

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- v. -

WESAM EL-HANAFI,
a/k/a "Khaled,"

Defendant.

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:

INFORMATION

S7 10 Cr. 162 (KMW)

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COUNT ONE

The United States Attorney charges:

1. From at least in or about 2007 up to and including in or about March 2010, in the Southern District of New York and elsewhere, in an offense occurring in part in the United States and an offense in and affecting interstate and foreign commerce, WESAM EL-HANAFI, a/k/a "Khaled," the defendant, a United States citizen, and others known and unknown, unlawfully, willfully, and knowingly did provide and attempt to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b)(1), to include tangible and intangible property, services, currency, monetary instruments, expert advice and assistance in computer matters, and personnel, among other things, to a foreign terrorist organization, to wit, al Qaeda, which has been designated by the United States Secretary of State as a foreign terrorist organization on October 8, 1999; October 5, 2001; October 2, 2003; and April 28, 2006; and is currently designated as such, as of the date of filing of this Information,

in that EL-HANAFI provided financial support, equipment, and technical advice to al Qaeda associates in Yemen and elsewhere, knowing that al Qaeda was designated a terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that al Qaeda had engaged and was engaging in terrorist activity (as defined in Section 212(a)(3)(B) of the Immigration and Nationality Act), and that al Qaeda had engaged and was engaging in terrorism (as defined in Section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

(Title 18, United States Code, Sections 2339B(a)(1), (d)(1)(A), (d)(1)(D), (d)(1)(E), and 2.)

COUNT TWO

The United States Attorney further charges:

2. From at least in or about 2007 up to and including in or about March 2010, in the Southern District of New York and elsewhere, in an offense occurring in part in the United States and an offense in and affecting interstate and foreign commerce, WESAM EL-HANAFI, a/k/a "Khaled," the defendant, a United States citizen, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate and agree to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), to a foreign terrorist organization, to wit, al Qaeda, which has been designated by the United States Secretary of State as a foreign terrorist organization on October 8, 1999; October 5, 2001; October 2,

2003; and April 28, 2006; and is currently designated as such, as of the date of filing of this Information.

3. It was a part and an object of the conspiracy that WESAM EL-HANAFI, a/k/a "Khaled," the defendant, would and did agree to provide al Qaeda with "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b)(1), to include tangible and intangible property, services, currency, monetary instruments, expert advice and assistance in computer matters, and personnel, among other things, knowing that al Qaeda had engaged and was engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and that al Qaeda had engaged and was engaging in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. In or about July 2009, WESAM EL-HANAFI, the defendant, a United States citizen, participated in a

conversation with two co-conspirators, during which they discussed seeking out additional contacts within al Qaeda.

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATIONS

5 The allegations contained in Counts One and Two of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(G), and Title 28, United States Code, Section 2461(c).

6. The violation of Title 18, United States Code, Sections 2339B and 371, alleged in Counts One and Two of this Information, were Federal crimes 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.

7. WESAM EL-HANAFI, a/k/a "Khaled," the defendant, was an individual engaged in planning and perpetrating 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.

8. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 2339B and 371, alleged in Counts One and Two of this Information, WESAM EL-HANAFI, a/k/a "Khaled," the defendant, shall forfeit to the United States,

pursuant to Title 18, United States Code, Sections 981(a)(1)(G) and 2332b(g)(5), and Title 28, United States Code, Section 2461:

- a. all right, title, and interest in all assets, foreign and domestic, affording a source of influence over al Qaeda;
- b. all right, title and interest in all assets, foreign and domestic, acquired and maintained with the intent and for the purpose of supporting, planning, conducting, and concealing a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property; and
- 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;

including, but not limited to, a sum of money representing the value of the property described above as being subject to forfeiture.

9. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 2339B and 371, alleged in Counts One and Two of this Information, WESAM EL-HANAFI, a/k/a "Khaled," 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 5 through 8 above.

10. If any of the forfeitable property, as a result of any act or omission of WESAM EL-HANAFI, a/k/a "Khaled," the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981(a)(1)(C), 981(a)(1)(G), and 2332b(g)(5), and Title 28, United States Code, Section 2461(c).)



PREET BHARARA
United States Attorney

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(Title 18, United States Code,
Sections 2, 371, 2339B.)

PREET BHARARA
United States Attorney
