

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term
Grand Jury Sworn in on November 1, 2013

UNITED STATES OF AMERICA

v.

AHMED SALIM FARAJ
ABU KHATALLAH

also known as Ahmed Abu Khatallah,
also known as Ahmed Mukatallah,
also known as Ahmed Bukatallah,
also known as Sheik,

Defendant.

Case: 1:14-cr-00212
Assigned To : Cooper, Christopher R.
Assign. Date : 10/14/2014
Description: INDICTMENT (B)
Case Related to: 14-cr-141 (CRC)

CRIMINAL NO.

VIOLATIONS:

18 U.S.C. § 2339A
(Conspiracy to Provide Material
Support and Resources to Terrorists
Resulting in Death)

18 U.S.C. §§ 2339A and 2
(Providing Material Support and
Resources to Terrorists Resulting in
Death; Aiding and Abetting and Causing
an Act to be Done)

18 U.S.C. §§ 1116, 1111 and 2
(Murder of an Internationally Protected
Person; Aiding and Abetting and
Causing and Act to Be Done)

18 U.S.C. §§ 1114, 1111 and 2
(Murder of an Officer and Employee of
the United States; Aiding and Abetting
and Causing an Act to Be Done)

18 U.S.C. §§ 1114, 1113 and 2
(Attempted Murder of an Officer and
Employee of the United States; Aiding
and Abetting and Causing an Act to Be
Done)

18 U.S.C. §§ 930(c), 1111, and 2
(Killing a Person in the Course of an
Attack on a Federal Facility Involving the
Use of a Firearm and a Dangerous

- : **Weapon; Aiding and Abetting and**
- : **Causing an Act to be Done)**
- :
- : **18 U.S.C. §§ 844(f)(1)&(3) and 2**
- : **(Maliciously Damaging and Destroying**
- : **U.S. Property by Means of Fire and an**
- : **Explosive Causing Death; Aiding and**
- : **Abetting and Causing an Act to be Done)**
- :
- : **18 U.S.C. §§ 1363, 7 and 2**
- : **(Maliciously Destroying and Injuring**
- : **Dwellings and Property and Placing Lives**
- : **in Jeopardy within the Special Maritime**
- : **and Territorial Jurisdiction of the United**
- : **States and Attempting to Do the Same;**
- : **Aiding and Abetting and Causing an Act**
- : **to Be Done)**
- :
- : **18 U.S.C. §§ 924(c) and 2**
- : **(Using, Carrying, Brandishing, and**
- : **Discharging a Firearm during a Crime of**
- : **Violence; Aiding and Abetting and**
- : **Causing an Act to be Done)**

FILED IN OPEN COURT

INDICTMENT

OCT 14 2014

The Grand Jury charges that:

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

COUNT ONE

(Conspiracy to Provide Material Support and Resources to Terrorists Resulting in Death)

At all times material to this Indictment:

Introduction

A. Background

1. The country of Libya is located in North Africa along the Mediterranean Sea. Its capital is Tripoli. Benghazi, Libya's second largest city, is located in the northeastern part of the country, approximately 400 miles east of Tripoli.

2. In 1969, Muammar Gaddafi seized power in Libya through a coup and remained Libya's leader until 2011, at which time a civil war erupted in Libya. The civil war began in the city of Benghazi, which was controlled by the rebels and served as the base of operations for the rebel-led Transitional National Council ("TNC").
3. On February 25, 2011, the U.S. Department of State suspended operations in Libya and evacuated American personnel.
4. On April 5, 2011, the then-United States Special Envoy J. Christopher Stevens arrived in Benghazi to re-establish an American presence in Libya. On July 15, 2011, the United States officially recognized the TNC as Libya's governing authority. In August 2011, Gaddafi was ousted from power.
5. In November 2011, the United States established a diplomatic outpost in Benghazi, known as the U.S. Special Mission ("Mission"). A contingent of U.S. State Department personnel was based at the Mission.
6. A second U.S. facility was established in Benghazi, known as the Annex. A contingent of U.S. personnel was based at the Annex.
7. On May 26, 2012, J. Christopher Stevens arrived in Tripoli as the U.S. Ambassador to Libya. On September 11, 2012, J. Christopher Stevens was in Benghazi.
8. On September 11 and 12, 2012, the Mission and the Annex were attacked.

