

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA

SEALED
SUPERSEDING INDICTMENT

- v. -

S1 12 Cr. 972

JOSE AMERICO BUBO NA TCHUTO,
PAPIS DJEME, and
TCHAMY YALA,

Defendants.
:
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BACKGROUND

Guinea Bissau

1. The Republic of Guinea Bissau is located on the west coast of Africa. It is situated between Guinea to the south and Senegal to the north, with a population of approximately 1,600,000. One of the poorest countries in the world, Guinea Bissau's legal economy is largely dependent on fishing and farming. In recent years, Guinea Bissau has become a major transshipment point for narcotics produced in South America, shipped across the Atlantic Ocean, and then sent on to various locations in Europe and elsewhere.

2. Since gaining independence from Portugal in 1974, Guinea Bissau has experienced frequent, and at times violent, political and military upheaval, including military coup d'états in December 2011 and April 2012.

MEANS AND METHODS OF THE CONSPIRACY

3. From at least in or about August 2012, JOSE AMERICO BUBO NA TCHUTO, PAPIS DJEME, and TCHAMY YALA, the defendants, worked together to receive ton-quantities of cocaine, transported by vessel from South America to Guinea Bissau, and then

to store the cocaine in Guinea Bissau before its shipment to other locations, including the United States. In doing so, the defendants interacted with two individuals who purported to be a cocaine broker and a cocaine supplier based in South America; these individuals were, in fact, confidential sources working for the Drug Enforcement Administration ("DEA") ("CS-1" and "CS-2," respectively; and collectively, the "Confidential Sources").

4. JOSE AMERICO BUBO NA TCHUTO, the defendant, a Guinea Bissau national, was formerly the head of the Guinea Bissau Navy. NA TCHUTO agreed to arrange for the receipt of ton-quantities of cocaine by vessel off the coast of Guinea Bissau, to transport that cocaine to the coast and then to store the cocaine in secure locations in Guinea Bissau, pending shipment of the drugs to other locations, including the United States. PAPIS DJEME, and TCHAMY YALA, the defendants, agreed to provide the logistical support for the receipt, transportation and secure storage of the cocaine in Guinea Bissau.

COUNT ONE

The Grand Jury charges:

5. From at least in or about August 2012, up to and including the date of the filing of this Indictment, in an offense committed outside the territorial jurisdiction of the United States, JOSE AMERICO BUBO NA TCHUTO, PAPIS DJEME, and TCHAMY YALA, the defendants, who will first enter the United States in the Southern District of New York, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

6. It was a part and an object of the conspiracy that JOSE AMERICO BUBO NA TCHUTO, PAPIS DJEME, and TCHAMY YALA, the defendants, and others known and unknown, would and did distribute a controlled substance, intending and knowing that such

substance would be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States, in violation of Sections 812, 959(a), and 960(a)(3) of Title 21, United States Code.

7. The controlled substance involved in the offense was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Section 960(b)(1)(B) of Title 21, United States Code.

Overt Acts

8. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. On or about August 25, 2012, in Senegal, JOSE AMERICO BUBO NA TCHUTO, PAPIS DJEME, and TCHAMY YALA, the defendants, met with CS-1 and discussed the shipment of ton-quantities of cocaine from South America to Guinea Bissau by sea. During the meeting, NA TCHUTO noted that the Guinea Bissau government was weak in light of the recent coup d'etat and that it was therefore a good time for the proposed cocaine transaction.

b. On or about September 8, 2012, in Guinea Bissau, JOSE AMERICO BUBO NA TCHUTO, PAPIS DJEME, and TCHAMY YALA, the defendants, met with CS-1. During the meeting, DJEME explained that he (DJEME) would be in charge of receiving the cocaine at sea and transporting it to the coast of Guinea Bissau. NA TCHUTO then described the trucks that would be used to transport the cocaine within Guinea Bissau, from the coast to an underground bunker where the cocaine would be stored.

c. On or about October 10, 2012, in Guinea Bissau, JOSE AMERICO BUBO NA TCHUTO, PAPIS DJEME, and TCHAMY YALA, the defendants, met with CS-1.

During the meeting, CS-1 stated that the first cocaine shipment from South America to Guinea Bissau would consist of approximately 1,000 kilograms of cocaine. NA TCHUTO and CS-1 also discussed NA TCHUTO's fee for the receipt and storage of the cocaine in Guinea Bissau.

d. On or about October 16, 2012, in Guinea Bissau, JOSE AMERICO BUBO NA TCHUTO and TCHAMY YALA, the defendants, met with CS-1. During the meeting, CS-1 informed NA TCHUTO and YALA that after the first shipment of cocaine arrived in Guinea Bissau, half of the cocaine would be sent to the United States and half would be sent to Portugal. NA TCHUTO indicated that his fee would be \$1,000,000 per 1,000 kilograms of cocaine received in Guinea Bissau.

e. On or about November 17, 2012, in Guinea Bissau, JOSE AMERICO BUBO NA TCHUTO, PAPIS DJEME, and TCHAMY YALA, the defendants, met with CS-1 and CS-2 and discussed importing 1,000 kilograms of cocaine into the United States from Guinea Bissau. During the meeting, NA TCHUTO offered to utilize a company that NA TCHUTO owned to facilitate the shipment of cocaine out of Guinea Bissau.

(Title 21, United States Code, Section 963.)

FORFEITURE ALLEGATION

9. As a result of committing the controlled substance offense alleged in Count One of this Indictment, JOSE AMERICO BUBO NA TCHUTO, PAPIS DJEME, and TCHAMY YALA, the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting or derived from any proceeds that the defendants obtained directly or indirectly as a result of the offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense alleged in Count One of this Indictment, including, but not limited to, a sum of money representing the amount of proceeds obtained as a result of the offense described in Count One of this Indictment.

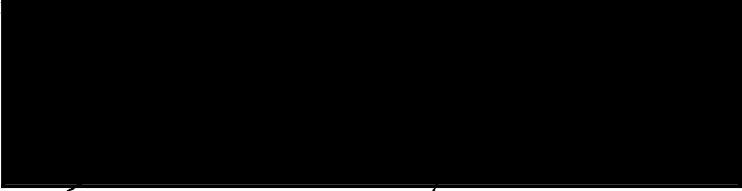
Substitute Assets Provision

10. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- 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 intention of the United States, pursuant to Title 21, United States Code, Sections 853(p) and 970, to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853 and 970.)



Preet Bharara

PREET BHARARA

United States Attorney

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(Title 21, United States Code, Section 963.)

PREET BHARARA
United States Attorney.

A TRUE BILL

