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FILED
AUG 31 2006
UNDER SEAL
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
DEPUTY CLERK

8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,) CR. NO. **1:06CR00292 AWI**
12)
13 Plaintiff,) VIOLATIONS: 18 U.S.C. §
14 v.) 793(g) - Conspiracy to
15 AMEN AHMED ALI,) Possess and Transmit Defense
16 aka Ali Amin Alrowhani,) Information; 18 U.S.C. §§
17 aka Amin Al Rohany,) 371 and 2778 - Conspiracy to
18 Aka Ameen Alrohany;) Unlawfully Export Defense
19 IBRAHIM A. OMER; and) Articles; 22 U.S.C. §
20 MOHAMED AL-RAHIMI) 2778(b) - Attempted Unlawful
Export of Defense Articles;
18 U.S.C. §§ 371 and 641 -
Conspiracy to Possess Stolen
Government Property
18 Defendants.)
19)
20)

21 I N D I C T M E N T

22 COUNT ONE: [18 U.S.C. § 793(g) - Conspiracy to Possess and
23 Transmit Defense Information]

24 The Grand Jury charges:

25 AMEN AHMED ALI,
26 aka Ali Amin Alrowhani,
27 aka Amin Al Rohany,
28 aka Ameen Alrohany,

27 defendant herein, as follows:

1 I. INTRODUCTION.

2 At all times relevant to this indictment:

3 1. Defendant AMEN AHMED ALI was a naturalized citizen of the
4 United States residing in the County of Kern, State and Eastern
5 District of California.

6 2. The individual referred to as "Government Asset"
7 (hereafter, "GA"), was an employee of the United States, working
8 with and under the direction and control of federal law enforcement
9 officials.

10 3. The Republic of Yemen was a sovereign and independent
11 nation.

12 4. Executive Order 12958, as amended by Executive Order
13 13292, mandates that information requiring protection for reasons
14 of national security be classified at one of three levels: "Top
15 Secret", "Secret," or "Confidential." The designation "TOP SECRET"
16 applies to information, the unauthorized disclosure of which could
17 be expected to cause exceptionally grave damage to the national
18 security. The designation "SECRET" applies to information, the
19 unauthorized disclosure of which, reasonably could be expected to
20 cause serious damage to national security. The designation
21 "CONFIDENTIAL" applies to information, the unauthorized disclosure
22 of which, reasonably could be expected to cause damage to national
23 security. Access to classified information at any level may be
24 further restricted through compartmentalization in Sensitive
25 Compartmented Information (SCI) categories. Dissemination of
26 classified information at any level may also be restricted through
27 caveats such as: NOFORN (Not Releasable to Foreign Nationals) or

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1 WNINTEL (Warning Notice: Intelligence Sources and Methods
2 Involved). Classified information, of any designation, may only be
3 shared with persons determined by an appropriate United States
4 government official to be eligible for access to classified
5 information, who have signed an approved non-disclosure agreement
6 and who possess a "need to know." If a person is not eligible to
7 receive classified information, classified information may not be
8 disclosed to that person.

9 5. Defendant AMEN AHMED ALI did not possess a United States
10 government security clearance at any time relevant to this
11 indictment and at no time was he authorized to receive or possess
12 classified information belonging to the United States.

13 II. THE CONSPIRACY.

14 6. Beginning at a time unknown to the Grand Jury, but no
15 later than on or about June 25, 2005, and continuing to on or about
16 August 31, 2006, in the County of Kern, State and Eastern District
17 of California, and elsewhere, defendant AMEN AHMED ALI did
18 unlawfully, knowingly and willfully conspire, confederate, and
19 agree with others, known and unknown to the Grand Jury, to commit
20 the following offense against the United States, that is:

21 Having unauthorized possession of, access to, and control over
22 a document and writing relating to the national defense, to
23 willfully communicate, deliver and transmit, or cause to be
24 communicated, delivered and transmitted, or attempt to communicate,
25 deliver and transmit, or cause to be communicated, delivered and
26 transmitted, that same document and writing to any person not

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1 entitled to receive it, in violation of Title 18, United States
2 Code, Section 793(e).

3 III. OVERT ACTS.

4 6. To carry out the conspiracy, and to effect the objects
5 thereof, the following overt acts were committed by the defendant,
6 and others, in the Eastern District of California, and elsewhere:

7 a. On or about October 1, 2005, defendant AMEN AHMED ALI
8 met with the GA and took possession of two defense documents of the
9 United States marked "SECRET" and a compact disk with ten
10 additional defense documents.

11 b. On or about February 13, 2006, defendant AMEN AHMED
12 ALI met with the GA and took possession of three defense documents
13 of the United States marked "SECRET."

14 c. On or about February 18, 2006, defendant AMEN AHMED
15 ALI placed a telephone call to an individual in the Republic of
16 Yemen in which he discussed sending the documents received on
17 February 13, 2006, to him for translation.

18 d. On or about February 18, 2006, defendant AMEN AHMED
19 ALI transmitted one of the documents received on February 13, 2006,
20 by facsimile transmission, to an individual in the Republic of
21 Yemen.