B. The Defendant

9. **AHMED SALIM FARAJ ABU KHATALLAH**, also known as Ahmed Abu Khatallah, also known as Ahmed Mukatallah, also known as Ahmed Bukatallah, also known as "Sheik," (hereinafter referred to as **KHATALLAH**), who was arrested and first brought in the District of Columbia, is a citizen of Libya and resident of Benghazi. **KHATALLAH**

was the commander of Ubaydah Bin Jarrah (“UBJ”), an Islamist extremist militia in Benghazi, which had the goal of establishing Sharia law in Libya. In approximately 2011, UBJ merged with Ansar al-Sharia (“AAS”), another Islamist extremist group in Libya with the same goal of establishing Sharia law in Libya. **KHATALLAH** was a Benghazi-based leader of AAS.

C. U.S. Personnel Victims of the September 11-12, 2012 Attack on the Mission and Annex

10. J. Christopher Stevens, a citizen of the United States, was the United States Ambassador to Libya and was stationed at the U.S. Embassy in Tripoli.
11. Sean Patrick Smith, a citizen of the United States, was employed by the U.S. Department of State as an Information Management Officer and was stationed at the Mission.
12. Scott Wickland, a citizen of the United States, was employed by the U.S. Department of State as an Assistant Regional Security Officer and was stationed at the Mission.
13. David Ubben, a citizen of the United States, was employed by the U.S. Department of State as an Assistant Regional Officer and was stationed at the Mission.
14. Tyrone Snowden Woods, a citizen of the United States, was a Security Officer and was stationed at the Annex in Benghazi.
15. Glen Anthony Doherty, a citizen of the United States, was a Security Officer and was stationed at the U.S. Embassy in Tripoli.
16. Mark G., a citizen of the United States, was a Security Officer and was stationed at the Annex in Benghazi.

D. Jurisdiction and Venue

17. All of the acts referred to in this Indictment were begun and committed in Libya, which is outside the jurisdiction of any particular state or district, but within the extraterritorial

jurisdiction of the United States, and pursuant to Title 18, United States Code, Section 3238, within the venue of the United States District Court for the District of Columbia.

The Conspiracy

18. Beginning on a date unknown to the Grand Jury but no later than on or about September 11, 2012, and continuing until on or about September 12, 2012, in Libya, defendant **KHATALLAH** did knowingly and intentionally conspire and agree with other conspirators known and unknown to the Grand Jury, to provide material support and resources to terrorists, that is, personnel including himself and others, as defined in Title 18, United States Code, Section 2339A(b)(1), knowing and intending that the material support and resources were to be used in preparation for and in carrying out a violation of Title 18, United States Code, Section 1116, Murder of an Internationally Protected Person, as set forth in Count Three of this Indictment, a violation of Title 18, United States Code, Section 1114, Murder of an Officer and Employee of the United States, as set forth in Counts Four through Six of this Indictment, a violation of Title 18, United States Code, Section 1114, Attempted Murder of an Officer and Employee of the United States, as set forth in Counts Seven through Nine of this Indictment, a violation of Title 18, United States Code, Section 930(c), Killing a Person in the Course of an Attack on a Federal Facility Involving the Use of a Firearm and a Dangerous Weapon, as set forth in Counts Ten through Thirteen of this Indictment, a violation of Title 18, United States Code, Section 844(f), Maliciously Damaging and Destroying U.S. Property by Means of Fire and an Explosive Causing Death, as set forth in Counts Fourteen and Fifteen of this Indictment, and a violation of Title 18, United States Code, Section 1363, Maliciously Destroying and Injuring Dwellings

and Property and Placing Lives in Jeopardy within the Special Maritime and Territorial Jurisdiction of the United States and Attempting to Do the Same, as set forth in Counts Sixteen and Seventeen of this Indictment, resulting in the deaths of J. Christopher Stevens, Sean Patrick Smith, Tyrone Snowden Woods, and Glen Anthony Doherty.

Objects of the Conspiracy

19. The objects and purposes of the conspiracy were, among others:

- a. To remove the presence of the United States in Benghazi, Libya, through the use of force and the threat of force;
- b. To violently attack the Mission and the Annex;
- c. To kill United States citizens at the Mission and the Annex;
- d. To destroy buildings and other property at the Mission and the Annex; and
- e. To plunder property from the Mission and Annex, including documents, maps and computers containing sensitive information.

