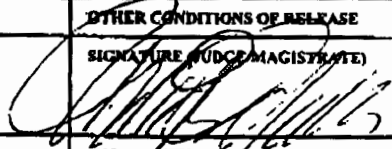


CR 12 (Rev. 3/82)

## WARRANT FOR ARREST

<b>United States District Court</b>		DISTRICT <b>SOUTHERN DISTRICT OF NEW YORK</b>	
<b>UNITED STATES OF AMERICA</b> v. <b>JOSE PADILLA,</b> a/k/a "Abdullah Al Muhajir"		DOCKET NO. <b>02 Misc.</b>	MAG.'S CASE NO. <b>02 Mag.</b>
WARRANT ISSUED ON THE BASIS OF: <input type="checkbox"/> Order of Court <input type="checkbox"/> Indictment <input type="checkbox"/> Information <input checked="" type="checkbox"/> Complaint		NAME AND ADDRESS OF INDIVIDUAL TO BE ARRESTED  <b>JOSE PADILLA,</b> a/k/a "Abdullah Al Muhajir"	
TO: <b>UNITED STATES MARSHAL OR ANY OTHER AUTHORIZED OFFICER</b>		DISTRICT OF ARREST	
		CITY	
<b>YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the nearest available magistrate to answer to the charge(s) listed below.</b>			
<b>DESCRIPTION OF CHARGES (Being Investigated)</b>			
1. Conspiracy to kill U.S. Nationals (18 U.S.C. § 2332(b)); 2. Bombing and bombing conspiracy (18 U.S.C. § 844); and 3. Conspiracy to Use Weapons Of Mass Destruction (18 U.S.C. § 2332a)			
IN VIOLATION OF	UNITED STATES CODE TITLE 18	SECTION 3144 (Material Witness)	
BAIL FIXED BY COURT	OTHER CONDITIONS OF RELEASE		
ORDERED BY <b>HON. MICHAEL B. MUKASEY</b>	SIGNATURE (JUDGE/MAGISTRATE) 	DATE <b>5/8/02</b>	
CLERK OF COURT <b>JAMES M. PARKISON</b>	(BY) DEPUTY CLERK	DATE ISSUED	
<b>RETURN</b>			
This warrant was received and executed with the arrest of the above-named person.			
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER		SIGNATURE OF ARRESTING OFFICER
DATE EXECUTED			

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
IN RE THE APPLICATION OF THE  
:  
UNITED STATES FOR A MATERIAL  
:  
WITNESS WARRANT, PURSUANT TO  
:  
18 U.S.C. § 3144, FOR  
:  
JOSE PADILLA,  
:  
a/k/a "Abdullah Al Muhajir"  
:  
-----X

SEALED AFFIDAVIT

02 Misc. —

COUNTY OF NEW YORK )  
STATE OF NEW YORK ) ss.:  
SOUTHERN DISTRICT OF NEW YORK )

JOE ENNIS, being duly sworn, deposes and says:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed for approximately three years. I am a member of the Joint Terrorist Task Force (JTTF), which is a task force comprised of members of the FBI and the New York City Police Department (NYPD). I make this affirmation in support of the Government's application for a material witness warrant, pursuant to Title 18, United States Code, Section 3144, for JOSE PADILLA, a/k/a "Abdullah Al Muhajir" (hereinafter PADILLA or "the Witness"). This application seeks PADILLA's detention so that he may be produced for testimony before a grand jury in the Southern District of New York.

### Background

2. Grand juries in the Southern District of New York have been investigating plans and conspiracies by members and associates of Al Qaeda who have conducted terrorist attacks against the United States and U.S. interests, including the 1998 bombings of the U.S. embassies in Nairobi, Kenya and Dar es Salaam, Tanzania; the October 2000 attack in Yemen of the U.S.S. Cole; and, the September 11<sup>th</sup> terrorist attacks on World Trade Center in New York and the Pentagon in Virginia. In addition, the Grand Jury is investigating plans or conspiracies to conduct similar attacks in the future, including any plans by Al Qaeda for bombings and/or other terrorist attacks in the United States and/or against U.S. interests abroad.

