

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

AHLAM AREF AHMAD AL-TAMIMI,
a/k/a KHALTI
a/k/a HALATI

Case: 1:13-mj-580

Assigned To : Magistrate Judge Deborah A. Robinson

Assign. Date : 7/15/2013

Description: Complaint and Arrest Warrant

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of August 9, 2001, in the State of Israel and, therefore, outside of the jurisdiction of any particular state or district of the United States, but within the extraterritorial jurisdiction of the United States and, pursuant to Title 18, United States Code, Section 3238, within the venue of the United States District Court for the District of Columbia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. §§ 2332a(a)(1) and 2

- Conspiring to Use and Using a Weapon of Mass Destruction Against a United States National Outside the United States Resulting in Death and Aiding and Abetting and Causing an Act to be Done.

This criminal complaint is based on these facts:

See attached Affidavit in Support of a Criminal Complaint and Arrest Warrant

Continued on the attached sheet.


Complainant's signature

Special Agent Laura S. Walter
Printed name and title

Sworn to before me and signed in my presence.

Date: July 15, 2013


Judge's signature

City and state: Washington, D.C.

Magistrate Judge Deborah A. Robinson
Printed name and title

AFFIDAVIT IN SUPPORT

CRIMINAL COMPLAINT AND ARREST WARRANT

This affidavit is submitted by the affiant, Special Agent Laura S. Walter, in support of a criminal complaint and an application for an arrest warrant relating to:

AHLAM AREF AHMAD AL-TAMIMI, also known as Khalti, also known as Halati (hereinafter, "TAMIMI"), a Jordanian national currently residing in Jordan.

I respectfully submit that there is probable cause to believe that the above identified individual has committed the following criminal offense in violation of United States law:

Conspiring to Use and Using a Weapon of Mass Destruction Against a United States National Outside the United States Resulting in Death and Aiding and Abetting and Causing an Act to be Done, in violation of 18 U.S.C. §§ 2332a(a)(1) and 2.

AFFIANT'S BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and have been so employed since June 1, 2003. I have been working international investigations at the Washington Field Office since January 2008.
2. As a Special Agent, I have participated in over 50 international investigations involving violations of U.S. criminal and terrorism laws. I have employed investigative tools in furtherance of these investigations, and worked with numerous other agencies, both foreign and domestic. I have also received specialized training in international counterterrorism investigations.
3. I have personally participated in this investigation and have witnessed many of the facts and circumstances described herein. I have also received information from other federal and foreign law enforcement officials relating to this investigation. The statements contained in this affidavit are based on my own observations, witness interviews, document reviews and reliable information provided to me by other federal and foreign law enforcement officials. Because this affidavit is submitted for the purpose of seeking the issuance of a criminal complaint and arrest warrant, it does not include every fact known to me concerning the investigation.

FACTS SUPPORTING PROBABLE CAUSE

Background

4. In June 2001, TAMIMI was a Jordanian national residing in Ramallah, West Bank. She attended school at Bir Zeit University while working as a journalist for Istiklal Television.
5. The Izz al-Din al-Qassam Brigades is the military wing of Hamas, a designated foreign terrorist organization whose goals include the replacement of the State of Israel and the Palestinian Territories with an Islamic Palestinian state.

6. In or about June 2001, TAMIMI met with Conspirator A, and Conspirator A invited TAMIMI to join, and carry out terrorist attacks on behalf of, the Izz al-Din al-Qassam Brigades. TAMIMI agreed to join the Izz al-Din al-Qassam Brigades and expressed her willingness to carry out terrorist attacks on its behalf.

Attacks on Behalf of Izz al-Din al-Qassam Brigades

7. In or about July 2001, Conspirator A contacted TAMIMI and asked her to detonate an explosive device, concealed in a beer can, somewhere in Jerusalem. TAMIMI agreed to do so.
8. On or about July 27, 2001, TAMIMI travelled to Jaffa Street in downtown Jerusalem to scout a location for detonating the explosive device. When she surveilled the street in person, she decided it would be a good location to carry out an attack because it was centrally located and had a high volume of Jewish pedestrians. Ultimately, TAMIMI picked a Super Co-op supermarket on King George Street, near its intersection with Jaffa Street, for the attack because she believed that placing the beer can explosive device on a shelf in the supermarket would not cause suspicion.
9. On or about July 30, 2001, Conspirator A delivered an explosive device concealed in a beer can to TAMIMI. TAMIMI travelled to Jerusalem and, at approximately 11:15 a.m., placed the beer can containing the explosive device on a shelf at the Super Co-op supermarket located on King George Street in Jerusalem.
10. On or about July 30, 2001, the explosive device placed by TAMIMI detonated, causing substantial property damage to the Super Co-op, but no human casualties.
11. In or about late July or early August 2001, TAMIMI offered her assistance to Conspirator A in carrying out a suicide bombing operation in Jerusalem. Conspirator A instructed TAMIMI to assist the suicide bomber in transporting an explosive device into Jerusalem, and to aid him in finding an appropriate target for the suicide bombing. TAMIMI agreed to do so.
12. During this conversation, Conspirator A indicated to TAMIMI Conspirator A's intent to conceal the explosive device within an Oud, which is a traditional Arab musical instrument. TAMIMI refused to assist in the attack if the explosive device was to be concealed in an Oud, explaining that because an Oud was an Arab musical instrument, it might raise suspicion among the Israelis. TAMIMI suggested that the explosive device instead be concealed inside a Western guitar. Conspirator A agreed.
13. On or about August 9, 2001, at approximately 12:00 noon, Conspirator A called TAMIMI and requested that she come to Ramallah to carry out the planned attack. In Ramallah, she met the suicide bomber, Conspirator B, who was in possession of the