Overt Acts

20. In furtherance of this conspiracy and to effect its objects, **KHATALLAH** and other conspirators committed or caused to be committed the following overt acts, among others:

- a. On or before September 11, 2012, **KHATALLAH** informed others that there was an American facility in Benghazi posing as a diplomatic post, that he believed the facility was actually being used to collect intelligence, that he viewed U.S. intelligence actions in Benghazi as illegal, and that he was therefore going to do something about this facility;
- b. On the evening of September 11, 2012, **KHATALLAH** drove to the Mission with

other attackers;

- c. On September 11, 2012, at approximately 9:45 p.m., conspirators, consisting of a group of about twenty armed men, including close associates of **KHATALLAH**, violently breached the main (C-1) gate of the Mission;
- d. On September 11, 2012, between approximately 9:45 and 10:00 p.m., conspirators set fire to buildings within the Mission, including Villa C, a building occupied by J. Christopher Stevens, Sean Patrick Smith, and Scott Wickland, resulting in the deaths of J. Christopher Stevens and Sean Patrick Smith;
- e. On September 11, 2012, **KHATALLAH** actively participated in the attack on the Mission by coordinating the efforts of his conspirators and turning away emergency responders;
- f. On September 11, 2012, at approximately 10:15 p.m., the conspirators temporarily retreated to just outside the Mission;
- g. On September 11, 2012, at approximately 11:15 p.m., conspirators assembled outside the Mission's southern (C-3) gate and launched a violent attack on the Mission using firearms, to include handguns, semiautomatic assault rifles, that is, AK-47-type assault rifles, and destructive devices, that is, grenades and rocket-propelled grenades;
- h. On September 11, 2012, at approximately 11:45 p.m., the conspirators re-entered the Mission compound and began to plunder material from within the Mission's Office, including documents, maps and computers containing sensitive information about the location of the Annex.

- i. On September 11, 2012, at approximately 11:54 p.m., **KHATALLAH** entered the Mission compound and supervised the plunder of material from the Mission's Office, including documents, maps and computers containing sensitive information about the location of the Annex;
- j. On September 12, 2012, shortly after midnight, **KHATALLAH** and conspirators traveled to an AAS camp in Benghazi, along with a vehicle and material stolen from the Mission;
- k. On September 12, 2012, beginning at approximately 12:30 a.m., conspirators attacked the Annex with small arms fire, including AK-47-type assault rifles and rocket-propelled grenades;
- l. On September 12, 2012, at approximately 5:15 a.m., conspirators attacked the Annex with mortars, resulting in the deaths of Tyrone Snowden Woods and Glen Anthony Doherty and serious bodily injury to David Ubben and Mark G.

(Conspiracy to Provide Material Support and Resources to Terrorists Resulting in Death, in violation of Title 18, United States Code, Section 2339A)

COUNT TWO

(Providing Material Support and Resources to Terrorists Resulting in Death)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. Between on or about September 11, 2012, and on or about September 12, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, did provide material support and resources to terrorists, that is, personnel including

himself and others, as defined in Title 18, United States Code, Section 2339A(b)(1), knowing and intending that the material support and resources were to be used in preparation for and in carrying out a violation of Title 18, United States Code, Section 1116, Murder of an Internationally Protected Person, as set forth in Count Three of this Indictment, a violation of Title 18, United States Code, Section 1114, Murder of an Officer and Employee of the United States, as set forth in Counts Four through Six of this Indictment, a violation of Title 18, United States Code, Section 1114, Attempted Murder of an Officer and Employee of the United States, as set forth in Counts Seven through Nine of this Indictment, a violation of Title 18, United States Code, Section 930(c), Killing a Person in the Course of an Attack on a Federal Facility Involving the Use of a Firearm and a Dangerous Weapon, as set forth in Counts Ten through Thirteen of this Indictment, a violation of Title 18, United States Code, Section 844(f), Maliciously Damaging and Destroying U.S. Property by Means of Fire and an Explosive Causing Death, as set forth in Counts Fourteen and Fifteen of this Indictment, and a violation of Title 18, United States Code, Section 1363, Maliciously Destroying and Injuring Dwellings and Property and Placing Lives in Jeopardy within the Special Maritime and Territorial Jurisdiction of the United States and Attempting to Do the Same, as set forth in Counts Sixteen and Seventeen of this Indictment, resulting in the deaths of J. Christopher Stevens, Sean Patrick Smith, Tyrone Snowden Woods, and Glen Anthony Doherty.

