

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

MAR 09 2016

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

CRIMINAL NO.: 4-15-00263-S

ASHER ABID KHAN, and MOHAMED
ZUHBI aka MOHAMED IBN ALBARAA,
Defendants.

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SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Conspiracy to Provide Material Support to a Designated Foreign Terrorist Organization)

A. INTRODUCTION

At all times material to this Superseding Indictment:

Background

1. 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. 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. 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.

The Defendants

2. **ASHER ABID KHAN** is a 21-year old Houston-area resident.

3. **MOHAMED ZUHBI aka MOHAMED IBN ALBARAA** is a 25-year old Australian citizen operating out of Turkey and Syria.

B. OBJECTS OF THE CONSPIRACY

4. Beginning in or about December 2013, and continuing until in or about December 2014, within the Southern District of Texas, and elsewhere, the defendants,

**ASHER ABID KHAN, and
MOHAMED ZUHBI aka MOHAMED IBN ALBARAA**

did unlawfully and knowingly conspire and agree with S.R.G., and others known and unknown, to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b)(1), including services and personnel, including Asher Abid Khan and S.R.G., to a foreign terrorist organization, namely, 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).

C. MANNER AND MEANS OF THE CONSPIRACY

It was a part of the conspiracy that:

5. The defendants communicated with each other and with S.R.G. electronically with the purpose of providing S.R.G. and Khan to ISIL as fighters. With the defendants' assistance, S.R.G. eventually joined ISIL in Syria as a fighter.

6. Albaraa provided Khan advice, including logistical advice, about how to travel to Turkey and then Syria for the purpose of fighting with ISIL. Khan relayed much of that same advice to S.R.G. to help S.R.G. meet his and Khan's goal to travel to Syria and join ISIL as fighters. While Khan was in the United States and S.R.G. was in Turkey, Khan introduced Albaraa to S.R.G., through electronic communication, for the purpose of helping S.R.G. join ISIL as a fighter. Albaraa subsequently met S.R.G. in Turkey and helped S.R.G. travel to Syria knowing that it was S.R.G.'s goal to join ISIL.

7. While in Turkey, Khan provided money to S.R.G. for the purpose of helping S.R.G. get to ISIL as a fighter. While in the United States, Khan offered to provide money to S.R.G. for the purpose of helping S.R.G. while in Syria and seeking to join ISIL.

D. OVERT ACTS

8. The following overt acts, among others, were committed in furtherance of the conspiracy and to accomplish its goals and objects:

- a. Starting in January 2014, while in Australia, Khan began recruiting S.R.G. to join ISIL with him as a fighter. S.R.G. was based in South Texas at the time;
- b. For the purpose of joining ISIL, Khan sought out Albaraa's assistance; Albaraa agreed to help Khan, including helping Khan once he arrived in Turkey.
- c. In February 2014, Khan and S.R.G. began to plan their trip to Turkey for the purpose of joining ISIL in Syria as fighters. The plan included how to travel to Turkey and Syria without raising the suspicion of authorities, including devising a cover story for their travel;
- d. Albaraa gave Khan instructions on how to reach him once Khan reached Turkey, including a Turkish cell phone number for reaching Albaraa. During this planning phase, it was Khan, and not S.R.G., who was in touch with Albaraa;
- e. S.R.G. departed from George Bush International Airport in Houston, Texas, for Turkey on February 23, 2014. He transited through London. On February 24, 2014, Khan left Australia for Turkey via Malaysia;

- f. While transiting through Malaysia, Khan—using electronic communications—gave S.R.G. advice about what to say if questioned by Turkish authorities about S.R.G.’s travel plans;
- g. On February 24, 2014, S.R.G. and Khan met in Turkey and Khan gave S.R.G. money knowing that S.R.G. intended to travel to Syria and join and fight with ISIL. Khan then departed Turkey and returned to the United States after his family tricked him into coming home;
- h. On or about February 26, 2014, after he returned to the United States, Khan contacted Albaraa, via electronic communications, with the purpose of introducing Albaraa to S.R.G. so that S.R.G. could enter Syria and join ISIL as a fighter with Albaraa’s help;
- i. On or about February 26, 2014, Albaraa instructed S.R.G., who was in Turkey at the time, which hotel to visit, where to meet Albaraa, and how to recognize Albaraa;
- j. On or about February 27, 2014, S.R.G. confirmed to Khan that he had “been delivered :),” by Albaraa, but was not with ISIL yet;
- k. After S.R.G. arrived in Syria, he attended fighter training camps, and continued to have contact with Albaraa and Khan. On July 1, 2014, Khan told S.R.G., who had yet to reach ISIL, that S.R.G. should still try to get to ISIL;
- l. On or about August 11, 2014, S.R.G. informed Khan that he was finally with ISIL;
- m. After September 2014, S.R.G. ceased all communications, and on December 25, 2014, S.R.G.’s mother received an electronic message explaining that her son had died, suggesting that he died while fighting.

