

AFFIDAVIT OF GREGORY T. HUGHES

I, Gregory T. Hughes, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI"), and have been so employed for over three years. I have four additional years of prior federal law enforcement experience in the United States Coast Guard. I am currently assigned to the FBI's Joint Terrorism Task Force ("JTTF") in Boston, Massachusetts. My responsibilities include, without limitation, investigations of suspected terrorist activities.

2. The JTTF is a task force which includes representatives from a variety of federal, state, and local law enforcement agencies and focuses on counter-terrorism investigations. The squad of which I am a member focuses on international terrorism, that is, terrorism threatened by foreign persons and/or foreign organizations.

3. This affidavit is submitted in support of an application for a criminal complaint and arrest warrant charging ABDULLAH AHMED KHADR ("KHADR"), a Canadian national, with violations of 18 U.S.C. §§ 924(c) and 2 (Possession of a Destructive Device in Furtherance of a Crime of Violence and Aiding and Abetting); and 18 U.S.C. § 924(o) (Conspiracy to Possess a Destructive Device in Furtherance of a Crime of Violence).

4. These offenses took place outside of the jurisdiction of any particular state or district of the United States, but within the extraterritorial jurisdiction of the United States. KHADR is currently outside of the United States and is expected to be brought to the District of Massachusetts. Accordingly, venue for these offenses is proper in the United States District Court for the District of Massachusetts pursuant to Title 18, United States Code, Section 3238.

5. I make this affidavit based upon my own personal knowledge and information provided to me by other law enforcement agents. This affidavit does not contain every fact I

know about the investigation, but only those facts necessary to establish the probable cause for issuance of the requested complaint and arrest warrant.

6. Based on my experience investigating terrorism cases and on information I have learned from a variety of sources, including the media, I am aware that, in the wake of the September 11, 2001 terrorist attacks on targets within the United States, United States military personnel and equipment, in addition to troops and equipment from other countries ("Coalition Forces"), were deployed to Afghanistan in October 2001. Combat thereafter ensued between United States and Coalition Forces and forces controlled by or allied with the Taliban and Al Qaeda. Prior to October 2001, the Secretary of State designated Al Qaeda a Foreign Terrorist Organization in accordance with Section 219 of the Immigration and Nationality Act, as amended. The Taliban harbored Al Qaeda in Afghanistan prior to its removal from power by Coalition Forces.

7. In late July 2005, Diplomatic Security Service Special Agent Galen Nace and I traveled to a location outside of the United States to interview KHADR. The interview took place over the course of three days. On the first day of the interview, I asked KHADR if he could speak and read in English. KHADR confirmed that he could speak fluent English and could read and write English as well. I then advised KHADR of his rights in an expanded form of conventional Miranda warnings. First, I gave him a written form to read, a copy of which is attached to this Affidavit as Attachment A. In addition, I explained the warnings to him verbally. This process was repeated on each of the three days of the interviews before I asked him any questions. KHADR signed three separate, identical forms (one for each day) acknowledging his understanding of his rights, his waiver of those rights, and his willingness to make a statement

and answer questions. KHADR provided the following information to me:

8. KHADR said that he was born in Canada on April 30, 1981, but at three and one half years old, he and his family moved to Pakistan. Over the course of the next thirteen years, the KHADR family moved back and forth between Canada and Pakistan several times until finally moving to Pakistan in 1997. KHADR said he attended a training camp in Afghanistan known as Khalden in the mid-1990s for four months, where he received training in the use of rocket-propelled grenades ("RPGs"), AK-47s, anti-aircraft weapons and detonators and explosives, specifically TNT and dynamite.

