

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 07 2013

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UNITED STATES OF AMERICA :

- v. - :

SULAIMAN ABU GHAYTH, :  
a/k/a "Suleiman Abu Gayth," :

Defendant. :

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INDICTMENT

S13 98 Cr. 1023 (LAK)

CERTIFIED AS A TRUE COPY ON

THIS DATE 3-24-13

BY Molere  
( ) Clerk  
( ) Deputy

COUNT ONE

CONSPIRACY TO KILL UNITED STATES NATIONALS

The Grand Jury charges:

Background To The Conspiracy

1. From in or about 1989, up to and including the date of the filing of this Indictment, al Qaeda has been an international terrorist group that is dedicated to opposing non-Islamic governments with force and violence. Usama Bin Laden ("Bin Laden") was the leader or "emir" of al Qaeda until his death on or about May 2, 2011. Members of al Qaeda typically have pledged an oath of allegiance (called a "bayat") to Bin Laden and al Qaeda.

2. The core purpose of al Qaeda, as stated by Bin Laden and other leaders, is to support violent attacks against property and nationals, both military and civilian, of the United States and other countries. Between 1989 and 2001, al Qaeda established training camps, guest houses, and business operations

in Afghanistan, Pakistan, and other countries for the purpose of training and supporting its agenda of violence and murder. Members and associates of al Qaeda, both known and unknown, have executed a number of terrorist attacks, all in furtherance of the organization's stated conspiracy to kill Americans, including the attacks on the United States on September 11, 2001 in New York, Virginia, and Pennsylvania, which killed approximately 2,976 people.

3. From at least in or about May 2001, up to and including in or about 2002, SULAIMAN ABU GHAYTH, a/k/a "Suleiman Abu Gayth," the defendant, served al Qaeda. Among other things, ABU GHAYTH urged others to swear allegiance to Bin Laden, spoke on behalf of and in support of al Qaeda's mission, and warned that attacks similar to those of September 11, 2001 would continue. During 2002, ABU GHAYTH, arranged to be, and was, smuggled successfully from Afghanistan into Iran.

#### Statutory Allegations

4. From at least in or about May 2001, up to and including in or about 2002, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, SULAIMAN ABU GHAYTH, a/k/a "Suleiman Abu Gayth," the defendant, who has been first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly combined,

conspired, confederated, and agreed to kill nationals of the United States.

5. It was a part and object of the conspiracy that SULAIMAN ABU GHAYTH, a/k/a "Suleiman Abu Gayth," the defendant, and others known and unknown, would and did murder United States nationals anywhere in the world.

Overt Acts

6. In furtherance of the conspiracy and to effect the illegal object thereof, SULAIMAN ABU GHAYTH, a/k/a "Suleiman Abu Gayth," the defendant, committed the following overt acts, among others:

a. In or about May 2001, ABU GHAYTH urged individuals at a guest house in Kandahar, Afghanistan, to swear an oath of allegiance to Usama Bin Laden.

b. Prior to September 11, 2001, in Afghanistan, ABU GHAYTH told Bin Laden that he (ABU GHAYTH) would assist Bin Laden.

c. On the evening of September 11, 2001, in Afghanistan, Bin Laden summoned ABU GHAYTH and requested ABU GHAYTH's assistance.

d. On the morning of September 12, 2001, ABU GHAYTH, appearing with, among others, Bin Laden and Bin Laden's then-deputy, Ayman al-Zawahiri, spoke on behalf of al Qaeda and warned the United States and its allies that "[a] great army is

gathering against you" and called upon "the nation of Islam" to do battle against "the Jews, the Christians and the Americans."

e. After the September 11, 2001 terrorist attacks, ABU GHAYTH gave a speech in which he addressed the U.S. Secretary of State and warned that "the storms shall not stop, especially the Airplanes Storm," and advised Muslims, children, and opponents of the United States "not to board any aircraft and not to live in high rises."

(Title 18, United States Code, Sections 2332(b) and 3238.)

#### FORFEITURE ALLEGATION

7. The allegations contained in Count One of this Indictment are hereby re-alleged and incorporated by reference for the purpose of this forfeiture allegation, pursuant to Title 18, United States Code, Section 981(a)(1)(G), and Title 28, United States Code, Section 2461(c).

8. The violation of Title 18, United States Code, Section 2332(b) alleged in Count One of this Indictment was a federal crime of terrorism, as defined in Title 18, United States Code, Section 2332b(g)(5), against the United States, citizens and residents of the United States, and their property.

9. SULAIMAN ABU GHAYTH, a/k/a "Suleiman Abu Gayth," the defendant, was an individual engaged in planning and perpetrating a federal crime of terrorism against the United

States, citizens and residents of the United States, and their property.

10. Upon conviction of the offense in violation of Title 18, United States Code, Section 2332(b) alleged in Count One of this Indictment, SULAIMAN ABU GHAYTH, a/k/a "Suleiman Abu Gayth," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G)(i), and Title 28, United States Code, Section 2461(c), all right, title, and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a federal crime of terrorism against the United States, citizens and residents of the United States, and their property.

11. Upon conviction of the offense in violation of Title 18, United States Code, Section 2332(b) alleged in Count One of this Indictment, SULAIMAN ABU GHAYTH, a/k/a "Suleiman Abu Gayth," the defendant, shall pay to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G), and Title 28, United States Code, Section 2461(c), a money judgment equal

to the value of the assets subject to forfeiture under paragraphs 7 through 10 above.

(Title 18, United States Code, Section 981(a)(1)(G), and Title 28, United States Code, Section 2461(c).)

  
FOREPERSON

  
PREET BHARARA (MF)  
United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

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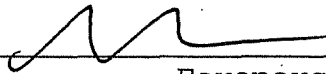
(18 U.S.C. §§ 2332(b) & 3238)

PREET BHARARA

United States Attorney

A TRUE BILL

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Foreperson

RC  
3/1/13

Indictment filed, arrest warrants  
issued.

F. Mass, USMJ