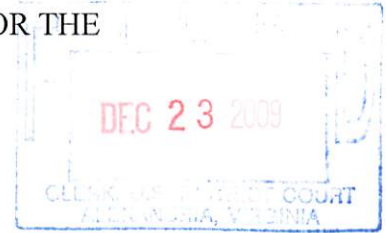


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)
)
 v.)
)
 AHMED AMEER MINNI,)
 RAMY SAID ZAMZAM,)
 AMAN HASSAN YEMER,)
 UMAR FAROOQ CHAUDHRY, and)
 WAQAR HUSSAIN KHAN,)
)
 Defendants.)

Criminal No. 1:09mj 858

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Bruce D. Schwindt, being first duly sworn, state as follows:

INTRODUCTION

1. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since June 1989. I am assigned to a counter-terrorism squad at the Washington Field Office and am a case agent on this terrorism investigation.

2. I make this affidavit in support of a criminal complaint charging Ahmed Ameer Minni, Ramy Said Zamzam, Aman Hassan Yemer, Umar Farooq Chaudhry, and Waqar Hussain Khan with conspiracy to provide material support to terrorists, in violation of 18 U.S.C. § 2339A.

3. The facts and information in this affidavit are based upon my personal knowledge as well as the observations of other law enforcement agents and officers involved with this investigation. This affidavit contains information necessary to support probable cause for the criminal complaint. It is not intended to include each and every fact and matter observed by me or known to the government.

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THE "FINAL MESSAGE" VIDEO

4. On December 1, 2009, the FBI learned that five young men from Northern Virginia area families had been reported missing. The family members of the five subjects told agents of the FBI that they believed their sons were traveling overseas. The family representatives provided names and assorted identifiers for the five subjects, all of whom are United States citizens. They are: Ahmed Ameer Minni, Ramy Said Zamzam, Aman Hassan Yemer, Umar Farooq Chaudhry, and Waqar Hussain Khan. The family members provided the FBI with a USB drive that contained a file named, "afinalmessage." According to families members who had watched the video, the person appearing and speaking in the video is Ramy Zamzam.

5. FBI agents reviewed the video on the USB drive provided by the families. The video is approximately 11 minutes long, and includes both English and Arabic. The video is of good quality, with background music, graphics, text, and film clips of what appear to be U.S. soldiers in Iraq and photographs of civilian casualties. During the video, Zamzam is the sole speaker. He discusses a Muslim's obligation to engage in *jihad* to defend Muslims and Muslim lands. While the video plays footage of what appear to be U.S. forces, Zamzam says, "When Muslim lands are invaded, when Muslim children are terrorized, when Muslim women are raped, when our brothers and sisters are attacked and killed, . . . *jihad* becomes, by the consensus of the scholars . . . , an individual obligation . . . to defend his brothers and sisters and give them victory." The video then bears a message saying, "physical jihad against the disbelievers

becomes obligatory . . . [w]hen the Muslim is present in a jihad situation . . . [or] when the enemy has come and attacked a Muslim land.”¹

6. Aman Yemer’s brother (“AY”) told the FBI that on the evening of November 26 - 27, 2009, he encountered the five subjects at a mosque they attended. He then accompanied the five subjects to a computer repair shop in Lorton, Virginia, in Fairfax County, within the Eastern District of Virginia, that was owned by the family of subject Umar Chaudhry. AY said that the subjects took his cell phone from him. After the curtains dividing a part of the shop were closed, Zamzam used a desktop computer inside the shop to play the video described above. AY had seen Zamzam earlier that evening in subject Waqar Khan’s car with a laptop computer to which was attached a USB drive.

7. AY told the FBI that on November 28, 2009, while he and Waqar Khan were in a room at the mosque, Khan checked his cell phone and then left the room. Khan then sent AY a text message telling him to come outside. AY did so, and Khan then gave him two USB drives. Khan told AY, “This is from Ramy. You’ll know when to open it.” One of the USB drives contained the video of Zamzam described above, and AY recognized the USB drive as the one that had been in Zamzam’s laptop in Khan’s car.