9. KHADR said that his father, Ahmed Said Khadr ("Ahmed Said"), was a colleague of Usama Bin Laden ("Bin Laden"), whom I know to be an Al Qaeda leader. (I know from sources other than Khadr that Bin Laden is a specially designated national and blocked person on the Department of Treasury's Office of Foreign Assets Control list of persons and groups with whom financial transactions are prohibited. Bin Laden was so designated prior to the deployment of Coalition Forces to Afghanistan in October 2001.) In 1997 and 1998, KHADR and other members of the KHADR family visited Bin Laden and his family at Nazim Jihad, Bin Laden's family compound outside of Jalalabad. In 1998, the KHADR family moved to the Bin Laden compound at Nazim Jihad, where they lived for about one month. During that time, KHADR saw Bin Laden every day. Bin Laden also attended the wedding of KHADR's sister in 1999. KHADR last saw Bin Laden in 1999 when Bin Laden met with Ahmed Said to discuss Ahmed Said's efforts to reconcile differences among Bin Laden, the Taliban, and Afghan warlord Gulbuddin Hekmatyar, whom Ahmed Said had recently met in Iran.

10. In late 2001, Bin Laden tasked Ahmed Said with organizing local militia leaders in

the Lowgar Province area of Afghanistan, south of Kabul, for combat against the United States and Coalition Forces. Later, in 2003, the local Al Qaeda influenced shura council (an Islamic group of male local leaders) vested Ahmed Said with operational responsibility for organizing attacks against United States and Coalition Forces in the border area of Afghanistan near Shagai, Pakistan. To assist in his efforts, Ahmed Said asked KHADR to procure munitions for Al Qaeda to use against United States and Coalition Forces. Over a six-month period in 2003, KHADR purchased approximately \$20,000 worth of AK-47 rounds, PK rounds (for use in Russian PK machine guns), rocket propelled grenades ("RPGs"), rockets, and 82 mm and 120 mm mortar rounds. After purchasing the munitions, KHADR took them to a third party, whom KHADR identified as a munitions procurer and high level member of Al Qaeda, who then distributed the munitions to Al Qaeda forces. KHADR estimated that about half of the ammunition was used for training and the other half was used in the fighting against the United States and Coalition Forces.

11. In addition to purchasing ammunition, KHADR provided explosives components, specifically, hydrogen peroxide, for the previously-referenced third party to make mines for distribution to Al Qaeda.¹ On two separate occasions, KHADR transported 25 containers of hydrogen peroxide and 20 containers of hydrogen peroxide to the third party. Although KHADR did not directly purchase the hydrogen peroxide, he paid the storage facility where he loaded the

¹ According to Supervisory Special Agent J. Stephen Veyera, Chief of the FBI Bomb Data Center, hydrogen peroxide is a key component in homemade explosives because it is easy to obtain and very sensitive to heat, shock and friction. Specifically, hydrogen peroxide in combination with acetone and acid forms triacetone triperoxide ("TATP"), a very volatile explosive chemical. TATP was one of the chemicals used in the shoe bomb found on Richard Reid when his plane was diverted to Boston in December 2001.

containers. KHADR said that the mines were to be used against the United States and Coalition Forces in Burmil, Afghanistan. KHADR knew of approximately 60 mines that were completed, some of which contained the hydrogen peroxide that KHADR provided.²

12. KHADR said that he was experienced in purchasing these types of munitions. In 2000, he spent time working with the third party referred to above in paragraphs ten and eleven, procuring AK-47s, C-4 explosive compound, surface-to-air missiles ("SAMs"), the Russian version of the French "Milan" anti-tank missile, as well as 82 mm and 120 mm mortar rounds for use in fighting against the Northern Alliance forces in Afghanistan and for a training camp.

13. KHADR said he purchased the munitions because his father asked him to do so and as an opportunity to make money. He made about \$5,000 for his work. KHADR's father, Ahmed Said, was killed by Pakistani forces in or about October 2003.

14. After his father's death, KHADR continued his efforts to procure munitions for eventual use by Al Qaeda forces against United States and Coalition Forces. Up to October 2004, KHADR was in the process of purchasing missiles from a 29 year old Pakistani male whom he identified as a former member of Lashkar-e-Taiba, a terrorist group active in the Kashmir region. KHADR told me that he intended to buy the missiles for \$1,000 each and sell them to the third party mentioned in paragraphs ten and eleven for \$5,000 each. Based on these and the other statements by KHADR described herein, I understood that the missiles were intended for use against United States and Coalition Forces.