COUNT TWO

(Conspiracy to Commit Murder in a Foreign Country)

9. The Grand Jury adopts, re-alleges, and incorporates herein the allegations in paragraphs 1 through 3, and paragraphs 5 through 8 of Count One of this Indictment as if set out fully herein.

10. Beginning in or about December 2013, and continuing until in or about December 2014, within the Southern District of Texas, and elsewhere, the defendants,

**ASHER ABID KHAN, and
MOHAMED ZUHBI aka MOHAMED IBN ALBARAA**

did unlawfully and knowingly conspire and agree with S.R.G., and others known and unknown to commit one or more acts outside of the United States that would constitute the offense of murder if committed in the special maritime and territorial jurisdiction of the United States, and one or more of the conspirators did commit an act within the jurisdiction of the United States to effect an object of the conspiracy; all in violation of Title 18, United States Code, Section 956(a)(1).

COUNT THREE

(Conspiracy to Provide Material Support to Terrorists)

11. The Grand Jury adopts, re-alleges, and incorporates herein the allegations in paragraphs 1 through 3, and paragraphs 5 through 8 of Count One of this Indictment as if set out fully herein.

12. Beginning in or about December 2013, and continuing until in or about December 2014, within the Southern District of Texas, and elsewhere, the defendants,

**ASHER ABID KHAN, and
MOHAMED ZUHBI aka MOHAMED IBN ALBARAA**

did unlawfully and knowingly conspire and agree with S.R.G., and others known and unknown, to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b)(1), including services and personnel, including Asher Abid Khan and S.R.G.; knowing and intending that the material support and resources were to be used in preparation for and in carrying out violations of 18 U.S.C. § 956 (conspiracy to kill, kidnap, maim or injure persons or damage property in a foreign country); all in violation of Title 18, United States Code, Section 2339A(a).

COUNT FOUR

(Attempting to Provide Material Support to a Designated Foreign Terrorist Organization)

13. The Grand Jury adopts, re-alleges, and incorporates herein the allegations in paragraphs 1 through 3, and paragraphs 5 through 8 of Count One of this Indictment as if set out fully herein.

14. Beginning on or about January 5, 2014, and continuing until on or about February 25, 2014, within the Southern District of Texas, and elsewhere, the defendant,

ASHER ABID KHAN,

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 services and personnel, including himself, to a foreign terrorist organization, namely, 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 FIVE

(Attempting to Provide Material Support to Terrorists)

15. The Grand Jury adopts, re-alleges, and incorporates herein the allegations in paragraphs 1 through 3, and paragraphs 5 through 8 of Count One of this Indictment as if set out fully herein.

16. Beginning on or about January 5, 2014, and continuing until on or about February 25, 2014, within the Southern District of Texas, and elsewhere, the defendant,

ASHER ABID KHAN,

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 services and personnel, including himself; knowing and intending that the material support and resources were to be used in preparation for and in carrying out violations of 18 U.S.C. § 956 (conspiracy to kill, kidnap, maim or injure persons or damage property in a foreign country); all in violation of Title 18, United States Code, Section 2339A(a).

COUNT SIX

(Providing Material Support to a Designated Foreign Terrorist Organization)

17. The Grand Jury adopts, re-alleges, and incorporates herein the allegations in paragraphs 1 through 3, and paragraphs 5 through 8 of Count One of this Indictment as if set out fully herein.

18. Beginning on or about January 5, 2014, and continuing until on or about December 25, 2014, within the Southern District of Texas, and elsewhere, the defendants,

**ASHER ABID KHAN, and
MOHAMED ZUHBI aka MOHAMED IBN ALBARAA**

did unlawfully and knowingly attempt to provide and provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b)(1), including services and personnel, including S.R.G., to a foreign terrorist organization, namely, ISIL, knowing that ISIL is a designated foreign terrorist organization, and knowing that ISIL has engaged in, and engages 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.

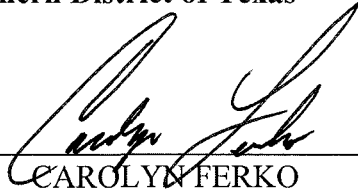
A TRUE BILL

Original Signature On File

FOREPERSON OF THE GRAND JURY

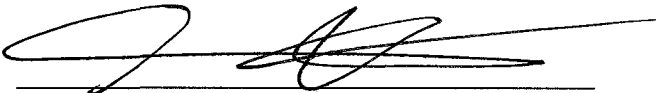
KENNETH MAGIDSON
United States Attorney
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ALAMDAR S. HAMDANI
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