

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
- - - - - x

UNITED STATES OF AMERICA :

-v.- :

**SUPERSEDING INDICTMENT**

HAJI NAJIBULLAH, :  
a/k/a "Najibullah Naim," :  
a/k/a "Abu Tayeb," :  
a/k/a "Atiqullah," :  
a/k/a "Nesar Ahmad Mohammad," :

S2 14 Cr. 401 (KPF)

Defendant. :

- - - - - x

**COUNT ONE**

**(Conspiracy to Provide Material Support for Acts of Terrorism)**

The Grand Jury charges:

**BACKGROUND**

**The Taliban**

1. At all times relevant to this Indictment, the Taliban was an Islamic fundamentalist paramilitary organization and political movement based principally in Afghanistan, dedicated to the imposition of strict Islamic law, or "sharia," in Afghanistan.

2. The Taliban engaged in a deadly insurgency campaign to regain control of Afghanistan after losing power in 2001 as a result of the U.S.- and NATO-led invasion of Afghanistan, which was also known as Operation Enduring Freedom

- Afghanistan. As part of that campaign of violence beginning in the early 2000s, the Taliban conducted numerous suicide bombings, targeted killings, assassinations, improvised explosive device ("IED") attacks, paramilitary ambushes, and hostage takings against the then-government of Afghanistan, U.S. military forces and their NATO and Afghan partners (collectively, the "Coalition"), and American civilians. For example:

a. In or about 2007, Taliban insurgents kidnapped an Italian reporter, an Afghan reporter, and their Afghan driver. The Taliban ultimately released the Italian reporter in exchange for the release of Taliban prisoners held in Afghan custody, but beheaded the Afghan driver in a publicly-released video, and later also beheaded the Afghan reporter.

b. In or about June 2008, the Taliban claimed responsibility for a suicide attack on a U.S. military convoy traveling on a highway in Afghanistan, in which approximately nine U.S. soldiers were killed.

c. In or about August 2008, Taliban insurgents ambushed a force of American, French, and Afghan troops conducting a patrol in the Uzbin Valley of Afghanistan, near the

town of Surobi, killing approximately ten French soldiers (the "Surobi Ambush").

**The Defendant's Role as a Taliban Commander**

3. As of in or about 2007, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, served as the Taliban commander responsible for the Jaghato district in Afghanistan's Wardak Province, which borders Kabul. In this role, NAJIBULLAH commanded more than a thousand fighters, at times acted as a spokesperson for the Taliban, and reported to senior leadership in the Taliban.

4. HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, and the Taliban fighters under his command, among other things, engaged in the following conduct, between at least in or about 2007 and in or about 2009:

a. NAJIBULLAH commanded Taliban fighters who conducted attacks intended to kill and which did kill American and NATO troops and their Afghan allies, using automatic weapons, IEDs, rocket-propelled grenades ("RPGs"), and other anti-tank weapons, including an attack that destroyed an Afghan Border Patrol outpost in or about September 2008.

b. On or about June 26, 2008, Taliban fighters under NAJIBULLAH's command attacked a U.S. military convoy in the vicinity of Sayed Abad, Wardak Province, Afghanistan, with IEDs, RPGs, and automatic weapons (the "June 2008 Convoy Attack"), killing three U.S. Army servicemembers, Sergeants First Class Matthew L. Hilton and Joseph A. McKay, and Sergeant Mark Palmateer, and their Afghan interpreter ("Afghan Victim-1").

c. On or about October 27, 2008, Taliban fighters under NAJIBULLAH's command shot down a U.S. military helicopter using RPGs in the vicinity of Sayed Abad, Wardak Province, Afghanistan (the "2008 Helicopter Shootdown"). The Taliban subsequently claimed responsibility for downing the helicopter, asserting that it was "shot down [by] the mujahideen of the Islamic Emirate." The Taliban also falsely claimed that "[a]ll those onboard were killed," when, in fact, no troops died as a result of the attack.

d. NAJIBULLAH participated in televised interviews in or about 2008 in which he, among other things, threatened U.S. troops and described having used IEDs against American troop vehicles.

e. In or about 2008, NAJIBULLAH caused a U.S. reporter and two Afghan nationals to be kidnapped and held hostage for months, and demanded in exchange for their release millions of dollars of ransom and the release of Taliban fighters from U.S. custody.

