuals be arrested or become available for prosecution, the Government may need to call Babar as a witness. For this reason, the Government respectfully requests that the Court make it a specific condition of any term of supervised release that may be imposed on Babar that he continue to cooperate with the Government, pursuant to the terms of his cooperation agreement, for the duration of any such period of supervision.

Honorable Victor Marrero
November 23, 2010

Assistant United States Attorney
Telephone: (212) 637-2220

cc: Daniel Ollen, Esq.
U.S. Probation Officer Ross Kapitansky

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

New York, N.Y.

v.

04 Cr. 528 (VM)

MOHAMMED JUNAID BABAR,

Defendant.

-----x

December 10, 2010
2:00 p.m.

Before:

HON. VICTOR MARRERO,

District Judge

APPEARANCES

PREET BHARARA
United States Attorney for the
Southern District of New York
BY: BRENDAN R. McGUIRE
Assistant United States Attorney

DANIEL J. OLLEN
Attorney for Defendant

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

UNITED STATES OF AMERICA,

New York, N.Y.

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04 Cr. 528 (VM)

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Defendant.

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December 10, 2010
2:00 p.m.

Before:

HON. VICTOR MARRERO,

District Judge

APPEARANCES

PREET BHARARA

United States Attorney for the
Southern District of New York

BY: BRENDAN R. MCGUIRE

Assistant United States Attorney

DANIEL J. OLLEN

Attorney for Defendant

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1 (In open court)

2

3 THE COURT: This is a proceeding in the matter of

4 United States v. Babar, Docket No. 04 Cr. 0528.

5 Counsel, please enter your appearances for the record.

6 MR. McGUIRE: Good afternoon, your Honor. Brendan

7 McGuire for the United States.

8 MR. OLLEN: Good afternoon, your Honor, Daniel Ollen

9 for Mr. Babar.

10 THE COURT: Good afternoon.

11 This proceeding is scheduled for the sentencing of the
12 defendant in this matter. The Court notes for the record that
13 the defendant is present in the courtroom seated next to his
14 attorney.

15 I have read and reviewed the presentence investigation
16 report dated July 9, 2010, prepared in connection with today's
17 sentencing of Mr. Babar.

18 The Court has also read and reviewed the various
19 documents submitted by the parties in connection with today's
20 proceeding.

21 Mr. McGuire, has the government read and reviewed the
22 presentence report?

23 MR. McGUIRE: Yes, your Honor.

24 THE COURT: Does the government have any objections to
25 the report to raise at this point?

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1 MR. MCGUIRE: It does not.

2 THE COURT: Mr. Ollen, have you read and reviewed the
3 presentence report?

4 MR. OLLEN: Yes, your Honor.

5 THE COURT: Have you had an opportunity to discuss it
6 with Mr. Babar?

7 MR. OLLEN: Yes.

8 THE COURT: Do you have any objections to the report
9 to raise at this point?

10 MR. OLLEN: No.

11 THE COURT: Thank you.

12 Mr. Babar, please rise.

13 Have you read and reviewed the presentence report?

14 THE DEFENDANT: Yes.

15 THE COURT: Have you discussed it with your attorney?

16 THE DEFENDANT: Yes.

17 THE COURT: Thank you, you may be seated.

18 On June 3, 2004, Mr. Babar pled guilty before this
19 Court to Counts One through Five of information 04 Cr. 0528,
20 which charged him with conspiracy to provide material support
21 or resources to a foreign terrorist organization in violation
22 of Title 18 United States Code Sections 2339A, 2339B and 3238,
23 providing and attempting to provide material support or
24 resources to a foreign terrorist organization in violation of
25 Title 18 United States Code Sections 2339B, 2, and 3238, and

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1 making or receiving a contribution of funds, goods, or services
2 to and for the benefit of al Qaeda in violation of Title 50
3 United States Code Section 1705(B), Title 31 of the Code of
4 Federal Regulations 595.204 and 595.205, and Title 18 United
5 States Code 2 and 3238. At that time the Court determined that
6 Mr. Babar had entered a plea of guilty knowingly and
7 voluntarily and that there was a factual basis for the guilty
8 plea. The Court now reiterates its acceptance of Mr. Babar's
9 guilty plea.

