

FILED

JAN 19 2022

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY

UNITED STATES OF AMERICA

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Cause No.: SA-21-CR-00244-FB

SUPERSEDING INDICTMENT

v.

IMAD EDDIN WADI

**COUNT ONE: (18 U.S.C. § 956
Conspiracy to Kill, Kidnap, Maim, or
Injure Persons or Damage Property in a
Foreign Country);
COUNT TWO: (18 U.S.C. § 2339B
Conspiracy to Provide and Attempt to
Provide Material Support to Designated
Foreign Terrorist Organization);
COUNT THREE: (18 U.S.C. § 2339A
Conspiracy to Provide and Attempt to
Provide Material Support to Terrorists).**

THE GRAND JURY CHARGES:

Introduction

At all times relevant and material to this Indictment:

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.

2. On December 11, 2012, the Secretary of State amended the designation of AQI to include the following aliases: al-Nusrah Front (“ANF”), Jabhat al-Nusrah, Jabhet al-Nusra, The Victory Front, and Al-Nusrah Front for the People of the Levant.

3. 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 Jabhet al-Nusra, also known as The Victory Front, also known as Al-Nusra Front for the People of the Levant, also known as Al-Nusra Front in Lebanon, also known as Support Front for the People of the Levant, and also known as Jabaht al-Nusra 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 13224.

4. On October 19, 2016, the Secretary of State amended the FTO and SDGT designations of ANF to include the following new aliases: Jabhat Fath al Sham, also known as Jabhat Fath al-Sham, also known as Jabhat Fatah al-Sham, also known as Jabhat Fateh al-Sham, also known as Fatah al-Sham Front, also known as Fateh Al-Sham Front, also known as Conquest of the Levant Front, also known as The Front for Liberation of al Sham, also known as Front for the Conquest of Syria/the Levant, also known as Front for the Liberation of the Levant, also known as Front for the Conquest of Syria.

5. On May 17, 2018, the Secretary of State amended the FTO and SDGT designations of ANF to include the following aliases: Hay'at Tahrir al-Sham, also known as Hay'et Tahrir al-Sham, also known as Hayat Tahrir al-Sham, also known as HTS, also known as Assembly for the Liberation of Syria, also known as Assembly for Liberation of the Levant, also known as Liberation of al-Sham Commission, also known as Liberation of the Levant Organisation, also known as Tahrir al-Sham, also known as Tahrir al-Sham Hay'at. To date, ANF remains a designated FTO.

COUNT ONE
[18 U.S.C. § 956]

The Conspiracy

The Introduction of this Indictment is hereby re-alleged and incorporated as if fully set forth.

From on or about March 13, 2017, to on or about June 17, 2020, in the Western District of Texas and elsewhere, the Defendant,

IMAD EDDIN WADI,

(hereinafter WADI), UNDICTED CO-CONSPIRATOR 1 (hereinafter CC-1), and other persons known and unknown to the Grand Jury, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other, within the jurisdiction of the United States, to commit, at a place outside the United States, acts that would constitute the offenses of murder and maiming if committed in the special maritime and territorial jurisdiction of the United States, and one or more conspirators committed one or more acts within the jurisdiction of the United States to effect an object of the conspiracy.

Manner and Means

1. WADI and CC-1 communicated with a Confidential Human Source (hereinafter CHS) and an Undercover Law Enforcement Employee (hereinafter UCE) about securing a wealthy investor, “the Sheikh,” to invest funds to support WADI’s purchase of a business and other commodities.

2. WADI and CC-1 agreed with each other and others to use a percentage of investment funds and subsequent profits from the above-mentioned investments to conceal, launder, and funnel funds to fighters overseas with the understanding that such funds would be used to purchase weapons that would be used by fighters, including members and affiliates of FTOs (including Al-Nusrah Front, a/k/a Fateh Al-Sham), to murder and maim individuals in Syria.