**STATUTORY ALLEGATIONS**

5. From in or about 2007, up to and including in or about 2009, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, who was 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 provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, property, services, weapons, explosives, and personnel, knowing and intending that they were to be used in preparation for and in carrying out one or more of the following violations of Title 18, United States Code: (a) destroying aircraft, in violation of Title 18, United States Code, Section 32(a); (b) conspiring to destroy aircraft, in violation of Title

18, United States Code, Section 32(a); (c) killing U.S. servicemembers, in violation of Title 18, United States Code, Section 1114; (d) murder of nationals of the United States located outside the United States, in violation of Title 18, United States Code, Section 2332(a); (e) conspiring while outside the United States to murder nationals of the United States, in violation of Title 18, United States Code, Section 2332(b); (f) conspiring to use weapons of mass destruction, in violation of Title 18, United States Code, Section 2332a; (g) taking hostages, in violation of Title 18, United States Code, Section 1203(a); and (h) conspiring to take hostages, in violation of Title 18, United States Code, Section 1203(a); resulting in the deaths of numerous people, including U.S. Army Sergeants First Class Matthew L. Hilton and Joseph A. McKay, and Sergeant Mark Palmateer, and Afghan Victim-1.

Overt Acts

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

a. In or about August 2008, Taliban insurgents conducted the Surobi Ambush.

b. In or about November 2007 and September 2008, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, participated in two video-taped interviews in which NAJIBULLAH and Taliban fighters under his command bragged about how well-armed they were and brandished an IED, Kalashnikov automatic rifles, and RPGs. NAJIBULLAH and his men also discussed how they targeted American and other Coalition troops stationed in Afghanistan, including by (i) referencing the Surobi Ambush, and (ii) describing their use of IEDs and anti-tank weaponry to destroy American vehicles, including by identifying a particular location where they stated they had destroyed an American "tank" and "Humvee."

c. On or about June 26, 2008, Taliban fighters under NAJIBULLAH's command conducted the June 2008 Convoy Attack, killing three U.S. Army servicemembers, Sergeants First Class Matthew L. Hilton and Joseph A. McKay, and Sergeant Mark Palmateer, and Afghan Victim-1.

d. On or about October 27, 2008, Taliban fighters under NAJIBULLAH's command conducted the 2008 Helicopter Shootdown.

e. In or about September 2008, NAJIBULLAH directed an attack conducted by his Taliban unit on an Afghan National Police outpost with rockets and automatic weapons.

f. On or about November 10, 2008, NAJIBULLAH caused a United States national who was a journalist ("U.S. Hostage-1") and two Afghan citizens (together with U.S. Hostage-1, the "Hostages") who were assisting U.S. Hostage-1 to be detained by a group of Taliban operatives armed with machineguns in or around Logar Province, Afghanistan.

g. On or about November 19, 2008, while in Pakistan, NAJIBULLAH and a co-conspirator not named as a defendant herein ("CC-1") directed U.S. Hostage-1 to call his family in New York using a satellite telephone.

h. From in or about December 2008 through in or about January 2009, while in Pakistan, CC-1 recorded two videos of the Hostages, each of which featured the Hostages begging for help while two masked guards stood over them and aimed machineguns at them.

i. In or about April 2009, while in Pakistan, NAJIBULLAH recorded a video of U.S. Hostage-1 begging for help while the barrel of a machinegun was pointed at his face.



j. Through the above-referenced and other videos and telephone calls to, among others, U.S. Hostage-1's family located in the United States, NAJIBULLAH and CC-1 conveyed demands for, among other things, millions of dollars in ransom and the release of Taliban fighters imprisoned in U.S. custody.

