

American Citizen Charged with Conspiring to Murder U.S. Nationals and Conspiring to Use a Weapon of Mass Destruction in Attack Against U.S. Military Base in Afghanistan

Defendant Allegedly Responsible for a Vehicle-Borne Improvised Explosive Device Attack against U.S. Military Base in Afghanistan in January 2009

A superseding indictment was obtained today in federal court in the Eastern District of New York, adding charges against Muhanad Mahmoud Al Farekh, 30, an American citizen, for conspiracy to murder U.S. nationals, use of explosives, conspiracy to use a weapon of mass destruction and conspiracy to bomb a government facility. These new charges arise out of Farekh's participation in an attack on a U.S. military base in Afghanistan in January 2009. As set forth in the superseding indictment and in other publicly available information, Farekh assisted in the preparation of a vehicle-borne improvised explosive device (VBIED) for use in the attack. On or about Jan. 19, 2009, two co-conspirators drove vehicles to the U.S. military base in Afghanistan. The first co-conspirator detonated the VBIED in his vehicle during the attack on the military base. The second co-conspirator drove a truck containing a second VBIED to the military base, but did not detonate that device. Farekh's fingerprints were subsequently recovered from packing tape on the VBIED that did not detonate.

The superseding indictment also charges that, between December 2006 and September 2009, Farekh provided, attempted to provide and conspired to provide material support to al-Qaeda. The superseding indictment includes the charges from the original indictment, unsealed on May 28, 2015, that Farekh provided, attempted to provide and conspired to provide material support to terrorists. The defendant is scheduled to be arraigned on the new charges on Jan. 7, 2016, at 12 p.m. EST at the U.S. District Court for the Eastern District of New York, before U.S. District Judge Brian M. Cogan of the Eastern District of New York.

The superseding indictment was announced today by Assistant Attorney General for National Security John P. Carlin, U.S. Attorney Robert L. Capers of the Eastern District of New York, Assistant Director in Charge Diego G. Rodriguez of the FBI's New York Field Office and Commissioner William J. Bratton of the New York City Police Department (NYPD).

"Muhanad Mahmoud Al Farekh is charged with conspiring to kill Americans overseas for his role in a VBIED attack on a U.S. military installation in Afghanistan," said Assistant Attorney General Carlin. "Counterterrorism is the highest priority of the National Security Division, and we will continue to use all tools available to bring to justice those who seek to harm American servicemen and women who bravely risk their lives in defense of our nation."

"Farekh, a citizen of the United States, allegedly turned his back on our country and tried to kill U.S. soldiers in the course of executing their sworn duty to keep us safe," said U.S. Attorney Capers. "Today's charges demonstrate that the patriotism and service of the members of our armed forces will never be forgotten and that we will make every effort to prosecute those who would harm our country and our armed forces to the full extent of the law."

"This indictment demonstrates justice has no bounds and the United States government will seek to investigate and prosecute crimes against Americans, no matter where they take place," said Assistant Director in Charge Rodriguez. "The FBI stands alongside our military and law enforcement partners to hold criminals accountable for their actions. Special thanks to the FBI agents and NYPD detectives on our JTTF, who have conducted a thorough global investigation."

"This superseding indictment demonstrates the NYPD and FBI's commitment to arrest those who commit acts of terror--from Arthur Avenue to Afghanistan," said Commissioner Bratton. "This thwarted plot is strikingly familiar to the attack that killed Detective Lemm last week in Afghanistan. We will continue working on every corner of the globe to arrest and charge those who attack our men and women in uniform."

As alleged in other publicly-filed documents, in approximately 2007, Farekh and two co-conspirators departed Canada for Pakistan with the intention of fighting against American forces. They did not inform their families of their plan before departing, but called a friend in Canada upon arrival to let him know that he should not expect to hear from them again because they intended to become martyrs. One of Farekh's co-conspirators – Ferid Imam – subsequently provided weapons and other military-type training at an al-Qaeda training camp in Pakistan in approximately September 2008, according to public testimony in previous EDNY criminal trials. Among Imam's trainees were three individuals – Najibullah Zazi, Zarein Ahmedzay and Adis Medunjanin – who intended to return to the United States to conduct a suicide attack on the New York City subway system. Zazi and Ahmedzay pleaded guilty pursuant to cooperation agreements and have yet to be sentenced; Medunjanin was convicted after trial and sentenced to life in prison. Ferid Imam has also been indicted for his role in the plot.

If convicted, the defendant faces a mandatory minimum sentence of seven years in prison and a maximum sentence of life imprisonment. Any potential sentence will be determined by the court after review of factors unique to this case, including the defendant's prior criminal history, if any, the defendant's role in the offense and the characteristics of the violation.

The charges in the indictment are merely allegations, and the defendant is presumed innocent unless and until proven guilty.

Assistant Attorney General Carlin joined U.S. Attorney Capers in extending his grateful appreciation to the FBI's Joint Terrorism Task Force. The case is being prosecuted by Assistant U.S. Attorneys Zainab Ahmad, Richard M. Tucker and Douglas M. Pravda of the Eastern District of New York, with assistance provided by Trial Attorney Kiersten Korczynski of the National Security Division's Counterterrorism Section.