8. At a later interview with the FBI, AY said that after playing the video at the Chaudhry family shop, Zamzam told AY to upload the video from a USB drive to a website. Zamzam told him to create a hyperlink to the video and to email the link to a list contained on a

¹ Zamzam says on the video that “we” are not part of any group or organization. It appears the video was last altered and saved to the USB drive on November 28, 2009.

second USB drive. Zamzam gave AY a user name and password for a PayPal account to use in uploading the video.

THE DEFENDANTS' PASSAGE TO PAKISTAN

9. Umar Chaudhry's brother ("TC") told FBI agents that he was able to reach Zamzam by telephone on or about November 30, 2009, at around 8:00 p.m. Zamzam at first said that the five subjects were on their way home, but when challenged by TC, Zamzam admitted that the five subjects were overseas. Zamzam said he would later send everyone an email to explain. TC asked if he would ever see Zamzam again, to which Zamzam replied, "no." TC also told agents that a Pakistani national identification card for Umar Chaudhry, which had been kept in a safe location inside the family home, was missing.

10. According to the girlfriend of Waqar Khan ("SP"), he called her on Zamzam's cell phone on or about November 29, 2009, and told her that he was in Dubai. SP contacted Emirates Airlines and learned that Khan's final destination was Karachi, Pakistan.

11. A review of travel records confirms that on November 28, 2009, at approximately 10:08 p.m., Minni, Yemer, and Chaudhry departed Dulles International Airport, in the Eastern District of Virginia, on United Airlines flight 924, bound for Heathrow airport in London, England, with a final destination of Pakistan. The following day, Khan and Zamzam departed Dulles on the same scheduled United Airlines flight.

12. Waqar Khan's father advised the FBI that on November 30, 2009, he discovered that approximately \$25,000 in family savings was missing. When he later questioned his son on the telephone about the missing money, Waqar denied having taken it. Chaudhry's brother told the FBI that he had given \$200 to \$300 to Ahmed Minni and that Minni had borrowed \$2,000

from others. A friend of Ramy Zamzam told the FBI that on November 27, 2009, he provided Zamzam with \$1,000 after Zamzam claimed he needed money for rent at school. Furthermore, in a recent interview conducted by the FBI, Ramy Zamzam's mother said that she had a joint bank account with her son and that the money that had been in the account was no longer there. A review of Wachovia bank account statements revealed two withdrawals from this account during November 2009 – one in the amount of \$3,000 on November 2 and another for \$2,000 on November 17.

THE DEFENDANTS' ARREST BY PAKISTANI AUTHORITIES

13. On or about December 9, 2009, in Sargodha, Pakistan, all five subjects – Minni, Zamzam, Yemer, Chaudhry, and Khan – were taken into custody by Pakistani law enforcement authorities.

14. On December 10 and 11, 2009, after first being advised of his *Miranda* rights, Ahmed Minni was interviewed at a police station in Sargodha, Pakistan, by a special agent of the FBI. Minni voluntarily admitted that he recorded and edited the video in which Zamzam spoke and that the theme of the video was that “we are going to defend our brothers and sisters in Afghanistan.” The video was made in Minni's Alexandria, Virginia, residence and was made so that “they” could leave a message. Minni believed that everyone in the group shared the same view and said that the video “speaks for all of us.”

15. According to Minni, he had been contacted via YouTube by an individual in Pakistan in August 2009 as a result of Minni's stated interests and goals on his YouTube posting. The two communicated through YouTube and eventually through email to arrange for the group to travel to Pakistan. This recruiter provided Minni with guidance on how to travel in Pakistan in

a manner that would not arouse suspicion. The recruiter told Minni that the group should be clean shaven, and the two discussed mental conditioning for the trip. Minni advised that the group prepared for the trip for four months, obtaining money and passports. Minni told the FBI that he traveled to Pakistan with Chaudhry and Yemer and that, while they had a flight scheduled to return to the United States on January 17, 2010, they had no intention of returning.

