

*Catrina*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on April 29, 2005

*05mj 420*

UNITED STATES OF AMERICA

v.

WESAM AL DELAEMA,  
also known as  
WESAM KHALAF CHAYED DELAEME,

Defendant.

CRIMINAL NO. ~~05-337~~

~~Grand Jury Original~~

- Violations:
- 18 U.S.C. § 2332(b)(2)  
(Conspiracy to Murder United States  
Nationals Outside the United States)
- 18 U.S.C. § 2332a(a)(1)&(3)  
(Conspiracy to Use a Weapon of  
Mass Destruction)
- 18 U.S.C. §§ 844(f)(2)&(n)  
(Conspiracy to Maliciously Damage or  
Destroy U.S. Government Property by  
Means of an Explosive)
- 18 U.S.C. §§ 924(c)(1)(A)&(B)(ii)  
(Possession of a Destructive Device  
During a Crime of Violence)
- 18 U.S.C. § 924(o)  
(Conspiracy to Possess a Destructive  
Device During a Crime of Violence)
- 18 U.S.C. § 842(p)(2)(A)  
(Teaching or Demonstrating the Making  
or Use of an Explosive with Intent to  
Further a Crime of Violence)
- 18 U.S.C. § 2  
(Aiding and Abetting and Causing an  
Act to be Done)

FRIEDMAN, J. PLF

**B**

FILED IN OPEN COURT

INDICTMENT

SEP 09 2005

The Grand Jury Charges that:

CLERK, U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA

COUNT ONE

At all times material to this Indictment:

1. All of the acts referred to in this Indictment were committed in Iraq and elsewhere outside of the jurisdiction of any particular state or district of the United States, but within the extraterritorial jurisdiction of the United States and, therefore, pursuant to Title 18, United States Code, Section 3238, within the venue of the United States District Court for the District of Columbia.

2. The defendant in this case is **Wesam Al Delaema**, also known as Wesam Khalaf Chayed Delaeme, hereinafter referred to as "defendant **Delaema**."

3. From in or about October 2003 through on or about May 2, 2005, in Iraq and elsewhere outside the United States, defendant **Delaema** did knowingly and intentionally combine, conspire, confederate and agree with other co-conspirators, both known and unknown to the Grand Jury, to commit a killing that is murder as defined in Title 18, United States Code, Section 1111(a), of United States nationals outside the United States.

4. In furtherance of the aforesaid conspiracy and to accomplish the object thereof, defendant **Delaema**, together with his co-conspirators, both known and unknown to the Grand Jury, committed the following overt acts, among others:

- a. In or about October 2003, defendant **Delaema** traveled from the Netherlands to an area in or around Fallujah, Iraq.
- b. In or about October 2003, defendant **Delaema** and other co-conspirators, both known and unknown to the Grand Jury, calling themselves the "Mujahideen from Fallujah," declared their intentions to kill Americans in Iraq using destructive devices and other means.
- c. In or about October 2003, defendant **Delaema** and other co-conspirators, both known and unknown to the Grand Jury, hid destructive devices and wires in

a road in or around Fallujah, Iraq.

- d. In or about October 2003, defendant **Delaema** and other co-conspirators, both known and unknown to the Grand Jury, discussed and demonstrated the way in which the destructive devices that they had buried in a road in or around Fallujah, Iraq, would be detonated and would destroy the American vehicles driving on the road and kill the American occupants of those vehicles.
- e. In or about October 2003, defendant **Delaema** made video images of himself and his co-conspirators, both known and unknown to the Grand Jury, documenting their intentions to kill Americans in Iraq and their acts in furtherance of their conspiracy to kill Americans in Iraq, including hiding destructive devices in a road in or around Fallujah, Iraq.
- f. From in or about September 2004 through on or about May 2, 2005, defendant **Delaema** discussed with co-conspirators, both known and unknown to the Grand Jury, and others attacks against Americans in Iraq.
- g. On or about May 2, 2005, defendant **Delaema** possessed video images of himself and his co-conspirators, both known and unknown to the Grand Jury, documenting their intentions to kill Americans in Iraq and their acts in furtherance of their conspiracy to kill Americans in Iraq, including hiding destructive devices in a road in or around Fallujah, Iraq.

