

Defendant from United Kingdom Extradited for Providing Material Support to and Receiving Military Training from Al Qaeda in the Arabian Peninsula

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Assistant Attorney General for National Security John P. Carlin, U.S. Attorney Preet Bharara for the Southern District of New York and Assistant Director-in-Charge Andrew G. McCabe of the FBI's Washington, D.C. Office announced today the extradition of Minh Quang Pham, aka "Amin," from the United Kingdom. Pham, a Vietnamese national, was indicted in 2012 on charges of providing material support to, and receiving military training from, al Qaeda in the Arabian Peninsula (AQAP), a designated foreign terrorist organization, as well as possessing and using a firearm in furtherance of crimes of violence, and other violations. Pham was presented yesterday before U.S. Magistrate Judge Andrew J. Peck, and will be arraigned tomorrow, March 4, 2015, before U.S. District Judge Alison J. Nathan.

"As alleged, Minh Quang Pham surreptitiously traveled from the UK to Yemen in late 2010 and received terrorist training by AQAP," said U.S. Attorney Bharara. "During the half year he spent in Yemen, Pham allegedly vowed to wage jihad, swore bayat, and provided material support to high-level AQAP members, almost always brandishing a Kalashnikov rifle. Through the vigilance and investigative efforts of our British partners and the FBI, Pham is now in the U.S. to face American justice."

"Today's material support charges outline that Minh Quang Pham received military-style training and possessed weapons to commit crimes of violence on behalf of al Qaeda in the Arabian Peninsula," said Assistant Director in Charge McCabe. "This investigation and subsequent extradition of Pham from the UK speaks to the level of commitment of the FBI and our national and international law enforcement and intelligence community partners to bring this dangerous terrorist to face justice in the United States."

According to the Indictment and extradition-related filings:

In December 2010, after informing his wife that he planned to travel to Ireland, Pham traveled from the United Kingdom, where he resided, to Yemen, the principal base of operations for AQAP. AQAP was designated by the U.S. Department of State as a foreign terrorist organization in January 2010 based, in part, on its claims of responsibility for attempted terrorist attacks against the United States. For example, AQAP claimed responsibility for the attempted Christmas Day bombing of a Detroit-bound passenger plane from Europe in 2009. Further, AQAP later claimed responsibility for an October 2010 plot to send explosive-laden packages on U.S.-bound cargo flights.

While in Yemen, Pham met a person who later became a cooperating witness for the United States (CW-1). CW-1 knew Pham as "Amin," and met face-to-face with him at several AQAP safehouses in Yemen during March and April 2011. According to CW-1, CW-1 first learned about Pham via email correspondence with a now deceased United States citizen, who was a prominent AQAP member (American CC-1). CW-1 first met Pham at an AQAP safehouse in Yemen in or about March 2011, where CW-1 observed Pham carrying a Kalashnikov assault rifle. CW-1 stated that he observed Pham carrying the assault rifle throughout almost all of his interactions with Pham in Yemen. In conversations with CW-1, Pham told CW-1 that he had been trained in the use of the Kalashnikov assault rifle by AQAP while in Yemen. Further, Pham told CW-1 that he (Pham) had traveled to Yemen in order to join AQAP, to wage jihad on behalf of AQAP and to martyr himself for AQAP's cause. Pham also told CW-1 that he (Pham) had sworn bayat in the presence of an AQAP commander prior to leaving Yemen.

CW-1 also witnessed Pham's interactions with American CC-1 and a second United States citizen (American CC-2), also now deceased, who was also a prominent AQAP member. CW-1 observed PHAM working closely with American CC-1, who was responsible for editing and publishing Inspire magazine – an English-language publication used by AQAP to distribute propaganda and recruit individuals from Western cultures to join and/or support AQAP. In or about October 2010, AQAP released the second issue of Inspire magazine, which included a feature article entitled "I Am Proud to be a Traitor to

America,” written by American CC-2. In addition, Pham told CW-1 that Pham was working with American CC-1 and that he (Pham) had spent time at no fewer than three AQAP safehouses. During CW-1’s time at the AQAP safehouses where Pham had also been, CW-1 also spoke with American CC-1 and American CC-2 about Pham and understood from them that Pham was providing valuable assistance to American CC-1 in connection with the production and editing of Inspire magazine.

On July 27, 2011, Pham returned to the United Kingdom. Upon his arrival at London’s Heathrow International Airport, United Kingdom authorities detained and searched Pham. Materials recovered from Pham at this time corroborate CW-1’s account of CW-1’s interactions with Pham while in Yemen. For example, CW-1 stated that, while in Yemen, CW-1 personally exchanged various electronic documents with Pham – and Pham was found in possession of various electronic media that contained computer files forensically identical to those possessed by CW-1. In addition, CW-1 reported that Pham almost always carried a Kalashnikov in Yemen – and upon his arrival in the United Kingdom from Yemen, Pham was found to be in possession of a live round of .762 caliber armor-piercing ammunition, which is consistent with ammunition that is used in a Kalashnikov assault rifle.

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The indictment charges Pham with five separate counts: one count of conspiracy to provide material support to AQAP; one count of providing material support to AQAP; one count of conspiracy to receive military-type training from AQAP; one count of receiving military-type training from AQAP; and one count of using, carrying, and possession of a firearm (machine gun) in furtherance of crimes of violence (counts one through four).

If convicted on all counts, Pham faces a maximum sentence of life in prison, with a mandatory minimum sentence of 40 years in prison. The maximum sentences for each of the charges are reflected in the attached chart. The maximum potential sentences in this case are prescribed by Congress and are provided here for informational purposes only, as any sentencing of the defendant will be determined by a judge.

Pham, 32, was arrested in the United Kingdom on June 29, 2012, pursuant to a provisional arrest warrant issued by U.K. authorities pursuant to a request from the United States. Since that time, Pham has challenged his extradition to the United States. On Feb. 3, 2015, a court in the United Kingdom denied Pham’s challenge, and ordered him extradited to the United States. Pham arrived in the Southern District of New York on Feb. 26, 2015.

Assistant Attorney General Carlin joined U.S. Attorney Bharara in praising the extraordinary investigative work of the FBI’s Washington Field Office. He also expressed his gratitude to the New York Joint Terrorism Task Force – which principally consists of agents from the FBI and detectives from the New York City Police Department – for the critical role it played in the investigation. In addition, Assistant Attorney General Carlin and U.S. Attorney Bharara thanked the Department of Defense, and the British authorities, including New Scotland Yard and the Crown Prosecution Service, for their cooperation in the investigation. Finally, he expressed thanks for the invaluable work of the Office of International Affairs in pursuing Pham’s extradition from the United Kingdom.

This case is being handled by the Terrorism and International Narcotics Unit of the U.S. Attorney’s Office for the Southern District of New York. Assistant U.S. Attorneys Anna M. Skotko, Sean S. Buckley and Ian McGinley are in charge of the prosecution.

The charges contained in the Indictment are merely allegations, and the defendant is presumed innocent unless and until proven guilty.