22 e. On or about February 20, 2006, AMEN AHMED ALI placed
23 a telephone call to an individual in the Republic of Yemen and
24 discussed sending the documents received on February 13, 2006, to
25 that country by courier.

26 All in violation of Title 18, United States Code, Section
27 793(g).

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1 COUNT TWO: [18 U.S.C. §§ 371 and 2778 - Conspiracy to
2 Unlawfully Export Defense Articles]

3 The Grand Jury further charges:

4 AMEN AHMED ALI,
5 aka Ali Amin Alrowhani,
6 aka Amin Al Rohany,
7 aka Ameen Alrohany, and
8 IBRAHIM A. OMER,

9 defendants herein, as follows:

10 I. INTRODUCTION

11 At all times relevant to this indictment:

12 1. The export and re-export of certain items of military
13 value, known as defense articles, was governed by the Arms Export
14 Control Act, Title 22, United States Code, Section 2778, and the
15 International Traffic in Arms Regulations ("hereafter ITAR"), Title
16 22, Code of Federal Regulations, Section 120 et seq. These items
17 were set forth in and constituted the United States Munitions list,
18 codified in the ITAR at Title 22, Code of Federal Regulations,
19 Section 121.1. Pursuant to this statute and these regulations:

20 a. Except as otherwise specifically provided in the
21 ITAR, no defense article designated by the President of the United
22 States under the statute and regulations cited above could be
23 exported without an official license, known as an export license,
24 issued in accordance with the statute and regulations cited above.

25 b. Section 123.1 of the ITAR required that any United
26 States person who intended to export a defense article from the
27 United States was required to obtain approval from the United
28 States Department of State, Directorate of Defense Trade Controls
(hereafter "DDTC"), prior to export. Approval could be obtained

1 from DDTC by applying for an export license and including
2 information regarding the end-user, freight forwarder, consignee
3 and other parties involved in the export and receipt of the defense
4 articles.

5 c. It was unlawful for any person willfully to cause, or
6 aid, abet, induce, procure or permit the commission of any act
7 prohibited by, or the omission of any act required by the Arms
8 Export Control Act and the international Traffic in Arms
9 Regulations.

10 d. The items listed below were products used for
11 military and defense purposes by branches of the United States
12 military. These items were defense articles covered by the United
13 States Munitions List and could not be exported from the United
14 States without the exporter first obtaining an export license and
15 authorization from the Department of State.

- 16 1). Level III bullet-proof vests;
17 2). Military fragmentation vests;
18 3). Class I chemical protective suits;
4). Class I chemical protective pants; and
19 5). Class I chemical protective jackets.

19 II. THE CONSPIRACY

20 2. Beginning at a time unknown to the Grand Jury, but not
21 later than on or about January 13, 2003, and continuing to on or
22 about February 14, 2003, in the Counties of Kern and Los Angeles,
23 State, Eastern and Central Districts of California, and elsewhere,
24 defendants AMEN AHMED ALI and IBRAHIM A. OMER did knowingly and
25 willfully combine, conspire and agree with each other, and with
26 others both known and unknown to the grand jury, to commit an
27 offense against the United States, that is:

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1 a. to knowingly and willfully export and cause to be
2 exported from the United States to the Republic of Yemen, the
3 following items, six Level III bullet-proof vests, two military
4 fragmentation vests, one Class I chemical protective suit, three
5 Class I chemical protective pants, and three Class I chemical
6 protective jackets, which were designated as defense articles on
7 the United States Munitions List, without first obtaining from the
8 Department of State, Directorate of Defense Trade Controls, a
9 validated license or other written authorization for such export,
10 in violation of Title 22, United States Code, Section 2278(b) and
11 Title 22, Code of Federal Regulations, Sections 121.1 and 123.1.

12 III. OVERT ACTS

13 3. To carry out the conspiracy, and to effect the objects
14 thereof, the defendants, and others, committed the following overt
15 acts in the Eastern District of California, and elsewhere:

16 a. In or about January, 2003, defendant IBRAHIM A. OMER
17 contacted a representative of American Export Lines regarding the
18 shipment of two motor vehicles to the Republic of Yemen.

19 b. In or about January, 2003, defendant AMEN AHMED ALI
20 delivered a vehicle title regarding a 1994 Toyota to a
21 representative of American Export Lines.