Overt Acts

During the course of the conspiracy, WADI was principally located in the United States in the Western District of Texas and CC-1 was principally located in Colombia. In furtherance of the conspiracy and to effect the objects thereof, WADI and CC-1, together with others, committed and caused to be committed, among others, the following acts, in the Western District of Texas and elsewhere:

1. On or about March 13, 2017, WADI and the CHS discussed a proposed business deal involving securing investment funds for WADI to start a business. WADI told the CHS about CC-1's family ties to an FTO (Al-Nusrah Front, a/k/a Fateh Al-Sham) in Syria.

2. Between in or about March 2017 and in or about June 2019, WADI and CC-1 had numerous conversations with each other and the CHS and the UCE relating to the investment funds, the future business, and how the anticipated profits from the business would be used. In those communications, numerous topics were addressed, including but not limited to: the plan to funnel money to fighters in Syria, including members of Al-Nusrah Front, a/k/a Fateh Al-Sham; how those funds would be used in Syria, including to buy weapons and other items that would be used by fighters in Syria; and information relating to how the money would be transferred and methods for concealing the financial transfers.

3. On or about May 24, 2017, during a discussion about the plan to funnel money to fighters in Syria, WADI told the CHS, "Man we have been putting our lives in danger way before you, way before you."

4. On or about July 9, 2018, CC-1 sent the CHS a photograph of an FTO fighter

with a reference which read, "He is one of those who committed a crime against the civilians and revolutionaries...." CC-1 also sent an audio message to the CHS stating that he was under pressure and asking for an update on the intended business deal.

5. On or about July 24, 2018, WADI and CC-1 discussed with the CHS setting a meeting with the UCE to further discuss business arrangements concerning the investment plan.

6. On or about August 29, 2018, WADI discussed with the UCE and the CHS an investment opportunity that would result in a percentage of monies to be sent to the mujahedeen in Syria, including how the money would be transferred.

7. On or about August 29, 2018, WADI discussed with the CHS using a trusted, associate in Turkey to transfer cash, commodities, and/or possible weapons to support the FTO in Syria.

8. On or about October 8, 2018, CC-1 forwarded to the CHS audio clips of a conversation between CC-1 and a relative in Syria who was a purported mujahedeen fighter. The relative described the morale of the mujahedeen fighters and expressed hopes of initiating battles and strengthening interrelations amongst all mujahedeen.

9. On or about October 9, 2018, WADI and CC-1 discussed with the CHS funds to be sent to the Middle East, which group the funds would benefit, and the use of an associate in Turkey to facilitate the funds and/or possibly weapons transfers to CC-1's relatives fighting in Syria.

10. On or about October 10, 2018, WADI discussed with the CHS and the UCE a \$9 million business investment deal for the purchase of a slaughterhouse, the transfer of beef commodities to Turkey for sale, and the transfer of proceeds to the mujahedeen in Idlib,

Syria.

11. On or about November 8, 2018, while in Bogota, Colombia, WADI and CC-1 discussed with the UCE and the CHS further details of the business deal concerning the provision of funds to fighters in Syria. CC-1 also conducted a video call to a fighter known to him in Syria who told WADI, CC-1, the CHS, and the UCE the needs of the fighters to include weapons.

12. On or about November 8, 2018, WADI provided a hand-drawn map to the UCE and the CHS to show the regional boundary lines in Syria known to WADI and CC-1 to facilitate money transfers to the mujahedeen.

13. On or about January 17, 2019, WADI told the CHS that CC-1 gets daily reports from front line fighters, including how many people they have killed. WADI stated, “you feel the ecstasy of jihad when you talk to them.” WADI and CC-1 told the CHS they would use the investment profits to buy “rifles, grenades, and rockets” and remote-controlled aircraft capable of carrying 50 kilograms of explosives, all “for the sake of war assistance.”

14. On or about February 13, 2019, WADI and CC-1 discussed with the UCE and the CHS an initial monetary amount to be sent to the mujahedeen in Syria. Also discussed was the means of transferring weapons purchases to Syria that purportedly had been utilized by WADI and CC-1 in the past.

15. On or about February 13, 2019, WADI sent the UCE an invoice for the proposed business deal, which contained the bank information and routing number for the UCE to provide funds for the conspiracy to WADI and CC-1.

16. On or about May 13, 2019, CC-1 forwarded the CHS an audio message stating that the FTO (Al-Nusra Front, a/k/a Fateh Al-Sham) is “returning They are all

now in one alliance.”

