

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - : INDICTMENT

SULAIMAN ABU GHAYTH, : S14 98 Cr. 1023 (LAK)  
a/k/a "Salman Abu Ghayth," :  
Defendant. :

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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 "Salman Abu Ghayth," 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 was smuggled 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 "Salman Abu Ghayth," 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 "Salman Abu Ghayth," the defendant, and others known and unknown, would and did murder -- as that term is defined in Title 18, United States Code, Section 1111(a) -- 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 "Salman Abu Ghayth," 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 Bin Laden.

b. Prior to September 11, 2001, in Afghanistan, ABU GHAYTH told Bin Laden that he (ABU GHAYTH) would assist Bin Laden. Among other things, ABU GHAYTH agreed to assist Bin Laden by giving speeches and appearing in al Qaeda propaganda. ABU GHAYTH understood the objective of this propaganda to be, among other things, to be to recruit additional personnel to join al Qaeda.

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 Bin Laden and Bin Laden's then-deputy, Ayman al-Zawahiri, and senior al Qaeda leader Abu Hafs al-Masri, 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 United States 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."

f. On or about November 9, 2001, ABU GHAYTH appeared in a propaganda video with Usama Bin Laden and others in which they discuss the attacks of September 11, 2001.

g. On or after April 11, 2002, ABU GHAYTH delivered a speech in which, among other things, he praised an April 11, 2002 suicide bombing of a synagogue in Djerba, Tunisia, and said that "[w]e were also granted victory when the world saw with its very own eyes what the Mujahidin did for the

sake of God the Almighty in New York and Washington," that "we" possessed the capability "to actually implement these threats," that "the organization . . . is now observing, investigating, and monitoring new American targets . . . which we will strike at a period that is not long," that "[o]ur martyrdom units are also ready and prepared to carry out operations against American and Jewish targets inside and abroad," and that "we shall be launching terrorist attacks on America . . . at a time, place, and a method of our choosing."

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

COUNT TWO

(Conspiracy to Provide Material  
Support and Resources to Terrorists)

The Grand Jury further charges:

7. The allegations contained in paragraphs 1 through 3 and 6 are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

8. 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 "Salman Abu Ghayth," the defendant, who has been first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully and knowingly combined, conspired,

confederated and agreed together and with each other to violate Title 18, United States Code, Section 2339A.

9. It was a part and an object of the conspiracy that SULAIMAN ABU GHAYTH, a/k/a "Salman Abu Ghayth," the defendant, and others known and unknown, would and did provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b) -- to wit, personnel -- knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Title 18, United States Code, Section 2332(b) (conspiracy to kill U.S. nationals).

Overt Acts

10. In furtherance of the conspiracy and to effect the illegal object thereof, SULAIMAN ABU GHAYTH, a/k/a "Salman Abu Ghayth," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 6 of this Indictment, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 2339A and 3238.)

COUNT THREE

(Providing Material Support and Resources to Terrorists)

The Grand Jury further charges:

11. The allegations contained in paragraphs 1 through 3 and 6 are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

12. From on or about October 26, 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 "Salman Abu Ghayth," the defendant, who has been first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully and knowingly did provide, and attempt to provide, material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b) -- to wit, personnel -- knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Title 18, United States Code, Section 2332(b) (conspiracy to kill U.S. nationals).

(Title 18, United States Code, Sections 2339A, 3238, and 2.)

FORFEITURE ALLEGATIONS

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

14. The violation of Title 18, United States Code, Section 2332(b) alleged in Count One of this Indictment, and the violations of Title 18, United States Code, Section 2339A alleged in Counts Two and Three of this Indictment, 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.

15. SULAIMAN ABU GHAYTH, a/k/a "Salman Abu Ghayth," the defendant, was an individual engaged in planning and perpetrating federal crimes of terrorism against the United States, citizens and residents of the United States, and their property.

16. Upon conviction of the offenses alleged in Counts One, Two, and Three of this Indictment, SULAIMAN ABU GHAYTH, a/k/a "Salman Abu Ghayth," 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.

17. Upon conviction of the offenses alleged in Counts One, Two, and Three of this Indictment, SULAIMAN ABU GHAYTH, a/k/a "Salman Abu Ghayth," 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 13 through 16 above.

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



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Preet Bharara  
PREET BHARARA

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INDICTMENT

S14 98 Cr. 1023 (LAK)

(18 U.S.C. §§ 2332(b), 2339A, 3238 & 2)

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PREET BHARARA  
United States Attorney

A TRUE BILL

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Foreperson

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