

ZA:RMT/DMP
F.#2015R00600

FILED
CLERK
2016 JAN -6 PM 1:38
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

SUPERSEDING
INDICTMENT

- against -

MUHANAD MAHMOUD AL FAREKH,
also known as “Abdullah al-Shami,”
“Abdallah al-Shami” and
“Saif al-Shami,”

Cr. No. 15-268 (S-1) (BMC)
(T. 18, U.S.C., §§ 844(f)(1), 844(f)(2),
2332(b)(2), 2332a(a)(1), 2332a(a)(3),
2332a(b), 2332f(a)(2), 2332f(b)(2),
2332f(c), 2339A(a), 2339B(a)(1), 2339B(d),
2 and 3551 et seq.)

Defendant.

-----X

THE GRAND JURY CHARGES:

COUNT ONE
(Use of Explosives)

1. On or about January 19, 2009, within the extraterritorial jurisdiction of the United States, the defendant MUHANAD MAHMOUD AL FAREKH, also known as “Abdullah al-Shami,” “Abdallah al-Shami” and “Saif al-Shami,” together with others, did knowingly, intentionally and maliciously damage and destroy, and attempt to damage and destroy, by means of fire and explosives, buildings, vehicles and other personal and real property in whole and in part owned and possessed by, and leased to, the United States, to wit: a United States military base in Afghanistan, causing personal injury and creating a substantial risk of injury.

(Title 18, United States Code, Sections 844(f)(1), (f)(2), 2 and 3551 et seq.)

COUNT TWO
(Conspiracy to Murder United States Nationals)

2. In or about January 2009, within the extraterritorial jurisdiction of the United States, the defendant MUHANAD MAHMOUD AL FAREKH, also known as “Abdullah al-Shami,” “Abdallah al-Shami” and “Saif al-Shami,” together with others, while outside the United States, did knowingly, intentionally and with malice aforethought conspire to kill one or more nationals of the United States, which would have constituted murder as defined in Title 18, United States Code, Section 1111(a).

3. In furtherance of this conspiracy, and to effect its objects, the defendant MUHANAD MAHMOUD AL FAREKH, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

a. In or about January 2009, the defendant MUHANAD MAHMOUD AL FAREKH assisted in the preparation of a vehicle-borne improvised explosive device for use in an attack on a United States military base in Afghanistan.

b. On or about January 19, 2009, a co-conspirator detonated a vehicle-borne improvised explosive device during an attack on a United States military base in Afghanistan.

c. On or about January 19, 2009, a second co-conspirator drove a truck containing a second vehicle-borne improvised explosive device to a United States military base in Afghanistan but did not detonate that explosive device.

(Title 18, United States Code, Sections 2332(b)(2) and 3551 et seq.)

COUNT THREE

(Conspiracy to Use a Weapon of Mass Destruction)

4. In or about January 2009, within the extraterritorial jurisdiction of the United States, the defendant MUHANAD MAHMOUD AL FAREKH, also known as “Abdullah al-Shami,” “Abdallah al-Shami” and “Saif al-Shami,” without lawful authority, did knowingly and intentionally conspire to use a weapon of mass destruction, to wit: an explosive device, against (a) one or more nationals of the United States, to wit: United States military personnel in Afghanistan, and (b) property that is owned, leased and used by the United States, to wit: a United States military base in Afghanistan.

(Title 18, United States Code, Sections 2332a(a)(1), (a)(3) and 3551 et seq.)

COUNT FOUR

(Conspiracy to Use a Weapon of Mass Destruction by a U.S. National)

5. In or about January 2009, within the extraterritorial jurisdiction of the United States, the defendant MUHANAD MAHMOUD AL FAREKH, also known as “Abdullah al-Shami,” “Abdallah al-Shami” and “Saif al-Shami,” a national of the United States, without lawful authority, did knowingly and intentionally conspire to use a weapon of mass destruction, to wit: an explosive device, outside the United States, to wit: in an attack on a United States military base in Afghanistan.

(Title 18, United States Code, Sections 2332a(b) and 3551 et seq.)

COUNT FIVE

(Conspiracy to Bomb a Government Facility)

6. In or about January 2009, within the extraterritorial jurisdiction of the United States, the defendant MUHANAD MAHMOUD AL FAREKH, also known as “Abdullah al-Shami,” “Abdallah al-Shami” and “Saif al-Shami,” together with others, did

knowingly and intentionally conspire to unlawfully deliver, place, discharge and detonate one or more explosives and other lethal devices in, into and against one or more government facilities, to wit: a U.S. military base in Afghanistan, with the intent to cause death, serious bodily injury and extensive destruction of such facilities, where such destruction was likely to result in major economic loss, contrary to Title 18, United States Code, Section 2332f(a)(1).

(Title 18, United States Code, Sections 2332f(a)(2), 2332f(b)(2), 2332f(c) and 3551 et seq.)