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

**COUNT TWO**

**(Provision of Material Support for Acts of Terrorism)**

The Grand Jury further charges:

7. The allegations contained in Paragraphs One through Four of this Indictment are repeated and realleged as if fully set forth herein.

8. From in or about 2007, up to and including in or about 2009, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, knowingly provided and attempted to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, property, services, weapons,

explosives, and personnel, knowing and intending that they were to be used in preparation for and in carrying out one or more of the following violations of Title 18, United States Code: (a) destroying aircraft, in violation of Title 18, United States Code, Section 32(a); (b) conspiring to destroy aircraft, in violation of Title 18, United States Code, Section 32(a); (c) killing U.S. servicemembers, in violation of Title 18, United States Code, Section 1114; (d) murder of nationals of the United States located outside the United States, in violation of Title 18, United States Code, Section 2332(a); (e) conspiring while outside the United States to murder nationals of the United States, in violation of Title 18, United States Code, Section 2332(b); (f) conspiring to use weapons of mass destruction, in violation of Title 18, United States Code, Section 2332a; (g) taking hostages, in violation of Title 18, United States Code, Section 1203(a); and (h) conspiring to take hostages, in violation of Title 18, United States Code, Section 1203(a); resulting in the deaths of numerous people, including U.S. Army Sergeants First Class Matthew L. Hilton and Joseph A. McKay, and Sergeant Mark Palmateer, and Afghan Victim-1.

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

**COUNT THREE**  
**(Conspiracy to Murder U.S. Nationals)**

The Grand Jury further charges:

9. The allegations contained in Paragraphs One through Four of this Indictment are repeated and realleged as if fully set forth herein.

10. From in or about 2007, up to and including in or about 2009, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, who was 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 while outside the United States to commit killings that are murder, as that term is defined in Title 18, United States Code, Section 1111(a), of nationals of the United States, in violation of Title 18, United States Code, Section 2332(b).

**Overt Acts**

11. In furtherance of the conspiracy and to effect the illegal object thereof, the overt acts set forth in

Paragraphs 6(a) through (e) of this Indictment, which are incorporated by reference herein, among others, were committed.

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

**COUNT FOUR**  
**(Murders of U.S. Nationals)**

The Grand Jury further charges:

12. The allegations contained in Paragraphs One through Four of this Indictment are repeated and realleged as if fully set forth herein.

13. On or about June 26, 2008, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, knowingly killed and aided and abetted the killing of U.S. nationals outside the United States, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, Taliban fighters under NAJIBULLAH's command killed U.S. Army Sergeants First Class Matthew L. Hilton and Joseph A. McKay, and Sergeant Mark Palmateer, during an

attack on a U.S. military convoy in the vicinity of Sayed Abad, Wardak Province, Afghanistan.

(Title 18, United States Code, Sections 2332(a), 1111, 2, and 3238.)

**COUNT FIVE**

**(Murders of Officers and Employees of United States, and Person Assisting, While Engaged in Official Duties)**

The Grand Jury further charges:

14. The allegations contained in Paragraphs One through Four of this Indictment are repeated and realleged as if fully set forth herein.

15. On or about June 26, 2008, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, knowingly killed and aided and abetted the killing of officers and employees of the United States, while such officers and employees were engaged in and on account of the performance of their official duties, and persons assisting such officers and employees in the performance of such duties and on account of that assistance, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to

wit, Taliban fighters under NAJIBULLAH's command killed U.S. Army Sergeants First Class Matthew L. Hilton and Joseph A. McKay, and Sergeant Mark Palmateer, and Afghan Victim-1, during an attack on a U.S. military convoy in the vicinity of Sayed Abad, Wardak Province, Afghanistan.

