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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2005 Grand Jury

UNITED STATES OF AMERICA,)	SA CR 05-254 (A)
)	
Plaintiff,)	<u>FIRST SUPERSEDING INDICTMENT</u>
)	
v.)	[18 U.S.C. § 2381: Treason;
)	18 U.S.C. § 2339B: Providing
ADAM GADAHN,)	Material Support to a
a.k.a. Azzam al-Amriki,)	Designated Foreign Terrorist
)	Organization; 18 U.S.C.
Defendant.)	§ 2(a): Aiding and Abetting]
)	
)	
)	

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 2381]

A. INTRODUCTION

1. Al-Qaeda is, and at all times relevant hereto was, a foreign terrorist organization designated by the Secretary of State, pursuant to Section 219 of the Immigration and Nationality Act.

2. Usama bin Laden and Ayman al-Zawahiri have proclaimed publicly that they are leaders of al-Qaeda. Prior to his death,

1 Abu Musab al-Zarqawi proclaimed in public that he was the leader
2 of al-Qaeda in Iraq.

3 3. On or about September 11, 2001, the United States was
4 attacked through the hijacking of commercial airliners. These
5 commercial airliners were flown into the World Trade Center in
6 New York and the Pentagon in Washington D.C. Another hijacked
7 commercial airliner was flown into the ground in Pennsylvania.
8 These attacks resulted in the loss of approximately 3,000 lives.

9 4. Usama bin Laden has acknowledged publicly that the
10 September 11, 2001 attack on the United States was an al-Qaeda
11 operation. Usama bin Laden and other al-Qaeda leaders have also
12 proclaimed in public that al-Qaeda is at war with America.

13 5. On or about September 18, 2001, Congress passed a
14 resolution authorizing the President of the United States to use
15 all necessary and appropriate force against those responsible for
16 the terrorist attacks of September 11, 2001.

17 6. On or about July 7, 2005, a series of bombs exploded on
18 the London subway system resulting in the loss of numerous lives.

19 7. Ayman al-Zawahiri has acknowledged publicly that the
20 July 7, 2005 attack on London was the work of al-Qaeda
21 operatives. Ayman al-Zawahiri has publicly identified Shehzad
22 Tanweer as one of the al-Qaeda operatives responsible for the
23 London suicide bombings.

24 B. THE OFFENSE

25 8. Beginning on a date unknown and continuing to at least
26 September 11, 2006, defendant ADAM GADAHN, also known as "Azzam
27 al-Amriki" ("GADAHN"), a citizen of the United States, whose last
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1 known place of residence was in Orange County, within the Central
2 District of California, owing allegiance to the United States,
3 knowingly adhered to an enemy of the United States, namely, al-
4 Qaeda, and gave al-Qaeda aid and comfort, within the United
5 States and elsewhere, with intent to betray the United States.
6 In so doing, GADAHN committed the following overt acts witnessed
7 by two or more witnesses:

8 a. On or about October 27, 2004, GADAHN appeared in an al-
9 Qaeda video ("the 2004 video") broadcast in the United
10 States and elsewhere, giving aid and comfort to al-
11 Qaeda. In the 2004 video, GADAHN acknowledged that he
12 "has joined a movement waging war on America and
13 killing large numbers of Americans." In the 2004
14 video, GADAHN made the following statements, among
15 others:

- 16 1. "Fighting and defeating America is our first
17 priority. . . ."
- 18 2. "September 11th . . . notified America that it's
19 going to have to pay for its crimes and pay
20 dearly."
- 21 3. "Jihad is our path and jihad is the answer."
- 22 4. "People of America . . . you too shall pay the
23 price for the blood that has been spilled. . . ."
- 24 5. "People of America, I remind you of the weighty
25 words of our leaders Sheik Usama bin Laden and
26 Doctor Ayman al-Zawahiri that what took place on
27 September 11th was but the opening salvo of the
28

1 global war on America. . . . The magnitude and
2 ferocity of what is coming your way will make you
3 forget all about September 11th."

4 6. "The streets of America shall run red with blood
5 . . . casualties will be too many to count and the
6 next wave of attacks may come at any moment."

7 b. On or about September 11, 2005, GADAHN appeared in an
8 al-Qaeda video ("the 2005 video") broadcast in the
9 United States and elsewhere, giving aid and comfort to
10 al-Qaeda. In the 2005 video, GADAHN described the
11 terrorist attacks of September 11, 2001, as "the
12 blessed raids on New York and Washington." In the 2005
13 video, GADAHN made the following statements, among
14 others:

15 1. "These communiques have been released to explain
16 and propound the nature and goals of the worldwide
17 jihad against America and the crusaders and convey
18 our legitimate demands to friend and foe alike, so
19 that the former may join us on this honorable and
20 blessed path, and so that the latter may
21 acknowledge his crimes. . . ."

22 2. "The call has gone out and the era of jihad and
23 resistance has dawned in all its glory. As Sheik
24 Usama has told you repeatedly, your security is
25 dependent on our security."

26 3. "Yesterday, London and Madrid. Tomorrow, Los
27 Angeles and Melbourne, Allah willing. And this
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1 time, don't count on us demonstrating restraint or
2 compassion."