COUNT SIX

(Conspiracy to Provide Material Support to Terrorists)

7. In or about and between December 2006 and September 2009, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant MUHANAD MAHMOUD AL FAREKH, also known as “Abdullah al-Shami,” “Abdallah al-Shami” and “Saif al-Shami,” together with others, did knowingly and intentionally conspire to provide material support and resources, as defined in Title 18, United States Code, Section 2339A(b), including personnel, including himself and others, knowing and intending that they were to be used in preparation for, and in carrying out, one or more of the following violations of Title 18, United States Code: (a) killing and attempting to kill officers and employees of the United States and of any agency in any branch of the United States Government, to wit: United States military personnel, while such officers and employees were engaged in or on account of the performance of official duties, in violation of Title 18, United States Code, Section 1114; (b) killing a national of the United States, to wit: United States military personnel stationed outside the United States, in violation of Title 18, United States Code Section 2332(a); and (c) while outside the United States, attempting and

conspiring to kill a national of the United States, to wit: United States military personnel, in violation of Title 18, United States Code, Section 2332(b).

(Title 18, United States Code, Sections 2339A(a) and 3551 et seq.)

COUNT SEVEN

(Provision and Attempted Provision of Material Support to Terrorists)

8. In or about and between December 2006 and September 2009, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant MUHANAD MAHMOUD AL FAREKH, also known as “Abdullah al-Shami,” “Abdallah al-Shami” and “Saif al-Shami,” together with others, did knowingly and intentionally provide and attempt to provide material support and resources, as defined in Title 18, United States Code, Section 2339A(b), including personnel, including himself and others, knowing and intending that they were to be used in preparation for, and in carrying out, one or more of the following violations of Title 18, United States Code: (a) killing and attempting to kill officers and employees of the United States and of any agency in any branch of the United States Government, to wit: United States military personnel, while such officers and employees were engaged in or on account of the performance of official duties, in violation of Title 18, United States Code, Section 1114; (b) killing a national of the United States, to wit: United States military personnel stationed outside the United States, in violation of Title 18, United States Code Section 2332(a); and (c) while outside the United States, attempting and conspiring to kill a national of the United States, to wit: United States military personnel, in violation of Title 18, United States Code, Section 2332(b).

(Title 18, United States Code, Sections 2339A(a), 2 and 3551 et seq.)

COUNT EIGHT

(Conspiracy to Provide Material Support to a Foreign Terrorist Organization)

9. In or about and between December 2006 and September 2009, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant MUHANAD MAHMOUD AL FAREKH, also known as “Abdullah al-Shami,” “Abdallah al-Shami” and “Saif al-Shami,” together with others, did knowingly and intentionally conspire to provide material support and resources, as defined in Title 18, United States Code, Section 2339A(b), including personnel, including himself and others, to a foreign terrorist organization, to wit: al-Qaeda.

(Title 18, United States Code, Section 2339B(a)(1), 2339B(d) and 3551 et seq.)

COUNT NINE

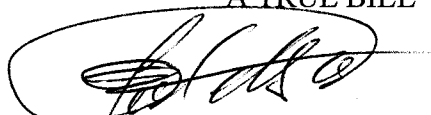
(Provision and Attempted Provision of Material Support to a Foreign Terrorist Organization)

10. In or about and between December 2006 and September 2009, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant MUHANAD MAHMOUD AL FAREKH, also known as “Abdullah al-Shami,” “Abdallah al-Shami” and “Saif al-Shami,” together with others, did knowingly and intentionally provide and attempt to provide material support and resources, as defined in Title

18, United States Code, Section 2339A(b), including personnel, including himself and others, to a foreign terrorist organization, to wit: al-Qaeda.

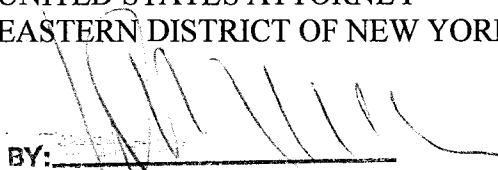
(Title 18, United States Code, Section 2339B(a)(1), 2339B(d), 2 and 3551 et seq.)

A TRUE BILL



FOREPERSON

ROBERT L. CAPERS
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK



BY: _____
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. 0.136

No.

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

MUHANAD MAHMOUD AL FAREKH,

Defendant.

SUPERSEDING INDICTMENT

T. 18, U.S.C., §§ 844(f)(1), 844(f)(2), 2332(b)(2), 2332a(a)(1),
2332a(a)(3), 2332a(b), 2332f(a)(2), 2332f(b)(2), 2332f(c), 2339A(a),
2339B(a)(1), 2339B(d), 2 and 3551 et seq.

A true bill.



Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Zainab Ahmad, Richard M. Tucker and Douglas M. Prayda,
Assistant U.S. Attorneys (718) 254-7000