15. KHADR told me that he never killed anyone personally. However, at another point

² Grenades and mines are "destructive devices" within the meaning of 18 U.S.C. § 921(a)(4) and are therefore considered "weapons of mass destruction" within the meaning of 18 U.S.C. § 2332a(a), pursuant to § 2332a(c)(2)(A).

in the interview he said that he sometimes regretted not "doing something." KHADR believed, like his father, that Canada should not be attacked unless that country did something against Muslims to warrant it. However, KHADR said that the United States was a different matter as it had oppressed Muslims in many places around the world. When asked if the United States was a target, KHADR smirked and looked away from Special Agent Nace and myself.

16. Certain of KHADR's statements to me are consistent with statements that he had previously made publicly. On February 23, 2004, KHADR was interviewed as part of a joint production entitled "Son of Al Qaeda" by the American Public Broadcasting System ("PBS") program Frontline and the Canadian Broadcasting Corporation ("CBC"). The program was broadcast on April 22, 2004. The program focused on Abdurahman Khadr, KHADR's younger brother, and Abdurahman Khadr's involvement with Al Qaeda. Throughout the program, there are several videotaped portions of the interview with KHADR, who appeared in silhouette as he insisted on concealing his appearance, knowing that he was wanted by United States and Pakistani authorities. I have reviewed a recording of the program and recognize the voice as KHADR's. In addition, I asked KHADR about statements he had made in the television program, and he explained those statements in such a way as to implicitly acknowledge that he had been the person in silhouette in the television program.

17. At the beginning of the recorded version of the interview, KHADR introduced himself saying, "I am Abdullah, son of Ahmed Said." Consistent with his statements to me regarding his training at Khalden, KHADR told the CBC correspondent that, "Anyone who wants to get trained can get trained in Afghanistan. If you want to fire a Kalashnikov it is like in Canada going and learning hockey. Anybody can do it. A ten year old boy can fire a

Kalashnikov in Afghanistan. So it's not a big deal." In response to a question regarding whether his father ever talked to him about becoming a martyr for Islam, KHADR said, "Dying for Islam is hopeful for every Muslim to die for Islam. . . Every Muslim dreams of being a shaheed [martyr] for Islam. . . Like you die for your religion. Everybody dreams of this, even a Christian would like to die for his religion."

18. Asked about his response to the September 11, 2001 terrorist attacks in the United States, KHADR said, "The thing itself was very amazing. It was very wild to see a person seeing a building in front of him and he's going 900 kilometers per hour straight into the building." When asked whether he felt admiration for the people who did it, KHADR responded, "Yes. Because they did something that stunned the entire world. Everybody for entire, like months, was only talking about that."

19. KHADR gave his impressions of Usama Bin Laden, whom he acknowledged having met and referred to him as a "Saint."

20. According to Gabrielle Mondesire, an employee of the Frontline program at WGBH in Boston, the website for Frontline is www.pbs.org/wgbh/pages/frontline. In my review of the site, I accessed web pages displaying the full transcripts of the interviews for "Son of Al Qaeda." In part of KHADR's interview that was edited out of the final television program, KHADR confirmed that he had attended the Khalden camp and received weapons training, learning how to use "small weapons, guns, Kalashnikov and stuff." Furthermore, he espoused his views on the United States:

I think that Americans should only rule America. Not the entire planet. . . [I] not that much sorry for the Americans, because you can see they cause enough deaths, even if they say "no, we didn't." Like they killed I think enough people in

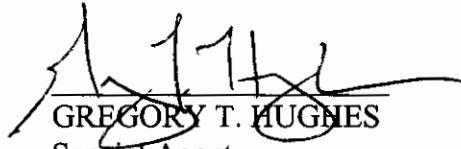
Vietnam, they killed enough people in Lebanon, even if they got killed. But they used to kill people. Almost all the conflicts in the world, America can stop it from the beginning. But they don't stop it, except after the massacre is done. In Bosnia, they could have stopped it from all the way from the beginning. But they waited until 17,000 women were raped and murdered. After that they started working.

