

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA :

- v. - :

CHRISTIAN GANCZARSKI, :
a/k/a "Abu Mohamed," :
a/k/a "Abu Mohamed al Amani," :
a/k/a "Ibrahim," :
a/k/a "Ibrahim the German," :

Defendant. :

- - - - -x

**SUPERSEDING
INDICTMENT**

S2 09 Cr. 52

TRUE COPY
UNITED STATES MAGISTRATE
FOR THE SOUTHERN DISTRICT OF N.Y.
DEPUTY CLERK

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 Superseding Indictment, al Qaeda has been an international terrorist group that is dedicated to opposing non-Islamic governments with force and violence. Al Qaeda was founded by Usama Bin Laden ("Bin Laden") and Muhammad Atef, a/k/a "Abu Hafs el Masri" ("Abu Hafs el Masri"), co-conspirators not named as defendants herein, among others. On or about October 8, 1999, al Qaeda was designated by the United

States Secretary of State as a foreign terrorist organization, and it has remained so designated since that time.

2. Usama Bin Laden remained the leader, or "*emir*," of al Qaeda until his death on or about May 2, 2011. Al Qaeda also had a command control structure which included a *majlis al shura* (or consultation council) that discussed and approved major undertakings, including terrorist operations. Bin Laden and Abu Hafs el Masri sat on the *majlis al shura* of al Qaeda, as did others, including Saif al Adel, a co-conspirator not named as a defendant herein.

3. Under the *majlis al shura*, al Qaeda had a number of "committees," including a "military committee" that considered and approved "military" matters. Abu Hafs el Masri sat on the military committee and was one of Usama Bin Laden's principal military commanders until Abu Hafs el Masri's death in or about November 2001. Saif al Adel also served on the military committee, reporting to Abu Hafs el Masri while Abu Hafs el Masri was alive. Among other duties, Abu Hafs el Masri and al Adel had responsibility for supervising the terrorist training of al Qaeda members and identifying targets for terrorist attacks that would be carried out, or sponsored by, al Qaeda.

4. Khaled Shaikh Mohammad, a/k/a "Mukhtar," a co-conspirator not named as a defendant herein, devised, planned,

and facilitated terrorist operations for al Qaeda. Mohammad also assisted in the preparation of promotional media used by al Qaeda to advertise its terrorist agenda and attract recruits.

5. Since in or about 1996, al Qaeda was headquartered in Afghanistan. Up to in or about September 2001, al Qaeda maintained a fortified compound near Kandahar, Afghanistan, which served as the group's operational hub. The compound was also home to many of al Qaeda's leaders and their families. In addition, al Qaeda maintained guest houses in Afghanistan to be used only by al Qaeda members and those otherwise associated with al Qaeda.

6. Al Qaeda functioned both on its own and through some of the terrorist organizations that operated under its umbrella, including: Egyptian Islamic Jihad, and at times, the Islamic Group (also known as el Gamaa Islamia or simply Gamaa't), as well as a number of jihad groups in other countries, including the Sudan, Egypt, Saudi Arabia, Yemen, Somalia, Eritrea, Djibouti, Afghanistan, Pakistan, Bosnia, Croatia, Albania, Algeria, Tunisia, Lebanon, the Philippines, Malaysia, Singapore, Indonesia, Tajikistan, Azerbaijan, the Kashmiri region of India, and the Chechnyan region of Russia. One of the terrorist groups affiliated with al Qaeda was Jemaah Islamiyah, in Southeast Asia.

7. CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," the defendant, was a German citizen who was born in 1966 in Poland and moved to Germany in 1976. GANCZARSKI traveled from Germany to Pakistan and Afghanistan on at least five separate occasions in 1999, 2000 and 2001. During these trips, GANCZARSKI became associated with al Qaeda and developed personal relationships with Usama Bin Laden, Abu Hafs el Masri, Saif al Adel, and Khaled Shaikh Mohammad, a/k/a "Mukhtar," among others. For a period of time, GANCZARSKI lived with his family at al Qaeda's fortified compound near Kandahar, Afghanistan. At other times, GANCZARSKI lived in guest houses and other facilities operated by al Qaeda in Afghanistan. During his time with al Qaeda, GANCZARSKI participated in al Qaeda's conspiracy to kill Americans in a number of ways, including by transporting a potential terrorist operative to meet with Saif al Adel and Abu Hafs el Masri to discuss conducting an attack against U.S. interests; providing personnel, including himself, to al Qaeda; providing technological guidance to al Qaeda members; and attempting to repair missiles to be used against U.S. forces in Afghanistan.

Statutory Allegations

8. From at least in or about 1999, up to and including in or about 2006, in an offense begun and committed

outside of the jurisdiction of any particular State or district of the United States, CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," the defendant, who is expected to be first brought to and arrested in the Southern District of New York, and others known and unknown, knowingly combined, conspired, confederated and agreed together and with each other to kill nationals of the United States.