22 All in violation of Title 18, United States Code, Section 371.

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1 COUNT THREE: [22 U.S.C. § 2278(b)(2) - Attempted Unlawful Export
2 of Defense Articles]

3 The Grand Jury further charges: T H A T

4 AMEN AHMED ALI
5 aka Ali Amin Alrohani,
6 aka Amin Al Rohany,
7 aka Ameen Alrohany, and
8 IBRAHIM A. OMER,

9 defendants herein, between on or about January 17, 2003 and on or
10 about February 14, 2003, in the Counties of Los Angeles and Kern,
11 State, Eastern and Central Districts of California, and elsewhere,
12 did knowingly and willfully attempt to export from the United
13 States to the Republic of Yemen, defense articles, that is, six
14 Level III bullet proof vests, two military fragmentation vests, one
15 Class I protective suit, three Class I chemical protective pants
16 and three Class I chemical protective jackets, which were
17 designated as defense articles on the United States Munitions List,
18 without having first obtained from the Department of State,
19 Directorate of Defense Trade Controls, a validated license or other
20 written authorization for such export, in violation of Title 22,
21 United States Code, Sections 2778(b)(2) and (c), and Title 22, Code
22 of Federal Regulations, Sections 121.1, 121.4, 123.1, 127.1(a),
23 127.1(c), 127.1(d) and 127.3.
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1 COUNT FOUR: [18 U.S.C. §§ 371 and 641- Conspiracy to Possess
2 Stolen Government Property]

3 The Grand Jury further charges:

4 AMEN AHMED ALI,
5 aka Ali Amin Alrowhani,
6 aka Amin Al Rohany,
7 aka Ameen Alrohany, and
8 MOHAMED AL-RAHIMI

9 defendants herein, as follows:

10 I. INTRODUCTION.

11 1. At all times relevant to this indictment, the individual
12 referred to as "Government Asset" (GA hereafter), was an employee
13 of the United States, working with and under the direction and
14 control of federal law enforcement officials.

15 2. In or about October, 2004 , the GA was introduced to
16 defendant AMEN AHMED ALI. At a meeting following that
17 introduction, the GA represented that he was a member of the United
18 States Army, and that he had access to military property which he
19 would be willing to obtain through theft and then sell to defendant
20 AMEN AHMED ALI. Defendant AMEN AHMED ALI indicated that he would
21 be interested in purchasing such property, particularly Glock
22 military pistols.

23 3. Over the next several months, defendant AMEN AHMED ALI
24 attempted to make arrangements to acquire stolen United States
25 military equipment which would be delivered to him or his
26 associates in countries outside of the United States. These
27 attempts ultimately failed.

28 4. On or about October 1, 2005, defendant AMEN AHMED ALI
instructed the GA to send items of stolen military equipment to the

1 Republic of Yemen, by way of Federal Express, where it would be
2 sold.

3 5. Pursuant to instructions provided by defendant AMEN AHMED
4 ALI, the following property was received in the Republic of Yemen
5 on or about November 20, 2005: one pair of night vision goggles,
6 four satellite telephones and two military laptop computers.

7 6. Pursuant to instructions provided by defendant AMEN AHMED
8 ALI, the following property was received in the Republic of Yemen
9 on or about February 5, 2006: one ballistic vest, one pair of night
10 vision goggles, one satellite telephone and two military laptop
11 computers.

12 II. THE CONSPIRACY.

13 7. Beginning at a time unknown to the Grand Jury, but no
14 later than on or about June 25, 2005, and continuing to on or about
15 August 31, 2006, in the County of Kern, State and Eastern District
16 of California, and elsewhere, defendants AMED AHMED ALI and MOHAMED
17 AL-RAHIMI did combine, conspire and agree with each other, and with
18 other persons, both known and unknown to the grand jury, to commit
19 offenses against the United States, that is:

20 To receive and retain property of the United States, knowing
21 it to have been stolen, with the intent to convert it to their own
22 use and gain, in violation of Title 18, United States Code, Section
23 641.

24 III. OVERT ACTS

25 8. In furtherance of the conspiracy and to effectuate the
26 objects thereof, the defendants, and others, committed the
27 following overt acts in the Eastern District of California, and
28

1 elsewhere.

2 a. On or about October 1, 2005, defendant AMEN AHMED ALI
3 filled out a Federal Express waybill intended to be used to ship
4 stolen government property from the United States to the Republic
5 of Yemen and gave \$500 in United States currency to the GA to
6 cover the cost of shipping.

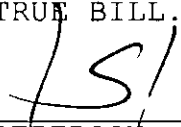
7 b. On or about November 22, 2005, defendant MOHAMED AL-
8 RAHIMI departed the United States from San Francisco International
9 Airport on route to the Republic of Yemen.

10 c. On of about December 14, 2005, defendants AMEN AHMED
11 ALI and MOHAMED AL-RAHIMI had a telephone conversation, with AMEN
12 AHMED ALI in the United States and MOHAMED AL-RAHIMI in the
13 Republic of Yemen, in which they discussed, in code, the
14 disposition of the United States government property which had been
15 shipped to Yemen.

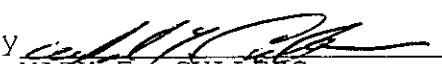
16 d. On or about February 25, 2006, AMEN AHMED ALI sent a
17 document by facsimile transmission to an individual in the Republic
18 of Yemen which set forth prices to be paid for stolen United States
19 military equipment.

20 All in violation of Title 18, United States Code, Section 371.

21 A TRUE BILL.

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23 _____
FOREPERSON

24 MCGREGOR W. SCOTT
25 United States Attorney

26 By 
27 MARK E. CULLERS
28 Assistant U.S. Attorney
Chief, Fresno Office