3 4. "We love peace, but when the enemy violates that
4 peace or prevents us from achieving it, then we
5 love nothing better than the heat of battle, the
6 echo of explosions, and slitting the throats of
7 the infidels."

8 5. "When it comes to defending our religion, our
9 freedom, and our brothers in faith, every one of
10 us is Mohammed Atta, every one of us is Jamaal
11 Lindsay, and every one of us is Mohammed Boyeri."

12 c. On or about July 7, 2006, GADAHN appeared in an al-
13 Qaeda video ("the July 2006 video") broadcast in the
14 United States and elsewhere, giving aid and comfort to
15 al-Qaeda. The July 2006 video also contained
16 statements by Usama bin Laden, Ayman al-Zawahiri, Abu
17 Musab al-Zarqawi, and Shahzad Tanweer. In the July
18 2006 video, GADAHN referred to the recent capture and
19 execution of two American servicemen in Iraq and made
20 the following statements, among others:

21 1. "So after all the atrocities committed by America
22 . . . why should we target their military only?"

23 2. "It's hard to imagine that any compassionate
24 person could see pictures, just pictures, of what
25 the Crusaders did to those children, and not want
26 to go on a shooting spree at the Marines' housing
27 facilities at Camp Pendleton."
28

1 3. "When we bomb their cities and civilians like they
2 bomb ours, or destroy their infrastructure and
3 means of transportation like they destroy ours, or
4 kidnap their non-combatants like they kidnap ours,
5 no sane Muslim should shed tears for them. And
6 they should blame no one but themselves."

7 d. On or about September 2, 2006, GADAHN appeared in an
8 al-Qaeda video ("the September 2, 2006 video")
9 broadcast in the United States and elsewhere, giving
10 aid and comfort to al-Qaeda. Ayman al-Zawahiri also
11 appeared in the September 2, 2006 video and addressed
12 "the American people in particular and all Western
13 peoples in general." Al-Zawahiri introduced GADAHN as
14 "our brother Azzam the American" and explained that
15 GADAHN "talks to you as one concerned about the fate
16 which awaits his people." Al-Zawahiri urged Americans
17 to listen to GADAHN "because what he is talking to you
18 about is serious and significant. He is talking to you
19 about the fate which awaits every human, an extremely
20 grave issue in which there is no joking, procrastin-
21 ation, or backtracking." In the September 2, 2006
22 video, GADAHN made the following statements, among
23 others:

24 1. "So if you want to be on the winning side in this
25 life and the next, and if you want your resistance
26 to Crusader tyranny to truly count, then take the
27 simple step I have just outlined. . . . We send a
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1 special invitation to all of you fighting . . . in
2 Afghanistan You know the war can't be won
3 and that the condition of America's war machine is
4 going from bad to worse."

5 2. "You know you're considered . . . as nothing more
6 than expendable cannon fodder, a means to an
7 end. . . . You know they couldn't care less about
8 your safety and well being and that the only thing
9 that upsets your leaders when American forces
10 suffer casualties is the damage these casualties
11 do to their popularity and the popularity of the
12 wars they started."

13 3. "Escape from the unbelieving army and join the
14 winning side. Time is running out, so make the
15 right choice before it's too late and you meet the
16 dismal fate of thousands before you."

17 e. On or about September 11, 2006, GADAHN appeared in an
18 al-Qaeda video ("the September 11, 2006 video")
19 broadcast in the United States and elsewhere, giving
20 aid and comfort to al-Qaeda. The September 11, 2006
21 video also contained statements by Usama bin Laden and
22 video footage of the World Trade Center attack in 2001.
23 The pictures of the World Trade Center attack were
24 accompanied by the written statement: "The word is the
25 word of the sword until the wrongs are righted." In
26 the September 11, 2006 video, GADAHN referred to the
27 United States as "enemy soil" and made the following
28

1 statements, among others:

- 2 1. "All the brothers who took part in the raids on
3 America were dedicated, strong-willed, highly
4 motivated individuals with a burning concern for
5 Islam and Muslims."
6 2. "Look at the pilots, Mohammed Atta, Marwan Shehhi,
7 Ziad Jarrah, Hani Hanjour. All of them had lived
8 and studied in the West. All of them had the
9 world within their reach, if they had wanted it.
10 But how could they live with themselves, if they
11 were to enjoy this worldly life while their Ummah
12 burns."
13 3. "In hind sight, everything that al-Qaeda was doing
14 was preparation for the Manhattan and Washington
15 raids, and the expected crusader invasion."
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COUNT TWO

[18 U.S.C. § 2339B, § 2(a)]

Beginning on or about September 11, 2005, and continuing to at least September 11, 2006, defendant ADAM GADAHN, also known as "Azzam al-Amriki," a national of the United States whose last known place of residence was in Orange County, within the Central District of California, did knowingly provide, and aid and abet the provision of, material support and resources, as those terms are defined in 18 U.S.C. § 2339A(b), including personnel and services, to a foreign terrorist organization, al-Qaeda, which was designated by the Secretary of State as a foreign terrorist organization on October 8, 1999, pursuant to Section 219 of the Immigration and Nationality Act, and was redesignated as such on or about October 5, 2001, and October 2, 2003, which designation continues in effect.

A TRUE BILL

Foreperson

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