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**AL QAEDA ASSOCIATES CHARGED IN ATTACK ON USS COLE,
ATTEMPTED ATTACK ON ANOTHER U.S. NAVAL VESSEL**

Attorney General JOHN ASHCROFT, FBI Director ROBERT MUELLER, JAMES B. COMEY, United States Attorney for the Southern District of New York, and KEVIN P. DONOVAN, Assistant Director in charge of the New York office of the FBI, announced today that two Yemeni nationals have been indicted by a federal grand jury in Manhattan for plotting al Qaeda's October 2000 attack on the *USS Cole* in the harbor of Aden, Yemen, in which 17 American sailors were killed.

The Indictment charges JAMAL AHMED MOHAMMED ALI-AL-BADAWI and FAHD AL-QUSO with 50 counts of various terrorism offenses, including murder of U.S. nationals and murder of U.S. military personnel. BADAWI was also charged with attempting with co-conspirators to attack the U.S. naval vessel the *USS The Sullivans* in January 2000, while that vessel was refueling in the port of Aden.

The defendants, both alleged to be longtime al Qaeda

associates, remain at large overseas. They had been in custody in Yemen until they escaped from prison last month.

On Oct. 12, 2000, a small boat laden with high explosives pulled alongside the *USS Cole* in the harbor of Aden, where it had been moored for a scheduled refueling stop. Suicide terrorists detonated the bomb, ripping a 40-foot hole in the side of the *Cole*, killing 17 American sailors and wounding at least 40 others.

The Indictment charges that conspirators engineered a plot in mid-1999 to conduct an attack on U.S. navy ships that were to arrive in Aden for service and refueling. According to the Indictment, BADAWI, a key al Qaeda operative in Aden recruited by members of Usama bin Laden's inner circle, helped procure safehouses in Aden for the terrorists, and obtained the attack boat and the trailer and truck used to tow the boat to Aden harbor. The Indictment alleges that QUSO facilitated the plot to ambush the *USS Cole*, and prepared to film the attack from an apartment on the hills overlooking Aden Harbor.

The Indictment names as unindicted co-conspirators several high-ranking members of al Qaeda, some of whom have previously been charged in other terrorism Indictments, including:

- Usama bin Laden, who allegedly planned those attacks and later praised the suicide bombers, and who has been indicted in connection with the 1998 attacks on U.S.

embassies in East Africa;

- Saif al Adel, a member of al Qaeda's military committee, who allegedly participated in the planning of these attacks, also indicted in the East Africa embassy bombing case;
- Mushin Musa Matawalli, also known as "Mujaher," alleged to be al Qaeda's key explosives expert, also indicted in the East Africa embassy bombing case; and
- Tafiq Muhammed Saleh Bin Roshayd Bin Attash, also known as Khallad, and Abdul Rahim Mohammed Hussein Abda Al-Nasheri, who are alleged to be veteran students and teachers in the al Qaeda terrorist camps in Afghanistan.

"It has been almost three years since the attack on the *USS Cole*. But for those who lost loved ones on Oct. 12, 2000, the wounds on the heart can still be felt," said Attorney General ASHCROFT. "This Indictment is a critical step in securing justice for the victims, peace for their families, and a safer future for every freedom-loving American."

FBI Director MUELLER said, "The dedication and perseverance of investigators involved in this case has been nothing short of extraordinary. They worked long hours under difficult conditions. Despite these hardships, our investigators - working closely with their colleagues in Yemen and with each other - did a simply

outstanding job.”

Mr. COMEY stated, “The men and women who gave their lives on the Cole paid the ultimate price. For their sacrifice, we owe those fallen sailors, and their families, a debt of gratitude and justice. Today’s Indictment can never bring back those brave souls, but we hope it provides some measure of comfort by demonstrating that we will never rest in tracking down terrorists. This Indictment is but one step in the war on terror, but it is an important one. And, it will not be the last.”

According to the Indictment unsealed today, BADAWI, at the direction of Khallad and Nasheri, went to Saudi Arabia, purchased a boat large enough to carry explosives, and a trailer and truck to tow the boat, and secured a safehouse in Aden to hide the boat until the attack.

The Indictment alleges that on Jan. 3, 2000, while the *USS The Sullivans* was berthed for servicing in Aden Harbor, the co-conspirators loaded the boat with explosives and launched the boat from the beach. However, the attack was aborted when the boat sank under the weight of the explosives. The Indictment alleges that the terrorists salvaged the explosives, regrouped, strengthened the boat and began plotting another attack.

According to the Indictment, on Oct. 12, 2000, the suicide bombers towed their attack boat to Aden Harbor, approached the

USS Cole with friendly gestures, and then detonated the explosives aboard their boat. The Indictment alleges that QUSO traveled to the hills of Aden in an attempt to videotape the attack.

The Indictment specifically charges BADAWI and QUSO with the following crimes: conspiracy to murder and the murder of U.S. nationals; conspiracy to murder, the murder and attempted murder of U.S. military personnel aboard the *USS Cole* and the *USS The Sullivans*; conspiracy to use, using and attempting to use weapons of mass destruction, in this case a large high-explosive bomb; conspiracy to destroy, attempting to destroy and destroying U.S. property and U.S. defense facilities; using and carrying bombs and dangerous devices; and providing material support to the al Qaeda terrorist organization.

If convicted of these charges, the defendants are eligible for the death penalty.

The investigation into the attack was led by the FBI, which immediately deployed nearly 200 agents and technicians to begin the arduous work of putting together the pieces of the puzzle and finding who was responsible. The FBI worked closely with officials from the Naval Criminal Investigation Service, NYPD officers from the New York Joint Terrorism Task Force, and Yemeni investigators.

The prosecution efforts are being led by the U.S. Attorney's Office for the Southern District of New York, and overseen by Deputy U.S. Attorney David Kelley. The office has a long history in international terrorism prosecutions, including: the first World Trade Center bombing, which resulted in seven convictions; the conviction of 10 men in 1995 in a scheme to bomb New York City landmarks; and the conviction of three men in 1996 in the Manila Air conspiracy, a plot to detonate bombs on 12 American airliners in the Far East. More recently, the office obtained convictions in the Millennium bombing plot and the 1998 East African Embassy bombings.

The charges contained in the Indictment are merely accusations and the defendants are presumed innocent unless and until proven guilty.

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