21. Finally, regarding the attacks on September 11, 2001, KHADR commented favorably on an interview of an individual he saw on television who had said, "It is good for America to know that it is not only the superpower that can hit, that weak people have ways too to call the world for the world to listen to them, what they are saying, what do they want."

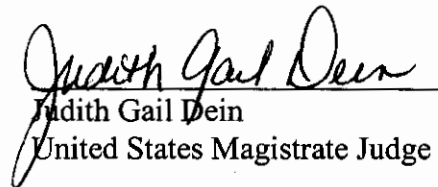
22. Based upon the foregoing, I believe that probable cause exists to conclude that:

From a date unknown through in or about October, 2004, in Afghanistan and Pakistan and elsewhere outside the United States, ABDULLAH AHMED KHADR knowingly possessed a firearm, that is, a destructive device, in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, that is, conspiracy to murder a United States national outside the United States, in violation of Title 18, United States Code, Section 2332(b)(2), and conspiracy to use a weapon of mass destruction, that is, a destructive device, against a national of the United States while such national was outside of the United States and against property that was owned, leased and used by the United States outside the United States, in violation of Title 18, United States Code, Sections 2332a(a)(1) and (3), all in violation of Title 18, United States Code, Sections 924(c) and 2; and

From a date unknown through in or about October, 2004, in Afghanistan and Pakistan and elsewhere outside the United States, ABDULLAH AHMED KHADR did knowingly and intentionally combine, conspire, confederate and agree with other co-conspirators, both known and unknown, to commit an offense under Title 18, United States Code, Section 924(c), that is, to possess a firearm, that is, a destructive device, in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, that is, conspiracy to murder a United States national outside the United States, in violation of Title 18, United States Code, Section 2332(b)(2), and conspiracy to use a weapon of mass destruction, that is, a destructive device, against a national of the United States while such national was outside of the United States and against property that was owned, leased and used by the United States outside the United States, in violation of Title 18, United States Code, Sections 2332a(a)(1) and (3), all in violation of Title 18, United States Code, Section 924(o).


GREGORY T. HUGHES
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 23rd day of November, 2005.


Judith Gail Dein
United States Magistrate Judge

We are representatives of the United States Government. Under our laws, you have certain rights which we must explain to you before asking you any questions. Before we can ask you any questions, we must also be sure that you understand those rights.

You do not have to speak with us or answer any questions. Even if you have already spoken to the [name foreign country] authorities, you do not have to speak to us now.

Under United States law, you have the right to talk to a lawyer hired at your expense to get advice before we ask you any questions and you could have a lawyer with you to get advice during questioning. In addition, under United States law, if you could not afford a lawyer, one would be appointed for you with whom you could get advice before or during any questioning.

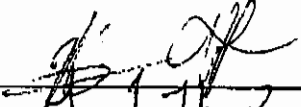
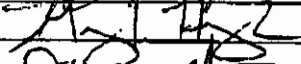
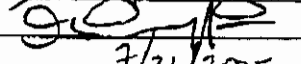
Because we are not in the United States, we cannot ensure that you will be permitted access to an attorney before or during any questioning. However, if you want an attorney, we will ask the [name foreign country] authorities to provide you access to a lawyer, retained at your own expense, or to appoint one for you. If the foreign authorities agree, then you can talk to that lawyer to get advice before we ask you any questions and you can have a lawyer with you to give you advice during questioning. If you want an attorney now, but the [foreign country] authorities will not permit access at this time to either a lawyer hired by you or one appointed to represent you, then you still have the right not to speak to us at any time.

If you decide to speak with us now, without a lawyer present, you will still have the right to stop answering questions at any time.

If you are willing to make a statement and answer questions now and do not want a lawyer at this time, please sign your name below. Your signature acknowledges that you have read this statement of your rights and that you understand what your rights are.

Acknowledgment of Rights and Waiver of Rights to an Attorney and To Remain Silent

I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand my rights and my decision is a knowing and voluntary one. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed	
Witness	 GREGORY T. WASHES
Witness	 GALEN J. JACK
Dated	7/21/2005