10 Mr. McGuire, does the government have any additional
11 comments or motions or other considerations for the Court to
12 weigh in connection with today's sentencing?

13 MR. MCGUIRE: Yes, Judge, just briefly.

14 As your Honor has made clear, the Court has received
15 and reviewed the government's letter dated November 23, 2010,
16 which sets forth the facts relevant to the government's motion
17 today. Before formally making that motion, the government
18 would just like to reiterate that the defendant's efforts in
19 this case were more than substantial. They were in fact
20 exceptional.

21 As laid out in the government's letter, the defendant
22 has testified previously at four different trials involving
23 numerous terrorism defendants, three trials in the UK and one
24 in Canada. Both governments and prosecutorial arms of those
25 governments have made clear that they determined that

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1 Mr. Babar's testimony in that case was not only credible, but
2 critical to the ultimate convictions secured in those cases.

3 In addition to those four cases, Mr. Babar was also
4 scheduled to testify in a terrorism trial here in this district
5 before Chief Judge Preska which pled out, as noted in the
6 government's letter, on literally the eve of trial. That plea
7 was no doubt in part a result of the defendant's knowledge of
8 Mr. Babar's anticipated testimony.

9 Finally, Mr. Babar met with government officials from
10 various governments on numerous occasions and provided a wealth
11 of information separate and apart from his efforts as a
12 testifying witness.

13 I would just say briefly, Judge, that from virtually
14 the moment he was approached by law enforcement and even before
15 he was formally placed under arrest, Mr. Babar was credible,
16 forthright, and detailed in the information that was asked of
17 him. Both on the witness stand as well as off of the witness
18 stand in meeting with government officials, he provided the
19 U.S. government as well as other governments with considerable
20 information that it was not otherwise aware of. As a result,
21 pursuant to Section 5K1 of the U.S. Sentencing Guidelines, the
22 government would formally move pursuant to that section as a
23 result of Mr. Babar's efforts.

24 THE COURT: Thank you.

25 Mr. McGuire, do you have a copy of the presentence

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1 report with you?

2 MR. MCGUIRE: I do, Judge.

3 THE COURT: Could you look at paragraph 13.

4 MR. MCGUIRE: Yes.

5 THE COURT: Do the statements attributed to Mr. Babar
6 in that paragraph raise any concerns for government?

7 MR. MCGUIRE: They do raise concerns, your Honor. I
8 will note that those statements were shared by Mr. Babar with
9 the government in the midst of trial preparation for the trial
10 that was to occur in this district after Mr. Babar had been
11 advised, as every person in his position is advised, to be as
12 forthright and honest with the government as is possible, and
13 he was.

14 The answers to those questions do certainly cause the
15 government concern. That is why obviously we brought them to
16 the Court's attention. I would note in the context of those
17 statements Mr. Babar has been out on bail for a considerable
18 period of time, over the last year and a half or so, and I
19 believe that it is worth considering those statements in that
20 context as well.

21 Judge, I would also note, and I failed to mention this
22 before, I would also just ask the Court to note on page in
23 footnote 1 of page 14 of the government's letter, the
24 government requests that the Court make a specific condition of
25 whatever supervised release term may be imposed on the

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1 defendant, that a specific condition of that be that he
2 continue to cooperate with the government pursuant to the terms
3 of his cooperation agreement for the duration of his supervised
4 release period. I just wanted to bring that to the Court's
5 attention.

6 THE COURT: Coming back to paragraph 13 --

7 MR. MCGUIRE: Sure.

8 THE COURT: -- are you aware of anything that
9 Mr. Babar has said to suggest that that statement still remains
10 his view as of today?

11 MR. MCGUIRE: Your Honor, I do believe, and Mr. Ollen
12 and Mr. Babar can speak to this, I do believe that that is
13 Mr. Babar's view as of today. I think there is a distinction
14 in the government, and the government draws a distinction
15 between Mr. Babar's view and Mr. Babar's intent on acting on
16 that view. It is, I believe, though, his current view as to
17 these topics.