### Materiality of Testimony

3. For the reasons set forth in the paragraphs that follow, I believe that the testimony of JOSE PADILLA, a/k/a "Abdullah Al Muhajir" ("PADILLA") will be material to the grand jury's investigations, described above. The information in the following paragraphs is based upon my participation in the investigation, my conversations with other law enforcement officers, and my review of documents and reports prepared by other law enforcement officers. Where statements are reported, they are reported in substance and in part.

Information Provided By CS-1

4. On or about April 22<sup>nd</sup> and 23<sup>rd</sup>, 2002, a Confidential Source ("CS-1") provided information to law enforcement officers and others while CS-1 was being detained in a foreign country.<sup>1</sup> I have reviewed a number of reports prepared based on those interviews, and have spoken with other law enforcement officers regarding those interviews. Based on my review of the reports of those interviews and on my conversations with other law enforcement officers, I learned that CS-1 provided the following information, in substance and in part, during those interviews:

a. CS-1 provided information concerning two individuals, one of whom he initially referred to as a "South American." CS-1 later identified the "South American" as "Abdullah Al Muhajir" and provided a name for the other individual (who will hereinafter be referred to as "SUBJECT-1"). On or about April 23<sup>rd</sup>,

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<sup>1</sup> Based on information developed by the Government, CS-1 has been involved with Al Qaeda for several years, and is believed to have been involved in the terrorist activities of Al Qaeda. In addition to the specific interviews referenced above, CS-1 has been interviewed on other prior occasions. It is believed that CS-1 has not been completely candid about his association with Al Qaeda, and his own terrorist activities, during these interviews with U.S. personnel. Much of the information provided by CS-1 about other individuals during earlier interviews has, however, been corroborated and has proven accurate and reliable. Some of the information provided by CS-1 about other individuals during earlier interviews remains uncorroborated, and may be part of an effort by CS-1 to mislead or confuse U.S. law enforcement. In addition, at the time of the interviews referenced above, CS-1 was being treated with various types of medication.

CS-1 was shown two photographs. One of the photographs was taken from the U.S. passport of JOSE PADILLA, which was recovered from PADILLA's person, and was identified by CS-1 as the individual he knew as "Abdullah Al Muhajir." The other photograph was taken from a fake passport recovered from SUBJECT-1 and was identified by CS-1 as the individual he had previously named and described as the second individual in the company of the "South American."

b. CS-1 further stated that PADILLA and SUBJECT-1 had previously approached CS-1 and asked for his opinion on their plan to build an explosive device which would combine "uranium" or other nuclear or radioactive material with an "ordinary" explosive device (hereinafter referred to as a "dirty bomb"), and detonate the dirty bomb in the United States. CS-1 stated that he told PADILLA and SUBJECT-1 that he did not think that the plan would work, but SUBJECT-1 indicated to CS-1 that he did think that the plan would work. CS-1 stated that he did not believe that PADILLA and SUBJECT-1 were members of Al Qaeda.

c. CS-1 further stated that he believed that the plan articulated by PADILLA and SUBJECT-1 was still in the idea phase of the plan, and that PADILLA and SUBJECT-1 did not discuss any specific time at which they hoped to execute the plan. CS-1 further stated that PADILLA and SUBJECT-1 did not yet have any radioactive material, but that the two men mentioned trying to steal radioactive material from an unnamed university because

security would be less stringent at a university. CS-1 further stated that PADILLA and SUBJECT-1 had consulted an unidentified website on the procedure for assembling a dirty bomb.

d. CS-1 further stated that he was not aware of any associates of PADILLA and SUBJECT-1 in the United States, but stated that PADILLA seemed very familiar with the Washington, D.C. area.

e. CS-1 further stated that PADILLA and SUBJECT-1 asked CS-1 to put them in contact with another individual known to CS-1 as a member of Al Qaeda (hereinafter referred to as "SUBJECT-2"). CS-1 expressed his opinion to PADILLA and SUBJECT-1 that SUBJECT-2 would be interested in working with them because: (1) they are not Arab, and would therefore draw less attention, (2) they have passports which would not draw attention and would allow them to travel freely, and (3) they are willing to do work.

f. CS-1 further stated that SUBJECT-1 was willing to become a martyr, but that PADILLA was not.