explosive device, which was concealed within a guitar. TAMIMI and Conspirator B travelled together via taxi to Jerusalem.

14. On or about August 9, 2001, TAMIMI led Conspirator B, who was carrying the explosive device in a guitar case on his back, to the intersection of King George Street and Jaffa Street in downtown Jerusalem, a crowded area with substantial pedestrian traffic. TAMIMI instructed Conspirator B to detonate the explosive device somewhere in the area, and indicated to Conspirator B that he could also choose another location on King George Street if the opportunity arose to cause more casualties. TAMIMI then left Conspirator B and returned to Ramallah.
15. On or about August 9, 2001, at approximately 1:55 p.m., Conspirator B entered the Sbarro pizza restaurant on Jaffa Road, near the intersection of Jaffa Road and King George Street. Conspirator B detonated the explosive device, killing himself along with 15 civilians, including seven children and two United States nationals, Judith Lillian Greenbaum and 15-year-old M.R. It left at least 122 injured, including four United States nationals : David Danzig, Matthew Gordon, Joanne Nachenberg, and two-year-old S.N.

Evidence of Tamimi's Involvement

16. TAMIMI was detained by Israeli law enforcement in September 2001, and made several statements in which she implicated herself and described her role in the attacks consistent with factual statements above. Physical and forensic evidence recovered at the scene of the Sbarro bombing by Israeli law enforcement corroborates TAMIMI's account that a suicide bomber detonated an explosive device inside the Sbarro, and that the device was concealed inside of a guitar. On or about June 22, 2003, TAMIMI pled guilty in an Israeli court to an indictment charging her with multiple counts of murder arising from the Sbarro bombing. At her sentencing hearing on or about October 23, 2003, at which she was represented by counsel, TAMIMI gave a statement in which she admitted her involvement in the bombing, expressed satisfaction at its results, and expressed no remorse for those who were killed or injured. The Israeli court sentenced her to 16 life terms. She served only eight years of her sentence, during which she gave several voluntary interviews to various media outlets describing her role in the Sbarro bombing and, again, expressed satisfaction at the results. On or about October 28, 2011, she was released as part of a prisoner exchange between Israel and Hamas and returned to Jordan. Upon her return, she again made statements to the media describing her role in the attack.


Statutory Provisions

17. Title 18, United States Code, Section 2332a(a)(1) makes it unlawful for a person without lawful authority to use, threaten, attempt, or conspire to use a weapon of mass destruction against a national of the United States while such national is outside the United States. Title 18, United States Code, Section 2332a(c)(2), defines a “weapon of mass destruction” to include any “destructive device,” as defined in 18 U.S.C. § 921. Title 18, United States Code, Section 921(a)(4) defines “destructive device” to include “any explosive, incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses.” In addition, a “destructive device” includes “any combination of parts either designed or intended for use in converting any device into a destructive device . . . and from which a destructive device may be readily assembled.”
18. Based on my education, experience, and information I obtained from U.S. and foreign law enforcement officials and other experts involved in this investigation, I submit that the explosive device used in the Sbarro attack on August 9, 2001, meets the definition for a destructive device under 18 U.S.C. § 921(a)(4). As such, the explosive device also meets the statutory definition for a “weapon of mass destruction” under 18 U.S.C. § 2332a(c)(2).

CONCLUSION

Based on the facts set forth herein, and on my experience and training in investigating cases involving violations of federal law, and on the information provided by other experienced agents with whom I have consulted, I submit that there is probable cause to believe that **AHLAM AREF AHMAD AL-TAMIMI, also known as Khalti, also known as Halati**, has committed the following offenses: Conspiring to Use and Using a Weapon of Mass Destruction Against a National of the United States Outside the United States Resulting in Death and Aiding and Abetting and Causing an Act to be Done, in violation of 18 U.S.C. §§ 2332a(a)(1) and 2.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Laura S. Walter
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

JUL 15 2013

Sworn to and subscribed before me on this _____ day of July 2013.



UNITED STATES MAGISTRATE JUDGE
DISTRICT OF COLUMBIA