18 THE COURT: All right. Thank you.

19 Mr. Ollen, do you have any additional comments for the
20 Court's consideration in connection with sentencing?

21 MR. OLLEN: Excuse yes, your Honor. Just briefly, I
22 would ask the Court to sentence Mr. Babar to what amounts to
23 time served. He was incarcerated pursuant to this case for
24 approximately four years and eight months. Included in that
25 time of incarceration was over one year where he was

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1 incarcerated in Nine South of MCC, which is not a pleasant
2 place to be, to say the least. Mr. Babar's cooperation, as
3 stated by the government in their letter and in their statement
4 just now, certainly was enormously successful.

5 I can say without fear of contradiction, Judge, that
6 never in my almost 30 years of practice in criminal law have I
7 ever seen a more positive 5K1 letter. If I just may, I may be
8 beating a dead horse, if I just may quote one sentence in the
9 government's 5K1 letter on page 9.

10 "Over the last six and a half years the level of
11 assistance provided by Babar to both the United States
12 government and foreign governments has been more than
13 substantial. It has been extraordinary."

14 I think truer words were never spoken.

15 Also, Judge, something else that is a little bit
16 different about this case is never in my experience of
17 representing cooperators, which has been fairly extensive, has
18 a United States Attorney ever gotten up at sentencing and
19 addressed the Court in addition to the submission of the 5K1
20 letter in such a fashion. I think that Mr. McGuire did that
21 speaks volumes about what Mr. Babar has done since he's been
22 cooperating.

23 This is a man, Judge, who's been out for over two
24 years. He has changed his life. He has become a law abiding,
25 productive citizen, and I believe he's paid his debt to

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1 society. I would ask you to sentence him to what amounts to
2 time served.

3 THE COURT: Thank you.

4 Mr. Babar, please rise. Is there anything you would
5 like to say in your behalf before the Court sentences you.

6 THE DEFENDANT: Yes. I would just like to say I take
7 full responsibility for my actions in the past, and I have no
8 one to blame but myself for the current predicament. I have
9 also learned that I might disagree with some people, but it
10 doesn't mean that I have to turn to violence. And I regret any
11 of the other choices that I have made in my past, and in the
12 future, these are not the views that I have going forward. I
13 plan on finishing school and taking care of my family, and for
14 me that's the only responsibility as I go forward.

15 As far as my decisions in the past, I can't go back
16 and change them. I regret the decisions that I made.
17 Hopefully going forward in the future I can just finish school
18 and stay with my family.

19 THE COURT: Thank you.

20 Mr. Babar, you heard the question that I posed to the
21 government concerning this statement contained in paragraph 13
22 of the PSR.

23 Have you seen that statement?

24 THE DEFENDANT: Yes, I have.

25 THE COURT: Is there anything you might want to say by

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1 way of explanation or clarification.

2 MR. OLLEN: May I have a second, Judge.

3 THE COURT: Yes.

4 MR. OLLEN: We discussed this.

5 (Counsel conferred with the defendant)

6 THE DEFENDANT: Well, like I said before, when it
7 comes to that paragraph, those are my views in the past, you
8 know, 25 -- at that time, when a lot of these actions were
9 carried out, I wasn't married, I didn't have a child. And I
10 see now after being married and after taking care of my
11 daughter the responsibility that I have, and I also regret even
12 thinking about acting upon any of those things.

13 As far as civilians go, anything like that goes in
14 that type, I regret taking any action like that, and I renounce
15 any views that I had regarding that.

16 THE COURT: You are saying, Mr. Babar, those views
17 expressed in that paragraph are no longer your views?

18 THE DEFENDANT: Like I said before, those views, I
19 don't share anymore since I have been out on bail for the past
20 two years.

21 THE COURT: Thank you. You may be seated.

22 In accordance with the decision by the United States
23 Supreme Court in United States v. Booker, the United States
24 sentencing guidelines are not mandatory. The court nonetheless
25 must consult those guideline and take them into account when

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Sentence

1 sentencing. Therefore, this Court has considered the findings
2 of fact stated in the presentence report, as well as the
3 guideline analysis and the recommendations contained therein.
4 The Court has weighed this information along with the factors
5 listed in 18 U.S.C. Section 3553(a) in coming to this final
6 sentencing decision in this case.