(Providing Material Support and Resources to Terrorists Resulting in Death, in violation of Title 18, United States Code, Section 2339A; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT THREE

(Murder of an Internationally Protected Person)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 11, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, did unlawfully, willfully, deliberately, maliciously, and with premeditation and malice aforethought, and in the perpetration of, and attempt to perpetrate, an arson and a burglary, commit the murder of an internationally protected person, as defined by Title 18, United States Code, Section 1116(b)(4), by killing J. Christopher Stevens, a representative, officer, employee, and agent of the United States, who, as the United States Ambassador to Libya, was entitled pursuant to international law to special protection against attack upon his person, freedom and dignity.

(Murder of an Internationally Protected Person, in violation of Title 18, United States Code, Sections 1116 and 1111; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT FOUR

(Murder of an Officer and Employee of the United States)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 11, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, did unlawfully, willfully, deliberately, maliciously, and with premeditation and malice aforethought, and in the perpetration of, and attempt to perpetrate, an arson and a burglary, commit the murder of an officer and employee of the United States and the executive branch of the United States Government, while such officer and employee was engaged in and on account of the performance of official duties, by killing Sean Patrick Smith.

(Murder of an Officer and Employee of the United States, in violation of Title 18, United States Code, Sections 1114 and 1111; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT FIVE

(Murder of an Officer and Employee of the United States)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 12, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, did unlawfully, willfully, deliberately, maliciously, and with premeditation and malice aforethought, commit the murder of an officer and employee of the United States and the executive branch of the United States Government, while such officer and employee was engaged in and on account of the performance of official duties, by killing Tyrone Snowden Woods.

(Murder of an Officer and Employee of the United States, in violation of Title 18, United States Code, Sections 1114 and 1111; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT SIX

(Murder of an Officer and Employee of the United States)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 12, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, did unlawfully, willfully, deliberately, maliciously, and with premeditation and malice aforethought, commit the murder of an officer and employee of the United States and the executive branch of the United States Government,

while such officer and employee was engaged in and on account of the performance of official duties, by killing Glen Anthony Doherty.

(Murder of an Officer and Employee of the United States, in violation of Title 18, United States Code, Sections 1114 and 1111; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT SEVEN

(Attempted Murder of an Officer and Employee of the United States)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 11, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, did unlawfully, willfully, deliberately, maliciously, and with premeditation and malice aforethought, and in the perpetration of, and attempt to perpetrate, an arson and a burglary, attempt to commit the murder of an officer and employee of the United States and the executive branch of the United States Government, while such officer and employee was engaged in and on account of the performance of official duties, by attempting to kill Scott Wickland.

(Attempted Murder of an Officer and Employee of the United States, in violation of Title 18, United States Code, Sections 1114 and 1113; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT EIGHT

(Attempted Murder of an Officer and Employee of the United States)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 12, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, did unlawfully, willfully, deliberately, maliciously, and with premeditation and malice aforethought, attempt to commit the murder of an officer and employee of the United States and the executive branch of the United States Government, while such officer and employee was engaged in and on account of the performance of official duties, by attempting to kill David Ubben.

(Attempted Murder of an Officer and Employee of the United States, in violation of Title 18, United States Code, Sections 1114 and 1113; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT NINE

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 12, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, did unlawfully, willfully, deliberately, maliciously, and with premeditation and malice aforethought, attempt to commit the murder of an officer and employee of the United States and the executive branch of the United States Government, while such officer and employee was engaged in and on account of the performance of official duties, by attempting to kill Mark G.

(Attempted Murder of an Officer and Employee of the United States, in violation of Title 18, United States Code, Sections 1114 and 1113; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT TEN

(Killing a Person in the Course of an Attack on a Federal Facility Involving the Use of a Firearm and a Dangerous Weapon)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 11, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, in the course of an attack on the U.S. Special Mission, a Federal facility as defined in Title 18, United States Code, Section 930(g)(1), involving the use of a firearm and other dangerous weapon, did unlawfully, willfully, deliberately, maliciously, and with premeditation and malice aforethought, and in the perpetration of, and attempt to perpetrate, an arson and a burglary, commit murder by killing J. Christopher Stevens.