(Conspiracy to Murder United States Nationals Outside the United States, in violation of Title 18, United States Code, Sections 2332(b)(2))

COUNT TWO

1. Paragraphs One, Two and Four of Count One of this Indictment are hereby incorporated by reference as if fully realleged and restated herein.

2. In or about October 2003, in Iraq and elsewhere outside the United States, defendant **Delaema** did knowingly and intentionally combine, conspire, confederate and agree with other co-conspirators, both known and unknown to the Grand Jury, without lawful authority, to use a weapon of mass destruction, that is, a destructive device, against a national of the United States while such national was outside of the United States and against property that was owned, leased and used by the United States outside the United States.

**(Conspiracy to Use a Weapon of Mass Destruction, in violation of Title 18, United States Code, Section 2332a(a)(1)&(3))**

COUNT THREE

1. Paragraphs One, Two and Four of Count One of this Indictment are hereby incorporated by reference as if fully realleged and restated herein.

2. In or about October 2003, in Iraq and elsewhere outside the United States, defendant **Delaema** did knowingly and intentionally combine, conspire, confederate and agree with other co-conspirators, both known and unknown to the Grand Jury, maliciously to damage and destroy, by means of an explosive, any vehicle owned, leased and possessed by the United States, and by any department and agency thereof, and, as a result, created a substantial risk of injury to any person.

**(Conspiracy to Maliciously Damage or Destroy U.S. Government Property By Means of an Explosive, in violation of Title 18, United States Code, Sections 844(f)(2)&(n))**

COUNT FOUR

1. Paragraphs One and Two of Count One of this Indictment are hereby incorporated by reference as if fully realleged and restated herein.

2. In or about October 2003, in Iraq, defendant **Delaema** and others, known and unknown to the Grand Jury, knowingly possessed a firearm, that is, a destructive device, during, in relation to and in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, that is, conspiracy to murder a United States national outside the United States, as set forth in Count One of this Indictment, conspiracy to use a weapon of mass destruction, as set forth in Count Two of this Indictment, and conspiracy to maliciously damage or destroy U.S. government property by means of an explosive, as set forth in Count Three of this Indictment.

**(Possession of a Destructive Device During a Crime of Violence and Aiding and Abetting and Causing an Act to be Done, in violation of Title 18, United States Code, Sections 924(c)(1)(A)&(B)(ii) and 2)**

COUNT FIVE

1. Paragraphs One, Two and Four of Count One of this Indictment are hereby incorporated by reference as if fully realleged and restated herein.

2. In or about October 2003, in Iraq, defendant **Delaema** did knowingly and intentionally combine, conspire, confederate and agree with other co-conspirators, both known and unknown to the Grand Jury, to commit an offense under Title 18, United States Code, Section 924(c), that is, to possess a firearm, that is, a destructive device, during, in relation to and in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, that is, conspiracy to murder a United States national outside the United States, as set forth in Count One of this Indictment, conspiracy to use a weapon of mass destruction, as set forth in Count Two of this Indictment, and

conspiracy to maliciously damage or destroy U.S. government property by means of an explosive, as set forth in Count Three of this Indictment.

**(Conspiracy to Possess a Destructive Device During a Crime of Violence, in violation of Title 18, United States Code, Section 924(o))**

COUNT SIX

1. Paragraphs One and Two of Count One of this Indictment are hereby incorporated by reference as if fully realleged and restated herein.

2. In or about October 2003, in Iraq, defendant **Delaema** and others, known and unknown to the Grand Jury, knowingly taught and demonstrated the making and use of an explosive, a destructive device and a weapon of mass destruction, with the intent that the teaching and demonstration be used for, and in furtherance of, an activity that constitutes a Federal crime of violence, that is, conspiracy to murder a United States national outside the United States, as set forth in Count One of this Indictment, conspiracy to use a weapon of mass destruction, as set forth in Count Two of this Indictment, and conspiracy to maliciously damage or destroy U.S. government property by means of an explosive, as set forth in Count Three of this Indictment.

**(Teaching or Demonstrating the Making or Use of an Explosive with Intent to Further a Crime of Violence and Aiding and Abetting and Causing an Act to be Done, in violation of Title 18, United States Code, Sections 842(p)(2)(A) and 2)**

A TRUE BILL



*Kenneth L. Warstein*  
Attorney of the United States in  
and for the District of Columbia