JAJ:ZA
F.#2010R02201

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - - - - - - - - - - - - -X

UNITED STATES OF AMERICA

- against -

FARUQ KHALIL MUHAMMAD 'ISA, also known as "Faruk Khalil Muhammad 'Isa," "Sayfildin Tahir Sharif" and "Tahir Sharif Sayfildin,"

Defendant.

- - - - - - - - - - - - - - - - -X

I N D I C T M E N T

Cr. No. 11-819 (RRM)
(T. 18, U.S.C., §§ 2332(a), 2332(b)(1), 2339A(a), 2 and 3551 et seq.)

THE GRAND JURY CHARGES:

COUNT ONE
(Conspiracy To Murder United States Nationals)

1. In or about and between January 2008 and January 2011, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant FARUQ KHALIL MUHAMMAD 'ISA, also known as "Faruk Khalil Muhammad 'Isa," "Sayfildin Tahir Sharif" and "Tahir Sharif Sayfildin," 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, to wit: United States military personnel stationed outside the United States, which killings would have constituted murder as defined in Title 18, United States Code, Section 1111(a).

2. In furtherance of the conspiracy and to effect its objects, the defendant FARUQ KHALIL MUHAMMAD 'ISA, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

a. On or about October 17, 2008, Co-Conspirator 1, an individual whose identity is known to the Grand Jury, traveled from Tunisia to Ras el-Jadir, Libya.

b. On or about October 17, 2008, Co-Conspirator 2, an individual whose identity is known to the Grand Jury, traveled from Tunisia to Ras el-Jadir, Libya.

c. On or about October 17, 2008, Co-Conspirator 3, an individual whose identity is known to the Grand Jury, traveled from Tunisia to Ras el-Jadir, Libya.

d. On or about October 17, 2008, Co-Conspirator 4, an individual whose identity is known to the Grand Jury, traveled from Tunisia to Ras el-Jadir, Libya.

e. In or about March 2009, the defendant FARUQ KHALIL MUHAMMAD 'ISA contacted Co-Conspirator 5, an individual based in Iraq whose identity is known to the Grand Jury, to seek his assistance in helping Co-Conspirators 1, 2, 3 and 4 enter Iraq.

f. In or about March 2009, Co-Conspirator 1 traveled from Al-Hasakah, Syria to Mosul, Iraq.

g. In or about March 2009, Co-Conspirator 2 traveled from Al-Hasakah, Syria to Mosul, Iraq.

h. In or about March 2009, Co-Conspirator 3 traveled from Al-Hasakah, Syria to Mosul, Iraq.

i. In or about March 2009, Co-Conspirator 4 traveled from Al-Hasakah, Syria to Mosul, Iraq.

j. On or about April 10, 2009, Co-Conspirator 2 committed a suicide attack near the fence of United States Forward Operating Base Marez in Mosul, Iraq, in which five United States soldiers were killed.

k. On or about April 11, 2009, the defendant FARUQ KHALIL MUHAMMAD 'ISA asked Co-Conspirator 6, an individual whose identity is known to the Grand Jury: "Did you hear about the huge incident yesterday? Is it known? . . . He was one of the Tunisian brothers."

l. On or about January 21, 2010, the defendant FARUQ KHALIL MUHAMMAD 'ISA instructed Co-Conspirator 6 to "tell the one in charge at work" that 'ISA was "not just one hundred but one million percent with you. He is with you on the doctrine, the loyalty and the enmity and everything one million percent." The defendant added: "Even if I can't work over there, I can work here . . . . I mean even if I can't work over there, I can get some business going here to benefit us."

m. On or about February 12, 2010, the defendant FARUQ KHALIL MUHAMMAD 'ISA told Co-Conspirator 6: "If I come over there, you know, then I want the bride with the crown, not 70 at the beginning, you understand."

n. On or about May 28, 2010, the defendant FARUQ KHALIL MUHAMMAD 'ISA instructed his sister, who was living in Iraq: "Go learn about weapons and go attack the police and Americans. Let it be that you die."

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

COUNT TWO
(Murder of Edward W. Forrest, Jr.)

3. On or about April 10, 2009, within the extraterritorial jurisdiction of the United States, the defendant FARUQ KHALIL MUHAMMAD 'ISA, also known as "Faruk Khalil Muhammad 'Isa," "Sayfildin Tahir Sharif" and "Tahir Sharif Sayfildin," together with others, did knowingly and intentionally kill a national of the United States, while such national was outside the United States, which killing was a murder as defined in Title 18, United States Code, Section 1111(a), in that the defendant, together with others, with malice aforethought, did unlawfully kill Sergeant Edward W. Forrest, Jr., willfully, deliberately, maliciously and with premeditation.