(Killing a Person in the Course of an Attack on a Federal Facility Involving the Use of a Firearm and a Dangerous Weapon, in violation of Title 18, United States Code, Sections 930(c) and 1111; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT ELEVEN

(Killing a Person in the Course of an Attack on a Federal Facility Involving the Use of a Firearm and a Dangerous Weapon)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 11, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, in the course of an attack on the U.S. Special Mission, a Federal facility as defined in Title 18, United States Code, Section 930(g)(1), involving the use of a firearm and other dangerous weapon, did unlawfully, willfully, deliberately, maliciously, and with premeditation and malice aforethought, and in the

perpetration of, and attempt to perpetrate, an arson and a burglary, commit murder by killing Sean Patrick Smith.

(Killing a Person in the Course of an Attack on a Federal Facility Involving the Use of a Firearm and a Dangerous Weapon, in violation of Title 18, United States Code, Sections 930(c) and 1111; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT TWELVE

(Killing a Person in the Course of an Attack on a Federal Facility Involving the Use of a Firearm and a Dangerous Weapon)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 12, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, in the course of an attack on the Annex, a Federal facility as defined in Title 18, United States Code, Section 930(g)(1), involving the use of a firearm and other dangerous weapon, did unlawfully, willfully, deliberately, maliciously, and with premeditation and malice aforethought, commit murder by killing Tyrone Snowden Woods.

(Killing a Person in the Course of an Attack on a Federal Facility Involving the Use of a Firearm and a Dangerous Weapon, in violation of Title 18, United States Code, Sections 930(c) and 1111; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT THIRTEEN

(Killing a Person in the Course of an Attack on a Federal Facility Involving the Use of a Firearm and a Dangerous Weapon)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.

2. On or about September 12, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, in the course of an attack on the Annex, a Federal facility as defined in Title 18, United States Code, Section 930(g)(1), involving the use of a firearm and other dangerous weapon, did unlawfully, willfully, deliberately, maliciously, and with premeditation and malice aforethought, commit murder by killing Glen Anthony Doherty.

(Killing a Person in the Course of an Attack on a Federal Facility Involving the Use of a Firearm and a Dangerous Weapon, in violation of Title 18, United States Code, Sections 930(c) and 1111; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT FOURTEEN

(Maliciously Damaging and Destroying U.S. Property by Means of Fire and an Explosive Causing Death)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 11, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, did maliciously damage and destroy and did maliciously attempt to damage and destroy buildings, vehicles, personal property, and real property owned, possessed, and leased, in whole or in part, by the United States, that is, the U.S. Special Mission and the buildings, vehicles, personal property, and real property contained therein, by means of fire and an explosive, and, as a result of such conduct, directly and proximately caused the deaths of J. Christopher Stevens and Sean Patrick Smith.

(Maliciously Damaging and Destroying U.S. Property by Means of Fire and an Explosive Causing Death, in violation of Title 18, United States Code, Section 844(f)(1)&(3); Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT FIFTEEN

(Maliciously Damaging and Destroying U.S. Property by Means of Fire and an Explosive Causing Death)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 12, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, did maliciously damage and destroy and did maliciously attempt to damage and destroy buildings, vehicles, personal property, and real property owned, possessed, and leased, in whole or in part, by the United States, that is, the Annex and the buildings, vehicles, personal property, and real property contained therein, by means of fire and an explosive, and, as a result of such conduct, directly and proximately caused the deaths of Tyrone Snowden Woods and Glen Anthony Doherty.

(Maliciously Damaging and Destroying U.S. Property by Means of Fire and an Explosive Causing Death, in violation of Title 18, United States Code, Section 844(f)(1)&(3); Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT SIXTEEN

(Maliciously Destroying and Injuring Dwellings and Property and Placing Lives in Jeopardy within the Special Maritime and Territorial Jurisdiction of the United States and Attempting to Do the Same)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 11, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, did willfully and maliciously destroy and injure and attempt to destroy and injure a structure, conveyance, and other real and personal property, within the special maritime and territorial jurisdiction of the United States, that is, the U.S.

Special Mission and dwellings, buildings, vehicles, personal property, and real property contained therein, and placed the lives of United States nationals in danger.

(Maliciously Destroying and Injuring Dwellings and Property and Placing Lives in Jeopardy within the Special Maritime and Territorial Jurisdiction of the United States and Attempting to Do the Same, in violation of Title 18, United States Code, Sections 1363 and 7; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT SEVENTEEN

(Maliciously Destroying and Injuring Dwellings and Property and Placing Lives in Jeopardy within the Special Maritime and Territorial Jurisdiction of the United States and Attempting to Do the Same)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.
2. On or about September 12, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, did willfully and maliciously destroy and injure and attempt to destroy and injure a structure and real and personal property, within the special maritime and territorial jurisdiction of the United States, that is, the Annex and dwellings, buildings, vehicles, personal property, and real property contained therein, and placed the lives of United States nationals in danger.