9. It was a part and object of the conspiracy that CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," 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

10. In furtherance of the conspiracy and to effect the illegal object thereof, CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," the defendant, and others known and unknown, committed the following overt acts, among others:

a. In the fall of 1999, GANCZARSKI lived in Pakistan and Afghanistan for approximately six weeks, and during that time met with Saif al Adel and with other members and associates of al Qaeda.

b. From in or about December 1999, up to and including in or about August 2000, GANCZARSKI lived in Pakistan and Afghanistan, and during that time met with Khaled Shaikh Mohammad, a/k/a "Mukhtar," Saif al Adel, Abu Hafs el Masri, and other members and associates of al Qaeda.

c. In or about January 2000, GANCZARSKI attended a speech delivered by Bin Laden at al Qaeda's headquarters in Kandahar, Afghanistan (the "January 2000 Speech"). The January 2000 Speech was attended by at least 100 men, including many significant al Qaeda leaders and terrorists, including at least one of the plotters in the August 1998 bombings of the U.S. Embassies in East Africa and one of the future hijackers in the September 11, 2001 attacks on the United States (the "September 11 Attacks").

d. During the January 2000 Speech delivered by Bin Laden, GANCZARSKI sat in the front row, with Saif al Adel's son in his lap.

e. In or about March and April 2000, GANCZARSKI met a co-conspirator not named herein ("CC-1") in an apartment in Karachi, Pakistan. CC-1, who was a member of the Southeast Asia terrorist group Jamaah Islamiyah, was meeting with Khaled Shaikh Mohammad, a/k/a "Mukhtar," at the time when GANCZARSKI met CC-1. During their meeting, CC-1 and Mohammad discussed,

among other things, U.S. and Israeli targets for terrorist attacks.

f. Following the meeting between CC-1 and Khaled Shaikh Mohammad, a/k/a "Mukhtar," described in the preceding subparagraph, Mohammad gave CC-1 a note to give to Usama Bin Laden (the "Note"). After Mohammed met with GANCZARSKI, Mohammed told CC-1 that GANCZARSKI would take CC-1 to meet with Bin Laden, whom Mohammed referred to as the "Sheikh."

g. Prior to their departure from Karachi, and at GANCZARSKI's request, CC-1 gave the Note to GANCZARSKI.

h. GANCZARSKI escorted CC-1 from Karachi, Pakistan to Kandahar, Afghanistan.

i. In or around Kandahar, Afghanistan, GANCZARSKI escorted CC-1 to al Qaeda's fortified compound (the "Compound"). Upon arriving at the Compound, GANCZARSKI brought CC-1 to a large hall where many people were eating lunch. During the luncheon, GANCZARSKI sat next to Bin Laden and spoke with Bin Laden.

j. Following the lunch described in the preceding subparagraph, GANCZARSKI escorted CC-1 to a meeting with Saif al Adel and Abu Hafs el Masri. During this and other meetings, Saif al Adel and Abu Hafs el Masri discussed with CC-1 attacking U.S. and Israeli interests in Australia, and tasked

CC-1 to conduct surveillance of embassies in Australia. Saif al Adel and Abu Hafs el Masri also arranged for CC-1 to receive weapons and explosives training at the Compound.

k. In or before February 2001, in Germany, GANCZARSKI spoke with another co-conspirator not named herein ("CC-2") about traveling to Pakistan and Afghanistan, so that CC-2 could meet with members and associates of al Qaeda.

l. In or about February 2001, GANCZARSKI lived in Pakistan and Afghanistan for approximately two weeks, and met with members and associates of al Qaeda during that time.

m. From in or about August 2001, up to and including in or about September 2001, GANCZARSKI lived in Pakistan and Afghanistan for approximately six weeks, and during that time met with Saif al Adel and with other members and associates of al Qaeda.

n. During the time period referred to in the preceding subparagraph, GANCZARSKI escorted another co-conspirator not named herein ("CC-3") from Germany to Pakistan and Afghanistan, where CC-3 met with members and associates of al Qaeda.

o. In late 2001, GANCZARSKI lived in Pakistan and Afghanistan for approximately three months, and during that time met with members and associates of al Qaeda.

p. GANCZARSKI was in Germany at the time of the September 11 Attacks. Following the attacks, GANCZARSKI stated, in sum and substance, that he had been aware that something big was about to happen. In or about early October 2001, after the September 11 Attacks had occurred, GANCZARSKI returned to Afghanistan and joined al Qaeda members, including Saif al Adel and others.

q. In or about November 2001, GANCZARSKI and others attempted to repair anti-aircraft missiles controlled by al Qaeda that were not functioning, so that the missiles could be fired at U.S. military aircraft flying in the area at the time.

r. During his time in Pakistan and Afghanistan, referred to in subparagraphs (a) through (q), above, GANCZARSKI provided, or attempted to provide, al Qaeda members and associates with computers, radios and other communications and electronic equipment, some of which GANCZARSKI obtained in Germany, and advised and assisted al Qaeda personnel, including Saif al Adel, in using said equipment.

s. In or about 2005 and 2006, in Paris, France, GANCZARSKI made false statements to French investigators concerning his activities with al Qaeda and, in particular, denied any knowledge of, or familiarity with, CC-1.