(Title 18, United States Code, Sections 2332(a)(1), 2 and 3551 et seq.)

COUNT THREE
(Murder of Bryce E. Gautier)

4. On or about April 10, 2009, within the extraterritorial jurisdiction of the United States, the defendant FARUQ KHALIL MUHAMMAD 'ISA, also known as "Faruk Khalil Muhammad 'Isa," "Sayfildin Tahir Sharif" and "Tahir Sharif Sayfildin," together with others, did knowingly and intentionally kill a national of the United States, while such national was outside the United States, which killing was a murder as defined in Title 18, United States Code, Section 1111(a), in that the defendant, together with others, with malice aforethought, did unlawfully kill Private First Class Bryce E. Gautier willfully, deliberately, maliciously and with premeditation.

(Title 18, United States Code, Sections 2332(a)(1), 2 and 3551 et seq.)

COUNT FOUR
(Murder of Bryan E. Hall)

5. On or about April 10, 2009, within the extraterritorial jurisdiction of the United States, the defendant FARUQ KHALIL MUHAMMAD 'ISA, also known as "Faruk Khalil Muhammad 'Isa," "Sayfildin Tahir Sharif" and "Tahir Sharif Sayfildin," together with others, did knowingly and intentionally kill a national of the United States, while such national was outside the United States, which killing was a murder as defined in Title 18, United States Code, Section 1111(a), in that the defendant,

together with others, with malice aforethought, did unlawfully kill Sergeant First Class Bryan E. Hall willfully, deliberately, maliciously and with premeditation.

(Title 18, United States Code, Sections 2332(a)(1), 2 and 3551 et seq.)

COUNT FIVE
(Murder of Jason G. Pautsch)

6. On or about April 10, 2009, within the extraterritorial jurisdiction of the United States, the defendant FARUQ KHALIL MUHAMMAD 'ISA, also known as "Faruk Khalil Muhammad 'Isa," "Sayfildin Tahir Sharif" and "Tahir Sharif Sayfildin," together with others, did knowingly and intentionally kill a national of the United States, while such national was outside the United States, which killing was a murder as defined in Title 18, United States Code, Section 1111(a), in that the defendant, together with others, with malice aforethought, did unlawfully kill Corporal Jason G. Pautsch willfully, deliberately, maliciously and with premeditation.

(Title 18, United States Code, Sections 2332(a)(1), 2 and 3551 et seq.)

COUNT SIX
(Murder of Gary L. Woods)

7. On or about April 10, 2009, within the extraterritorial jurisdiction of the United States, the defendant FARUQ KHALIL MUHAMMAD 'ISA, also known as "Faruk Khalil Muhammad

'Isa," "Sayfildin Tahir Sharif" and "Tahir Sharif Sayfildin," together with others, did knowingly and intentionally kill a national of the United States, while such national was outside the United States, which killing was a murder as defined in Title 18, United States Code, Section 1111(a), in that the defendant, together with others, with malice aforethought, did unlawfully kill Staff Sergeant Gary L. Woods willfully, deliberately, maliciously and with premeditation.

(Title 18, United States Code, Sections 2332(a)(1), 2 and 3551 et seq.)

COUNT SEVEN
(Providing Material Support to Terrorists)

8. In or about and between January 2008 and January 2011, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant FARUQ KHALIL MUHAMMAD 'ISA, also known as "Faruk Khalil Muhammad 'Isa," "Sayfildin Tahir Sharif" and "Tahir Sharif Sayfildin," together with others, did knowingly and intentionally provide material support and resources, as defined in Title 18, United States Code, Section 2339A(b), including currency, communications equipment and personnel, knowing and intending that they were to be used in preparation for, and in carrying out, one or more

violations of Title 18, United States Code, Section 2332, to wit: the crimes charged in Counts One through Six.

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

A TRUE BILL

Diana Badillo

FOREPERSON

LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. #2009R00381
FORM DBD-34
JUN. 85

No. *11-CR-819 (RRM)*

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

FARUQ KHALIL MUHAMMAD 'ISA, also known as "Faruk Khalil Muhammad 'Isa," "Sayfildin Tahir Sharif" and "Tahir Sharif Sayfildin"

Defendant.

SUPERSEDING INDICTMENT

(T.18, U.S.C., §§ 2332(a), 2332(b)(1), 2339A(a), 2 and 3551 et seq.)

A true bill.

Diana Badillo 12/9/2011

Foreman

Filed in open court this _____ *day,*

of _____ *A.D. 20* _____

Clerk

Bail, $ _____

Zainab Ahmad, Assistant U.S. Attorney (718) 254-6522