Information Provided By SUBJECT-1

5. In or about early April 2002, SUBJECT-1 was also interviewed in connection with this investigation. SUBJECT-1 had been previously detained in Pakistan by the Pakistani authorities, while trying to board a flight, on suspicions that his non-U.S. passport was fraudulent (which it was). I have reviewed reports prepared based on this interview, and have spoken with other law

enforcement officers regarding this interview. Based on my review of the reports of this interview and on my conversations with other law enforcement officers, I learned that SUBJECT-1 provided the following information, in substance and in part, during this interview:

a. SUBJECT-1 stated that he went to Pakistan in November 2001 for training in Afghanistan.

b. SUBJECT-1 further stated that he and PADILLA met with CS-1 in Afghanistan in 2001 and traveled to Pakistan at the behest of CS-1 to receive training in "wiring explosives."

c. SUBJECT-1 further stated that while in Pakistan he and PADILLA researched the construction of a uranium-enhanced explosive device, which would be detonated within the United States. SUBJECT-1 further stated that he and PADILLA discussed this plan with CS-1, and that CS-1 referred them to other members of Al Qaeda for further discussion of this operation.

d. SUBJECT-1 further stated that the Al Qaeda officials held at least two separate meetings with PADILLA, but that SUBJECT-1 was not a party to those conversations. SUBJECT-1 stated that, although he was not a party to those conversations, he nevertheless believed that during those conversations the Al Qaeda officials directed PADILLA to return to the United States to

conduct reconnaissance on behalf of Al Qaeda within the United States.<sup>2</sup>

Need for Material Witness Warrant and Detention

6. For the following reasons, it has become impracticable to secure the presence of PADILLA by subpoena:

a. PADILLA is currently on a flight from Pakistan to Chicago, and is being surveilled during that flight by several law enforcement officers. That flight is scheduled to land in Chicago at approximately 2:00 p.m. today EST.

b. Although PADILLA is a U.S. Citizen, he has in the past demonstrated his willingness to travel extensively throughout the world, including but not limited to Pakistan and Afghanistan. Moreover, there is considerable incentive for PADILLA to flee, if he is not detained, once he learns that he has been implicated in the plot to detonate a dirty bomb by CS-1 and SUBJECT-1. Thus, there is no assurance that he would appear before the grand jury as directed.

c. Based on the facts set forth above, it appears that PADILLA may have information relevant to the grand jury's investigation.

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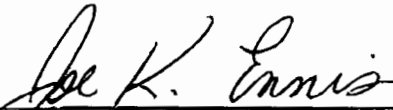
<sup>2</sup> In a separate interview, SUBJECT-1's wife told law enforcement authorities that SUBJECT-1 would often become emotional and cry when he discussed his willingness to die for his God.

7. I believe, based on the facts set forth above, that there is no condition or combination of conditions that would reasonably assure the appearance of PADILLA. Even assuming that there are conditions that might assure his appearance, however, I respectfully submit that the Court should detain PADILLA a reasonable period of time, to wit, until seven days after his initial appearance in New York on the material witness warrant. The limited detention is permissible under Section 3144, and would insure that the grand jury will receive PADILLA's testimony.

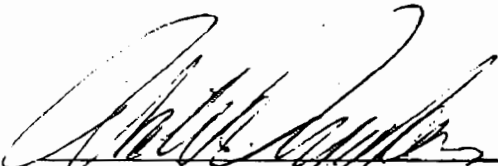
WHEREFORE your deponent prays that the Court issue a material witness warrant for JOSE PADILLA, a/k/a "Abdullah Al Muhajir", and that he be imprisoned or bailed, as the case may be.

WHEREFORE deponent also prays that the Material Witness Warrant and this Affidavit in Support of the Material Witness Warrant be placed under seal and that these documents not be

unsealed until further Order of this Court.

  
\_\_\_\_\_  
JOE ENNIS  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
8th day of May, 2002

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE