

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MINH QUANG PHAM,
a/k/a "Amin,"

Defendant.

-x

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-x

SEALING INDICTMENT

12 Cr. _____

12 CRIM423

COUNT ONE

CONSPIRACY TO PROVIDE MATERIAL SUPPORT
TO A FOREIGN TERRORIST ORGANIZATION

The Grand Jury charges:

1. From at least in or about December 2010, up to and including in or about December 2011, in an offense occurring in and affecting interstate and foreign commerce, and begun and committed outside of the jurisdiction of any particular State or district of the United States, MINH QUANG PHAM, a/k/a "Amin," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, knowingly and willfully did combine, conspire, confederate and agree 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)(1), to a foreign terrorist organization, namely, al Qa'ida in the Arabian Peninsula, which was designated by the United States Secretary of State as a foreign terrorist organization on January 19, 2010, and is currently designated as such, as of the date of this Indictment.

2. It was a part and an object of the conspiracy that

JUDGE NATHAN

MINH QUANG PHAM, a/k/a "Amin," the defendant, and others known and unknown, would and did provide al Qa'ida in the Arabian Peninsula with material support and resources, including, among other things, personnel, property, services, facilities, communications equipment, expert advice and assistance, training, and weapons, knowing that al Qa'ida in the Arabian Peninsula was a designated terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that al Qa'ida in the Arabian Peninsula engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and that al Qa'ida in the Arabian Peninsula engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, MINH QUANG PHAM, a/k/a "Amin," the defendant, and others known and unknown, committed the overt acts set forth below:

a. In or about December 2010, PHAM traveled from the United Kingdom to Yemen.

b. In or about March and April 2011, PHAM possessed and carried a Kalashnikov rifle.

c. In or about April 2011, PHAM worked with a United States citizen ("American CC-1") to create online propaganda for al Qa'ida in the Arabian Peninsula.

d. In or about April 2011, PHAM met with a United States citizen ("American CC-2") in Yemen.

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

COUNT TWO

MATERIAL SUPPORT
TO A FOREIGN TERRORIST ORGANIZATION

The Grand Jury further charges:

4. From at least in or about December 2010, up to and including in or about December 2011, in an offense occurring in and affecting interstate and foreign commerce, and begun and committed outside of the jurisdiction of any particular State or district of the United States, MINH QUANG PHAM, a/k/a "Amin," the defendant, who will be first brought to and arrested in the Southern District of New York, did knowingly provide and attempt to provide material support or resources, as that term is defined in Title 18, United States Code, Section 2339A(b)(1), including, among other things, personnel, property, services, facilities, communications equipment, expert advice and assistance, training, and weapons, to al Qa'ida in the Arabian Peninsula, which was designated as a foreign terrorist organization on January 19, 2010, by the United States Secretary of State, and is currently designated as such as of the date of the filing of this Indictment, knowing that al Qa'ida in the Arabian Peninsula was a designated terrorist organization, that al Qa'ida in the Arabian Peninsula engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and

Nationality Act), and that al Qa'ida in the Arabian Peninsula engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), to wit, PHAM took an oath of allegiance to al Qa'ida in the Arabian Peninsula; obtained training on behalf of and from al Qa'ida in the Arabian Peninsula; facilitated communications between al Qa'ida in the Arabian Peninsula and its supporters; and provided expert advice and assistance in photography and graphic design of media for al Qa'ida in the Arabian Peninsula.

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

COUNT THREE

**CONSPIRACY TO RECEIVE MILITARY-TYPE TRAINING
FROM A FOREIGN TERRORIST ORGANIZATION**

The Grand Jury further charges:

5. From at least in or about December 2010, up to and including in or about July 2011, in an offense occurring in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or district of the United States, MINH QUANG PHAM, a/k/a "Amin," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, knowingly and willfully did combine, conspire, confederate and agree together and with each other to receive military-type training from and on behalf of al Qa'ida in the Arabian Peninsula, which was designated by the United States Secretary of

State as foreign terrorist organization on January 19, 2010.

6. It was a part and an object of the conspiracy that MINH QUANG PHAM, a/k/a "Amin," the defendant, and others known and unknown, would and did receive military-type training from and on behalf of al Qa'ida in the Arabian Peninsula, knowing that al Qa'ida in the Arabian Peninsula was a designated terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), knowing that al Qa'ida in the Arabian Peninsula had engaged and was engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and knowing that al Qa'ida in the Arabian Peninsula had engaged and was engaging in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339D.

Overt Acts

7. In furtherance of the conspiracy and to effect the illegal object thereof, MINH QUANG PHAM, a/k/a "Amin," the defendant, and others known and unknown, committed the overt acts set forth in paragraphs 3a and 3b above, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 371, 2339D(a),
(b)(3), (b)(5) & (b)(6), and 3238.)

COUNT FOUR

RECEIPT OF MILITARY-TYPE TRAINING
FROM A FOREIGN TERRORIST ORGANIZATION

The Grand Jury further charges:

8. In or about March 2011, in an offense occurring in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or district of the United States, MINH QUANG PHAM, a/k/a "Amin," the defendant, who will be first brought to and arrested in the Southern District of New York, knowingly and willfully received military-type training from and on behalf of al Qa'ida in the Arabian Peninsula, which was designated by the United States Secretary of State as foreign terrorist organization on January 19, 2010, to wit, PHAM received training in the use of a Kalashnikov rifle from other members of al Qa'ida in the Arabian Peninsula.

(Title 18, United States Code, Sections 2339D(a), (b) (3), (b) (5) & (b) (6), and 3238.)

COUNT FIVE

POSSESSING, CARRYING, AND USING A FIREARM

The Grand Jury further charges:

9. From at least in or about February 2011, up to and including in or about July 2011, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, MINH QUANG PHAM, a/k/a "Amin," the defendant, who will be first brought to and arrested in the Southern District of New York, during and in relation to crimes

of violence for which he may be prosecuted in a court of the United States, namely, the conspiracy to provide material support to al Qa'ida in the Arabian Peninsula, charged in Count One of this Indictment, the provision and attempted provision of material support al Qa'ida in the Arabian Peninsula, charged in Count Two of this Indictment, the conspiracy to receive military-type training from al Qa'ida in the Arabian Peninsula, charged in Count Three of this Indictment, and the receipt of military-type training from al Qa'ida in the Arabian Peninsula, charged in Count Four of this Indictment, knowingly did use and carry a firearm and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm in Yemen, to wit, an Kalashnikov assault rifle that was capable of automatically firing more than one shot without manual reloading.

(Title 18, United States Code, Sections 924(c)(1)(A), (B)(i), and (B)(ii), 3238, and 2.)

FORFEITURE ALLEGATION

10. As a result of planning and perpetrating Federal crimes of terrorism against the United States, as alleged in Counts One through Four of this Indictment, MINH QUANG PHAM, a/k/a "Amin," 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 al Shabaab and AQAP;

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.

(Title 18, United States Code, Sections 981(a)(1)(G) and 2332b(g)(5), and Title 28, United States Code, Section 2461.)



FOREPERSON



PREET BHARARA
United States Attorney

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

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12 Cr.

(Title 18, United States Code, Sections
2339B, 2339D, 924(c), 3238 & 2; and Title
28, United States Code, Section 2461.)

PREET BHARARA

United States Attorney.

A TRUE BILL



Foreperson.

5/24/12
MB

Indictment w/ A/w filed
under seal.... Ellis, USMJ