(Title 18, United States Code, Sections 1111, 1114, 2, and 3238.)

**COUNT SIX**

**(Attempted Murder of United States Servicemembers)**

The Grand Jury further charges:

16. The allegations contained in Paragraphs One through Four of this Indictment are repeated and realleged as if fully set forth herein.

17. On or about October 27, 2008, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, knowingly attempted to kill and aided and abetted the attempted killing of officers and employees of the United States, while such officers and employees were engaged in and on account of the performance of their official duties,

which killing would be murder as defined in Title 18, United States Code, Section 1111(a), to wit, Taliban fighters under NAJIBULLAH's command shot down a U.S. military helicopter using RPGs in the vicinity of Sayed Abad, Wardak Province, Afghanistan.

(Title 18, United States Code, Sections 1111, 1113, 2, and 3238.)

**COUNT SEVEN**  
**(Conspiracy to Destroy Aircraft)**

The Grand Jury further charges:

18. The allegations contained in Paragraphs One through Four of this Indictment are repeated and realleged as if fully set forth herein.

19. From in or about 2007, up to and including in or about 2009, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, who was 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 set fire to, damage, destroy, disable, and wreck aircraft in the special aircraft jurisdiction of the United

States, in violation of Title 18, United States Code, Section 32(a)(1).

(Title 18, United States Code, Sections 32(a)(8) and 3238.)

**COUNT EIGHT**  
**(Destruction of U.S. Military Aircraft)**

The Grand Jury further charges:

20. The allegations contained in Paragraphs One through Four of this Indictment are repeated and realleged as if fully set forth herein.

21. On or about October 27, 2008, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, set fire to, damaged, destroyed, disabled, and wrecked an aircraft in the special aircraft jurisdiction of the United States, and aided and abetted the same, to wit, Taliban fighters under NAJIBULLAH's command shot down a U.S. military helicopter using RPGs in the vicinity of Sayed Abad, Wardak Province, Afghanistan.

(Title 18, United States Code, Sections 32(a)(1), 2, and 3238.)



COUNT NINE

**(Conspiracy to Use Weapons of Mass Destruction)**

The Grand Jury further charges:

22. The allegations contained in Paragraphs One through Four of this Indictment are repeated and realleged as if fully set forth herein.

23. From in or about 2007, up to and including in or about 2009, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, who was 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, without lawful authority, to use weapons of mass destruction, namely, destructive devices, as defined in Title 18, United States Code, Section 921, against nationals of the United States while such nationals were outside of the United States and against property owned, leased, and used by the United States and by a department and agency of the United States.

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

COUNT TEN  
(~~Hostage-Taking~~ Conspiracy)

The Grand Jury further charges:

24. The allegations contained in Paragraphs One through Four of this Indictment are repeated and realleged as if fully set forth herein.

25. From on or about November 10, 2008, up to and including in or about July 2009, in the Southern District of New York and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, who was 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 seize and detain and threaten to kill, injure, and continue to detain other persons, namely, the Hostages, in order to compel a third person, a governmental organization, and the United States Government to do and abstain from doing an act as an explicit and implicit condition for the release of the persons detained.

(Title 18, United States Code, Sections 1203(a) and 3238.)

**COUNT ELEVEN**  
**(Hostage Taking)**

The Grand Jury further charges:

26. The allegations contained in Paragraphs One through Four of this Indictment are repeated and realleged as if fully set forth herein.

27. From on or about November 10, 2008, up to and including in or about July 2009, in the Southern District of New York and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, knowingly seized and detained and threatened to kill, injure, and continue to detain other persons, namely, the Hostages, and aided and abetted the same, in order to compel a third person, a governmental organization, and the United States Government to do and abstain from doing an act as an explicit and implicit condition for the release of the persons detained, to wit, NAJIBULLAH, and others known and unknown, detained and threatened to kill the Hostages, and, in exchange for the release of U.S. Hostage-1, demanded ransom payments from U.S.