7 The Court adopts the factual recitation in the
8 presentence investigation report. Therefore, the Court finds
9 that under the guidelines Mr. Babar's offense level amounts to
10 37 and his criminal history category falls into category VI.
11 The recommended range of imprisonment for an offense level of
12 37 and a criminal history category are VI is 360 months to 840
13 months. The probation office has recommended a sentence of 360
14 months total for Counts One through Five.

15 However, having considered the government's letter
16 detailing the nature and extent of the defendant's assistance
17 in light of the factors set forth in Section 5K1.1 of the
18 sentencing guidelines, the Court grants the government's motion
19 for a downward departure. The Court takes note that the
20 government has evaluated Mr. Babar's cooperation to be
21 significant, truthful, complete, and liable. As a result of
22 Mr. Babar's cooperation, multiple defendants were arrested,
23 prosecuted, and eventually sentenced, not just in the United
24 States, but in England and Canada as well.

25 Mr. Babar additionally testified at these trials.

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Sentence

1 Mr. Babar began cooperating even before his arrest and worked
2 with the FBI and foreign governments to assist in
3 investigations of terrorist organizations, including al Qaeda,
4 and of terrorist activities such as the London bomb plot.
5 According to the government, Mr. Babar was also willing and
6 able to testify in a case where the defendant ultimately pled
7 guilty in part because that defendant knew that Mr. Babar would
8 testify against him.

9 The Court, therefore, recognizes that Mr. Babar's
10 cooperation over the past several years has contributed
11 significantly to the government's ability to obtain
12 convictions, engage in plea discussions, and investigate
13 numerous defendants involved in terrorist activity in the
14 United States and abroad.

15 Accordingly, the Court finds that a downward departure
16 is warranted in this case when considering the factors set
17 forth in Section 5K1.1 of the sentencing guidelines.

18 Mr. Babar pled guilty to conspiracy to provide
19 material support or resources to a foreign terrorist
20 organization in violation of Title 18 United States Code
21 Sections 2339A, 2339B and 2338; providing and attempting to
22 provide material support or resources to a foreign terrorist
23 organization in violation of Title 18 United States Code
24 Sections 2339B, 2 and 3238; and making or receiving a
25 contribution of funds, goods, or services to, and for the

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1 benefit of, al Qaeda, in violation of Title 50 United States
2 Code Section 1705(B), Title 31 of the United States Code of
3 Federal Regulations Sections 595.204 and 595.205, and Title 18
4 United States Code Section 2 and 3238.

5 Section (A)(1) of 18 United States Code Section 3553
6 requires that courts take into consideration the nature and
7 circumstances of the offense and the history and
8 characteristics of the defendant. Subsection (a)(2) of 18
9 U.S.C. Section 3553 requires that the Court consider the need
10 for the sentence to promote certain objectives of the criminal
11 justice system, namely, punishment, specific and general
12 deterrence, and rehabilitation.

13 Mr. Babar, please rise.

14 Taking into account the nature and circumstances of
15 the offense and the history and characteristics of the
16 defendant, considering all of the factors listed in 18 U.S.C.
17 Section 3553(a), the Court finds that a sentence of time served
18 is reasonable and appropriate and that such a term is
19 sufficient but not greater than necessary to promote the proper
20 objectives of sentencing.

21 Mr. Babar, upon your release, you shall be placed on
22 supervised release for a term of two years on each count, to
23 run consecutively. That would be a total of 10 years of
24 supervised release. I will also indicate that at the end of
25 the midpoint of that supervised release, five years, insofar as

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1 applicable, you may petition the Court for a termination of
2 release if the circumstances then warrant.

3 The Court finds that the sentence imposed upon
4 Mr. Babar is reasonable in consideration of all of the factors
5 listed in Title 18 United States Code Section 3553(a) and that
6 such a term is sufficient but not greater than necessary to
7 comply with the purposes of sentencing.

8 I will not impose a fine because the Court has
9 determined that you do not have the ability to pay such a fine.
10 However, you are ordered to pay to the United States a special
11 assessment of \$500, which shall be due immediately.

