

Sealed
Public and unaffiliated staff access
to this instrument are
prohibited by court order.

UNITED STATES DISTRICT COURT UNSEALED 1/7/16
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

V.

**OMAR FARAJ SAEED AL
HARDAN,**

Defendant

§
§
§
§
§
§
§
§
§
§

16 CR 003

CRIMINAL NO.:

FILED UNDER SEAL

United States Court
Southern District of Texas
FILED

JAN 06 2016

David J. Bradley, Clerk of Court

INDICTMENT

THE GRAND JURY CHARGES THAT:

Introduction

- 1. At all times material to this Indictment:
 - a. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq ("AQI"), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224.
 - b. On May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under

section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (“ISIL”) as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham (“ISIS”), the Islamic State of Iraq and Syria (“ISIS”), ad-Dawla al-Islamiyya fi al-‘Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. Although the group has never called itself “Al-Qaeda in Iraq (AQI),” this name has frequently been used to describe it through its history. In an audio recording publicly released on June 29, 2014, ISIL announced a formal change of its name to the Islamic State (“IS”). To date, ISIL remains a designated FTO.

- c. On December 11, 2012, the Secretary of State amended the designation of AQI to include the following aliases: al-Nusra Front (ANF), Jabhat al-Nusra, Jahbet al-Nusra, The Victory Front, and Al-Nusra Front for the People of the Levant. Also, on May 15, 2014, the Secretary of State, in response to the evolving nature of the relationships between ANF and AQI, amended the FTO designation of AQI to remove all aliases associated with al-Nusra Front. Separately, the Secretary of State then designated al-Nusra Front, also known as Jabhat al-Nusra, also known as Jahbet al-Nusra, also

known as The Victory Front, also known as Al-Nusrah Front for the People of the Levant, also known as Al-Nusrah Front in the Lebanon, also known as Support Front for the People of the Levant, and also known as Jabaht al-Nusrah li-Ahl al-Sham min Mujahedi al-sham fi Sahat al-Jihad, as a Foreign Terrorist Organization (FTO) under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 132224. To date, ANF remains a designated FTO.

- d. The defendant, **OMAR FARAJ SAEED AL HARDAN**, is a Palestinian national; born in Iraq on or about December 25, 1991; entered the United States of America as a refugee on or about November 2, 2009; granted Legal Permanent Residence status in the United States on or about August 22, 2011; and currently resides in the Southern District of Texas.

COUNT 1

**Attempting to Provide Material Support to a Designated Foreign Terrorist
Organization
(Title 18, United States Code, Section 2339B)**

Beginning in or about May 2014, and continuously thereafter, up to and including the date of this indictment within the Southern District of Texas, and elsewhere, the defendant,

OMAR FARAJ SAEED AL HARDAN,

did unlawfully and knowingly attempt to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b)(1), including personnel, specifically himself, training, and expert advice and assistance, to a foreign terrorist organization, namely, the Islamic State of Iraq and the Levant (“ISIL”), knowing that the organization is a designated foreign terrorist organization, and knowing that ISIL engages in, and has engaged in terrorist activity and terrorism; all in violation of Title 18, United States Code, Section 2339B(a)(1) and Title 18, United States Code, Section 2.

COUNT 2

**Procurement of citizenship or naturalization unlawfully
(Title 18, United States Code, Section 1425(a))**

On or about August 18, 2014, in the Southern District of Texas and elsewhere,
the defendant,

OMAR FARAJ SAEED AL HARDAN,

knowingly procured and attempted to procure, contrary to law, naturalization, to wit: in applying to become a naturalized American Citizen, the defendant, did respond, certify, and swear untruthfully on his formal application for naturalization, Form N-400, dated August 18, 2014. Specifically, when responding to question 10C, the defendant represented that he was not in any way associated (either directly or indirectly) with a terrorist organization, whereas in truth, the defendant knew he associated either directly or indirectly with a terrorist organization, to wit: ISIL throughout 2014, and al-Nusrah Front during 2013 throughout 2014; all in violation of Title 18, United States Code, Section 1425(a).

COUNT 3

False Statement or Representation Made to an Agency of the United States (18 U.S.C. § 1001(a)(1))

On or about October 27, 2015, in the Southern District of Texas,

OMAR FARAJ SAEED AL HARDAN,

defendant herein, did willfully and knowingly falsify, conceal, and cover up by trick, scheme, and device a material fact in a matter within the jurisdiction of the executive branch of the government of the United States; to wit: defendant participated in an interview with an agent from the U.S. Immigration and Customs Enforcement-Homeland Security Investigations and when questioned about his

application for naturalization, Form N-400, dated August 18, 2014, defendant failed to disclose during that interview specifically that he, in question 19, represented that he had never received any type of weapons training, whereas in truth and in fact as the defendant well knew, he had received weapons training, specifically on an automatic machine gun; all in violation of Title 18, United States Code, Section 1001(a)(1).


A TRUE BILL

ORIGINAL SIGNATURE ON FILE
FOREPERSON OF THE GRAND JURY

KENNETH MAGIDSON
United States Attorney
Southern District of Texas

By: 

RALPH IMPERATO
Assistant United States Attorney

By: 

KASHYAP P. PATEL
Trial Attorney, Counterterrorism Section, U.S. Department of Justice