Hostage-1's family and the release of Taliban prisoners by the United States Government.

(Title 18, United States Code, Sections 1203(a), 2, and 3238.)

**COUNT TWELVE**  
**(Kidnapping Conspiracy)**

The Grand Jury further charges:

28. The allegations contained in Paragraphs One through Four of this Indictment are repeated and realleged as if fully set forth herein.

29. From on or about November 10, 2008, up to and including in or about July 2009, in the Southern District of New York and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, who was 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 unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom and reward and otherwise persons, namely, the Hostages, and willfully transported the Hostages in foreign commerce, traveled in foreign commerce, and used a means, facility, and

instrumentality of interstate and foreign commerce in committing and in furtherance of the commission of the offense, in violation of Title 18, United States Code, Section 1201(a)(1).

Overt Acts

30. In furtherance of the conspiracy and to effect the illegal object thereof, the overt acts set forth in Paragraphs 6(f) through (j) of this Indictment, which are incorporated by reference herein, among others, were committed.

(Title 18, United States Code, Sections 1201(c) and 3238.)

**COUNT THIRTEEN**  
**(Kidnapping)**

The Grand Jury further charges:

31. The allegations contained in Paragraphs One through Four of this Indictment are repeated and realleged as if fully set forth herein.

32. From on or about November 10, 2008, up to and including in or about July 2009, in the Southern District of New York and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown,

knowingly and unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, and carried away and held for ransom and reward and otherwise persons, namely, the Hostages, and willfully transported the Hostages in foreign commerce, traveled in foreign commerce, and used a means, facility, and instrumentality of interstate and foreign commerce in committing and in furtherance of the commission of the offense, and aided and abetted the same, to wit, NAJIBULLAH, and others known and unknown, abducted the Hostages in Afghanistan, held them for ransom in Afghanistan and Pakistan, and transmitted ransom demands to individuals located in the United States by telephone in furtherance of the commission of the offense.

(Title 18, United States Code, Sections 1201(a)(1), 2, and 3238.)

**FORFEITURE ALLEGATIONS**

33. As a result of planning and perpetrating Federal crimes of terrorism against the United States, as alleged in Counts One through Eleven of this Indictment, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," 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;
- b. all right, title, and interest in all assets, foreign and domestic, affording a source of influence over the Taliban;
- c. 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
- d. 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.

34. As a result of committing the offenses alleged in Counts Twelve and Thirteen of this Indictment, HAJI NAJIBULLAH, a/k/a "Najibullah Naim," a/k/a "Abu Tayeb," a/k/a "Atiqullah," a/k/a "Nesar Ahmad Mohammad," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts Twelve and Thirteen of this Indictment, including but not limited to a sum of money representing the amount of proceeds obtained as a result of the offenses.

Substitute Assets Provision

35. If any of the above-described forfeitable property, as a result of any act or omission of 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 18, United States Code, Section 981, Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461, to seek forfeiture of any other property of the 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), Title 21, United States Code, Section 853, and Title 28, United States Code, Section 2461.)

  
Foreperson

  
AUDREY STRAUSS  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

HAJI NAJIBULLAH,  
a/k/a "Najibullah Naim," a/k/a "Abu  
Tayeb," a/k/a "Atiqullah," a/k/a "Nesar  
Ahmad Mohammad,"

Defendant.

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SUPERSEDING INDICTMENT

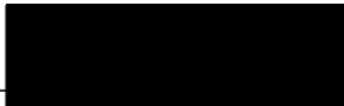
S2 14 Cr. 401 (KPF)

(18 U.S.C. §§ 32, 1114, 1201, 1203,  
2332, 2332a, 2339A, 3238 & 2.)

AUDREY STRAUSS

United States Attorney.

A TRUE BILL



Foreperson.

10/06/21  
(CA)

26  
SEALD SUPERSEDING INDICTMENT FILED  
KN PARMAR  
USMJ