12 You must comply with the standard conditions 1 through
13 of supervised release and the following mandatory
14 conditions:

15 You shall not commit another federal, state, or local
16 crime;

17 You shall not illegally possess a controlled
18 substance;

19 You shall not possess a firearm or destructive device;

20 You shall refrain from any unlawful use of a
21 controlled substance;

22 You shall cooperate in the collection of DNA as
23 directed by the probation office.

24 The mandatory drug testing condition is suspended
25 based upon the current's determination that you pose a low risk

Ocanbabs

Sentence

1 of future substance abuse.

2 In addition, Mr. Babar, you shall obey the following
3 special conditions:

4 You shall submit your person, residence, place of
5 business, vehicle, or any other premises under your control to
6 a search on the basis that the probation officer has reasonable
7 belief that contraband or evidence of a violation of the
8 conditions of release may be found. The search must be
9 conducted at a reasonable time and in a reasonable manner.
10 Failure to submit to a search may be grounds for revocation.
11 You shall inform any other residents that the premises may be
12 subject to search pursuant to this condition.

13 In addition, Mr. Babar, as a special condition of
14 release you shall be ordered to condition your cooperation with
15 the government in accordance with the government's
16 representation to this Court at this proceeding.

17 Mr. Babar, do you understand each of these conditions?

18 THE DEFENDANT: Yes.

19 THE COURT: You shall report to the nearest probation
20 office within 72 hours. The Court recommends that you be
21 supervised by the district of residence.

22 The sentence as stated is imposed.

23 Mr. Babar, to the extent that you have a right to
24 appeal your sentence and you are unable to pay for the cost of
25 appeal, you have the right to apply for leave to appeal in

Ocanbabs

Sentence

1 forma pauperis, meaning as a poor person. If you make such a
2 request the clerk of the court must immediately prepare a file
3 a notice of appeal on your behalf.

4 Do you understand your right to appeal to the extent
5 that it may exist?

6 THE DEFENDANT: Yes.

7 THE COURT: Mr. McGuire, are there any remaining
8 counts or underlying indictments that need to be dismissed at
9 this time?

10 MR. MCGUIRE: There are not, Judge.

11 THE COURT: Is there anything else from the
12 government?

13 MR. MCGUIRE: No, Judge.

14 THE COURT: Mr. Ollen, anything else from the
15 defendant?

16 MR. OLLEN: Nothing, Judge.

17 THE COURT: Thank you.

18 Have a good day and have a good weekend and a good
19 holiday.

20 (Adjourned)