17. On or about May 29, 2019, CC-1 sent the CHS videos of rocket strikes.

18. On or about June 6, 2019, CC-1 sent the CHS an audio message with a reference to helicopters shot down by rockets.

19. On or about June 6, 2019, WADI sent a text message to the CHS with WADI and CC-1’s company name in Colombia for the purpose of sending funds.

20. On or about June 11, 2019, CC-1 forwarded audio messages to the CHS of a conversation CC-1 had with a fighter detailing the armed conflict and successes of mujahedeen fighters in Syria, to include decapitations of their enemies.

21. On or about June 22, 2019, CC-1 forwarded the CHS a conversation between CC-1 and a mujahedeen fighter discussing the fight against the Syrian regime and descriptions such as “slaughtering them like dogs.”

22. On or about June 17, 2020, WADI discussed with the CHS and CC-1 that they must be careful while discussing the mujahedeen on the telephone. WADI discussed the fact that they might be being recorded and that they can talk in code, such as using the words “freedom fighters” rather than “working with terrorism.” WADI further stated “I have my God’s law. The law of the United States or any other stupid law ... As far as I am concerned this is the last thing” I care about.... “I don’t give a damn, they can put me in jail, they can--I don’t give a [expletive].”

All in violation of Title 18, United States Code, Section 956.

COUNT TWO
[18 U.S.C. § 2339B]

The Introduction of this Indictment, as well as the Manner and Means, and Overt Acts set forth in Count One of this Indictment are hereby re-alleged and incorporated as if fully set forth.

From on or about March 13, 2017, to on or about June 17, 2020, in the Western District of Texas and elsewhere, the Defendant,

IMAD EDDIN WADI,

UNINDICTED CO-CONSPIRATOR 1 (CC-1), and other persons known and unknown to the Grand Jury, did knowingly and willfully combine, conspire, confederate and agree with each other, to provide and attempt to provide material support and resources, as defined in Title 18, United States Code, Section 2339A(b), including: money and property, to include the purchase of rifles, grenades, drones, and other military equipment, knowing and intending that such money and property were to be provided to a foreign terrorist organization, namely, Al-Nusrah Front a/k/a Fateh Al-Sham, which at all relevant times was designated by the United States Secretary of State as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act, knowing that Al-Nusrah Front a/k/a Fateh Al-Sham was a designated foreign terrorist organization [as defined in Title 18, United States Code, Section 2339B(g)(6)], that Al-Nusrah Front a/k/a Fateh Al-Sham engages and has engaged in terrorist activity (as defined in Section 212(a)(3)(B) of the Immigration and Nationality Act), and that Al-Nusrah Front a/k/a Fateh Al-Sham engages and has engaged in terrorism (as defined in Section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

All in violation of Title 18, United States Code, Section 2339B.

COUNT THREE
[18 U.S.C. § 2339A]

The Introduction of this Indictment, as well as the Manner and Means, and Overt Acts set forth in Count One of this Indictment are hereby re-alleged and incorporated as if fully set forth.

From on or about March 13, 2017, to on or about June 17, 2020, in the Western District of Texas and elsewhere, the Defendant,

IMAD EDDIN WADI,

UNINDICTED CO-CONSPIRATOR 1 (CC-1), and others, did knowingly combine, conspire, confederate and agree with each other, to provide and attempt to provide material support or resources, as defined in Title 18, United States Code, Section 2339A(b), including money and property, knowing and intending that such money and property were to be used in preparation for, and in carrying out, a violation of Title 18, United States Code, Section 956(a), that is, a conspiracy to commit at places outside of the United States acts that would constitute offenses of murder and maiming if committed in the special maritime and territorial jurisdiction of the United States, with one or more of the conspirators committing an act within the jurisdiction of the United States to effect the object of the conspiracy.

All in violation of Title 18, United States Code, Section 2339A.

A TRUE BILL


FOREPERSON

ASHLEY C. HOFF
United States Attorney


FOR MARK ROOMBERG
Assistant United States Attorney


FOR WILLIAM R. HARRIS
Assistant United States Attorney