(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:

11. The allegations contained in paragraphs 1 through 7 and 10 are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

12. From in or about 1999, up to and including in or about 2006, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," the defendant, who is expected to be first brought to and arrested in the Southern District of New York, and others known and unknown, knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 2339A.

13. It was a part and an object of the conspiracy that CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," the defendant, and others known and unknown, would and did provide, and conceal and disguise and attempt to conceal and disguise the nature, location, source, and ownership of, "material support or resources," as that term is defined in

Title 18, United States Code, Section 2339A(b) -- namely, personnel, transportation, training, expert advice and assistance, and property -- 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

14. In furtherance of the conspiracy and to effect the illegal object thereof, CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 10 of this Superseding Indictment, which are fully incorporated by reference herein.

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

COUNT THREE

(Providing Material Support and Resources to Terrorists)

The Grand Jury further charges:

15. The allegations contained in paragraphs 1 through 7 and 10 are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

16. From in or about 1999, up to and including in or about 2006, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United

States, CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," the defendant, who is expected to be first brought to and arrested in the Southern District of New York, knowingly did provide and attempt to provide, and knowingly did conceal and disguise and attempt to conceal and disguise the nature, location, source, and ownership of, "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b) -- namely, personnel, transportation, training, expert advice and assistance, and property -- 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(a), 3238, and 2.)

COUNT FOUR

**(Conspiring to Provide Material
Support and Resources to al Qaeda)**

The Grand Jury further charges:

17. The allegations contained in paragraphs 1 through 7 and 10 are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

18. From in or about 1999, up to and including in or about 2006, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United

States, CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," the defendant, who is expected to be first brought to and arrested in the Southern District of New York, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to violate Section 2339B of Title 18, United States Code.

19. It was a part and an object of the conspiracy that CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," the defendant, and others known and unknown, would and did provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b) -- namely, personnel, transportation, training, expert advice and assistance, and property -- to a foreign terrorist organization, namely, al Qaeda, which was designated by the United States Secretary of State as a foreign terrorist organization on or about October 8, 1999 and remains designated as such as of the date of the filing of this Superseding Indictment, knowing that al Qaeda was a designated terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that al Qaeda engages and has engaged in terrorist activity (as defined in Section 212(a)(3)(B) of the Immigration and Nationality Act), and that al Qaeda engages and has engaged in terrorism (as

defined in Section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), all in violation of Section 2339B(a)(1), and (i) after the conduct required for the offense occurred an offender will be brought into and found in the United States, (ii) the offense occurred in and affected interstate and foreign commerce, and (iii) GANCZARSKI aided and abetted, and conspired, with one or more persons over whom jurisdiction exists under Title 18, United States Code, Section 2339B(d)(1).

Overt Acts

20. In furtherance of the conspiracy and to effect the illegal object thereof, CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," the defendant, and others known and unknown, committed the overt acts set forth in paragraph 10 of this Superseding Indictment, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 2339B(a)(1), 2339B(d)(1)(C), 2339B(d)(1)(E), 2339B(d)(1)(F), 2339B(d)(2) and 3238.)

FORFEITURE ALLEGATIONS

21. The allegations contained in Counts One, Two, Three, and Four of this Superseding 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).

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

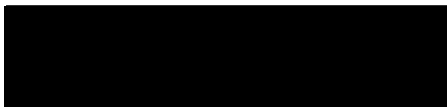
23. CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," the defendant, was an individual engaged in planning and perpetrating federal crimes of terrorism against the United States, citizens and residents of the United States, and their property.

24. Upon conviction of any offense alleged in Counts One, Two, Three, or Four of this Superseding Indictment, CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," the defendant, shall forfeit 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), 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.

25. Upon conviction of any offense alleged in Counts One, Two, Three, or Four of this Superseding Indictment, CHRISTIAN GANCZARSKI, a/k/a "Abu Mohamed," a/k/a "Abu Mohamed al Amani," a/k/a "Ibrahim," a/k/a "Ibrahim the German," 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 21 through 24 above.

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



FOREPERSON

Joona Kim
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Acting U.S. Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

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Defendant.

**SUPERSEDING
INDICTMENT**

S2 09 Cr. 52

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

JOON H. KIM

Acting United States Attorney

A TRUE BILL


Foreperson

11/21/17 Filed ~~Indictment~~ Sealed Superseding Indictment
Filed Arrest warrants Judge Wetburn