(Maliciously Destroying and Injuring Dwellings and Property and Placing Lives in Jeopardy within the Special Maritime and Territorial Jurisdiction of the United States and Attempting to Do the Same, in violation of Title 18, United States Code, Sections 1363 and 7; Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2)

COUNT EIGHTEEN

(Using, Carrying, Brandishing, and Discharging a Firearm during a Crime of Violence)

1. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 17 of Count One of this Indictment.

2. Between on or about September 11, 2012, and on or about September 12, 2012, in Benghazi, Libya, defendant **KHATALLAH**, and others known and unknown to the Grand Jury, did unlawfully and knowingly use, carry, brandish, and discharge firearms, to include handguns, semiautomatic assault rifles, that is, AK-47-type assault rifles, and destructive devices, that is, grenades and rocket-propelled grenades, during and in relation to a crime of violence which is prosecutable in a court of the United States, that is, Conspiracy to Provide Material Support and Resources to Terrorists Resulting in Death, as set forth in Count One of this Indictment, Providing Material Support and Resources to Terrorists Resulting in Death, as set forth in Count Two of this Indictment, Murder of an Internationally Protected Person, as set forth in Count Three of this Indictment, Murder of an Officer and Employee of the United States, as set forth in Counts Four through Six of this Indictment, Attempted Murder of an Officer and Employee of the United States, as set forth in Counts Seven through Nine of this Indictment, Killing a Person in the Course of an Attack on a Federal Facility Involving the Use of a Firearm and a Dangerous Weapon, as set forth in Counts Ten through Thirteen of this Indictment, Maliciously Damaging and Destroying U.S. Property by Means of Fire and an Explosive Causing Death, as set forth in Counts Fourteen and Fifteen of this Indictment, and Maliciously Destroying and Injuring Dwellings and Property and Placing Lives in Jeopardy within the Special Maritime and Territorial Jurisdiction of the United States and Attempting to Do the Same, as set forth in Counts Sixteen and Seventeen of this Indictment.

(Using, Carrying, Brandishing, and Discharging a Firearm During a Crime of Violence, in violation of Title 18, United States Code, Section 924(c); Aiding and Abetting and Causing an Act to be Done, in violation of Title 18, United States Code, Section 2)

Notice of Special Findings

- a. The allegations of Counts Three, Four, Five, Six, Ten, Eleven, Twelve, Thirteen, Fourteen, and Fifteen of this Indictment are hereby realleged as if fully set forth herein and incorporated by reference.
- b. As to Counts Three, Four, Five, Six, Ten, Eleven, Twelve, Thirteen, Fourteen, and Fifteen of this Indictment:
 1. Defendant **KHATALLAH** was not less than 18 years of age at the time of the offense (Title 18, United States Code, Section 3591(a));
 2. Defendant **KHATALLAH** intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in this offense, and the victims died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C));
 3. Defendant **KHATALLAH** intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victims died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));
 4. The victims' death, and injury resulting in death, occurred during the commission and attempted commission of offenses under Section 1116 of Title 18 (murder of an internationally protected person) and Section 844(f) of Title 18 (maliciously damaging and destroying U.S. property by means of fire and an explosive causing death) (Title 18, United States Code, Section 3592(c)(1));
 5. Defendant **KHATALLAH**, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victims of the offenses (Title 18, United States Code, Section 3592(c)(5));
 6. Defendant **KHATALLAH** committed the offenses after substantial planning and premeditation to cause the death of a person and commit an act of terrorism (Title 18, United States Code, Section 3592(c)(9)); and

7. Defendant KHATALLAH intentionally killed and attempted to kill more than one person in a single criminal episode (Title 18, United States Code, Section 3592(c)(16)).

A TRUE BILL

Ronald C. Machon Jr. RCM

Attorney of the United States in
and for the District of Columbia

U.S. District and Bankruptcy Courts
for the District of Columbia

A TRUE COPY

ANGELA D. CAESAR, Clerk

By *Daniel Reidy 10/14/14*
Deputy Clerk