

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : INDICTMENT

- v. - : 04 Cr.

NAJI ANTOINE ABI KHALIL, and :
TOMER GRINBERG, :
a/k/a "Tommy," :
Defendants. :

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COUNT ONE

The Grand Jury charges:

1. From in or about April 2004, up to and including on or about May 19, 2004, in the Southern District of New York and elsewhere, NAJI ANTOINE ABI KHALIL, the defendant, within the United States and subject to the jurisdiction of the United States, unlawfully and knowingly attempted to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b), to wit, night-vision goggles, infrared aiming lights and other military night-vision equipment, to a foreign terrorist organization, to wit, Hizballah.

(Title 18, United States Code, Section 2339B.)

COUNT TWO

The Grand Jury further charges:

2. From in or about April 2004, up to and including on or about May 19, 2004, in the Southern District of New York and

elsewhere, NAJI ANTOINE ABI KHALIL, the defendant, a United States person who was arrested in the Southern District of New York, unlawfully, willfully, and knowingly violated a regulation issued under Chapter 35 of Title 50, United States Code, to wit, NAJI ANTOINE ABI KHALIL attempted to and did make and receive a contribution of funds, goods, and services to, and for the benefit of, Hizballah, a specially designated terrorist, by receiving and attempting to transport night-vision goggles, infrared aiming lights and other military night-vision equipment to Hizballah.

(Title 50, United States Code, Section 1705(b); and Title 31, Code of Federal Regulations, Sections 595.204 & 595.205.)

COUNT THREE

The Grand Jury further charges:

3. From on or about May 18, 2004, up to and including on or about May 19, 2004, in the Southern District of New York and elsewhere, NAJI ANTOINE ABI KHALIL and TOMER GRINBERG, a/k/a "Tommy," the defendants, and others known and unknown, unlawfully, willfully and knowingly, combined, conspired, confederated and agreed together and with each other to commit offenses against the United States, to wit, to violate Sections 2778(b)(2) and (c) of Title 22, United States Code, Sections 1701-1706 of Title 50, United States Code, and Sections 742.6(a)(1) and 764.2(a) of Title 15, Code of Federal Regulations.

4. It was a part and an object of the conspiracy that NAJI ANTOINE ABI KHALIL and TOMER GRINBERG, a/k/a "Tommy," the defendants, and others known and unknown, unlawfully, willfully and knowingly, would export from the United States certain defense articles, to wit, night-vision goggles, infrared aiming lights and other military night-vision equipment, which items were listed on the United States Munitions List, without first obtaining the required export license from the Office of Defense Trade Controls of the United States Department of State, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c).

5. It was further a part and an object of the conspiracy that NAJI ANTOINE ABI KHALIL and TOMER GRINBERG, a/k/a "Tommy," the defendants, and other known and unknown, unlawfully, willfully and knowingly, would export from the United States to Greece certain commodities, to wit, an Astroscope night-vision module, which item is listed on the Commerce Control List under export control classification number 6A003.b.3, without first obtaining the required export license from the United States Department of Commerce, in violation of Title 50, United States Code, Sections 1701-1706, and Title 15, Code of Federal Regulations, Sections 742.6(a)(1) and 764.2(a).

Overt Acts

6. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about May 18, 2004, from a location in Manhattan, NAJI ANTOINE ABI KHALIL, the defendant, called TOMER GRINBERG, a/k/a "Tommy," the defendant, and discussed a shipment of goods.

b. On or about May 19, 2004, TOMER GRINBERG, a/k/a "Tommy," the defendant, while in Manhattan, received a list of night-vision goggles, infrared aiming devices and other military night-vision equipment from an undercover law enforcement agent.

c. On or about May 19, 2004, NAJI ANTOINE ABI KHALIL and TOMER GRINBERG, a/k/a "Tommy," the defendants, loaded a crate containing night-vision goggles, infrared aiming devices and other military night-vision equipment into a minivan in Manhattan.

(Title 18, United States Code, Section 371.)

FOREPERSON

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UNITED STATES ATTORNEY