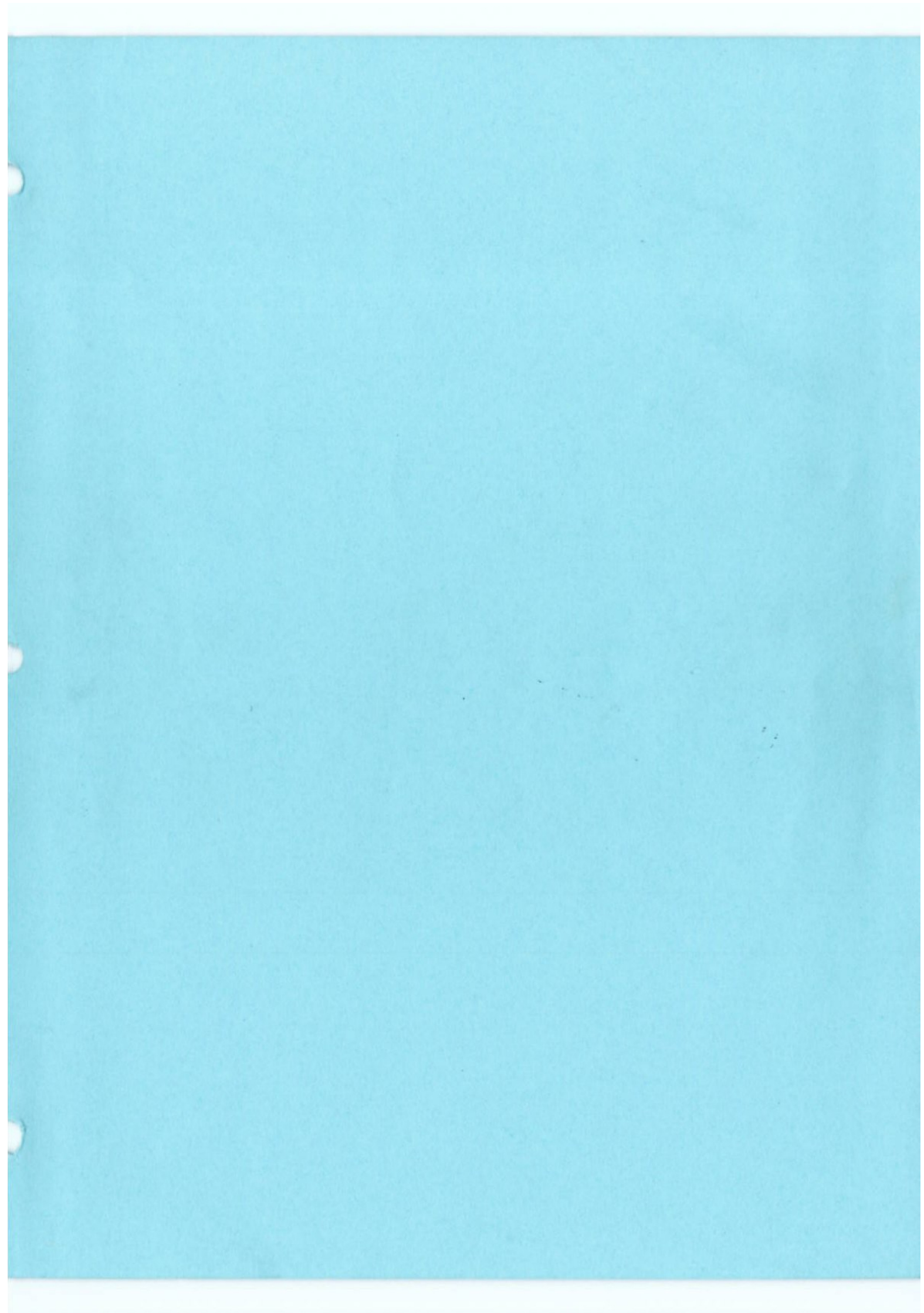
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UNITED STATES DISTRICT COURT ORIGINAL

SOUTHERN

District of

NEW YORK

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

MOHAMMED JUNAID BABAR

Case Number:

04-CR-528 (VM)

USM Number:

52190-054

Daniel Ollen

Defendant's Attorney

THE DEFENDANT:

X pleaded guilty to count(s) One through Five of Information Number 04 CR 528

pleaded nolo contendere to count(s) which was accepted by the court.

was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Rows include 18 U.S.C. §§ 2339A, 2339B, 3238; 18 U.S.C. §§ 2339B, 2, and 3238; 50 U.S.C. § 1705(b), 31 CFR 595.204 and 595.205.

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- checkboxes for: The defendant has been found not guilty on count(s); Count(s); Underlying Indictment(s); Motion(s); and dismissal options (is/are dismissed/denied as moot).

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

USDS EDNY
DOCUEN
DATE FILED: 12-11

Date of Imposition of Judgment: 12-10-10

Signature of Judge (handwritten signature)

Name and Title of Judge: Hon. Judge Victor Marrero, U.S.D.J.

Date: December 10, 2010

DEFENDANT: MOHAMMED JUNAID BABAR
CASE NUMBER: 04 CR 528 (VM)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Time Served

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MOHAMMED JUNAID BABAR
CASE NUMBER: 04-CR-528 (VM)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

Ten Years, with the option to apply for termination of supervision after five years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: MOHAMMED JUNAID BABAR
CASE NUMBER: 04-CR-528 (VM)

ADDITIONAL SUPERVISED RELEASE TERMS

(1) MR. BABAR SHALL CONTINUE TO COOPERATE WITH THE GOVERNMENT AS HE HAS BEEN THROUGHOUT THE PERIOD OF HIS SUPERVISED RELEASE.

DEFENDANT: MOHAMMED JUNAID BABAR
CASE NUMBER: 04-CR-528 (VM)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 500.00	\$ 0	\$ 0

The determination of restitution is deferred until _____ . An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____	\$0.00	\$ _____	\$0.00
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Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

DEFENDANT: MOHAMMED JUNAID BABAR
CASE NUMBER: 04-CR-528 (VM)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 100.00 due immediately, balance due
 - not later than _____, or
 - in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.