16. Minni said that the group had not had contact with the recruiter in Pakistan for several weeks prior to departing the United States (although Minni briefly made contact with the recruiter just before the members of the group were arrested in Sargodha). When they arrived in Pakistan, he and the others initiated their own efforts to get into Afghanistan. Minni mentioned that Chaudhry and Khan went to an Islamic institution in Lahore seeking help. Minni also stated that he wanted to get to Afghanistan to defend Muslims against American and other foreign troops and believed that everyone in the group supported the goal of fighting American troops in Afghanistan. Minni hoped to get weapons training, and wanted to become a militant, as opposed to a suicide bomber. According to Minni, he saw himself dying in combat against American soldiers.

17. The FBI also interviewed Waqar Khan while he was detained by the Pakistani authorities. Khan voluntarily agreed to talk after first being advised of his *Miranda* rights. He stated that each member of the group did his own research on *jihad* and talked among themselves about this subject. Khan advised that Minni was the leader of the group and that the goal of the members of the group was to die in combat, not as suicide bombers. Khan wanted to fight those who oppress Muslims in Afghanistan. He also wanted to obtain physical, tactical, and technical training, including weapons training, and stated that the *mujahideen* would provide the training.

Khan said that the recruiter who contacted Minni was going to take the group to Kashmir or Afghanistan.² Khan told the FBI that he knew that when he went to Afghanistan he was bound to end up in combat with American troops. He said that he would return fire if Americans fired on him.

18. According to Khan, while he and the others were in Pakistan, they used the Internet to find *madrasahs* that they could approach for help in getting into the fight in Afghanistan, but the two they found would not help them. When they sought help in the town of Hyderabad from a mosque they believed to be associated with *Jaish-e-Mohammed* (a designated foreign terrorist organization in Pakistan), the emir of the mosque told them to go to Lahore, where there was a headquarters for a camp of *mujahideen*. The group traveled to Lahore to the address provided and found a camp containing individuals, described by Khan, as military personnel and people in uniform. Khan believed this location was associated with *Jamaat Ud-Dawa* (a designated foreign terrorist organization). After being searched, they were allowed into the camp. A representative from the camp advised he could not help them because they were foreigners. The representative told them to get a reference from one of Chaudhry's family members since Chaudhry was a dual citizen of the United States and Pakistan. They were further advised that after they received this reference, they should go to the organization's offices in Sargohda and the organization would take all five of them.

²At one point, when asked specifically about fighting Americans, Khan said that the group was not against Americans and wanted to motivate Muslims. According to Khan, his "call was specifically Allah," and that "the disbelievers are the enemy." I submit, however, that given Khan's knowledge of the videotape, his travel to Pakistan, his stated intention to fight those who "oppress" Muslims in Afghanistan, and his later admissions, there is probable cause to believe that Khan conspired with the others to fight American forces in Afghanistan.

19. On December 11, 2009, Umar Chaudhry also agreed to be interviewed by the FBI after being advised of his *Miranda* rights. Chaudhry stated “we came for the sake of Islam to work with the Muslims.” He added, “I am letting you know that I know about the video. We came here together and the video speaks for us. Whatever the video says, I am for that.”

20. The investigation has revealed that in August 2009, Aman Yemer posted a commentary on a YouTube site portraying a video by *Al-Shabaab*, a designated foreign terrorist organization operating in Somalia. The video depicts what appear to be *Al-Shabaab* fighters, slain soldiers, and flaming military vehicles in Somalia. Yemer’s commentary read, in part, “O Prophet! Perform Jihad against the disbelievers and the hypocrites and be severe against them.”³ Yemer’s posting follows directly under, and is obviously in response to, that of another YouTube user, whose comment is quoted here as it was written: “this happens when people dont have any religion knowledge, can someone tell me were in the quran does it say u can kill and call someone munafiq while that person is telling u am muslim, were in quran does it says u force the people in to wat u want them to do.”

CONCLUSION

21. Based on the foregoing facts, I submit that there is probable cause to believe that from in or about August 2009 and continuing until at least December 9, 2009, within the Eastern District of Virginia and elsewhere, Ahmed Ameer Minni, Ramy Said Zamzam, Aman Hassan Yemer, Umar Farooq Chaudhry, and Waqar Hussain Khan did conspire with each other and

³I am told that this comment by Yemer is a translation of a verse from the Quran 66:9.

