

”اے ایمان والو! یہودیوں اور عیسائیوں کو دوست
An IPT Investigative Report:

THE RISE OF LASHKAR-E TAYYIBA

A MAGNET FOR AMERICAN JIHADISTS



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The Rise of Lashkar-e Tayyiba

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EXECUTIVE SUMMARY

“Right here, in this community, 10 miles from Capitol Hill, in the streets of Northern Virginia, American citizens allegedly met and plotted and recruited for violent jihad”¹

--Federal Prosecutor Paul McNulty
discussing the case of 11 men who
traveled to Pakistan to train with
Lashkar-e Tayyiba

It was the most methodical and deadly terrorist attack since 9/11. Over the course of three days, 10 terrorists held Mumbai, India under siege, gunning down dozens of people in train stations, hotels, restaurants and other public centers. The attack took the lives of 166 people, including six Americans. At the same time, plans were underway to avenge the publication of cartoons of the Prophet Mohammad in Denmark. The plotters intended to behead staffers at the Danish newspaper *Jyllands-Posten*, and toss their severed heads out of windows to maximize the shock value.

These attacks, carried out by Pakistan-based Lashkar-e Tayyiba (hereinafter “LeT” or “Lashkar” or “Lashkar e-Taiba”), were a stark reminder of the threat posed by Islamist militant groups other than al Qaida. More than that, they revealed a growing trend of American involvement with Foreign Terrorist Organizations. A year after the attacks, a Chicago man, David Coleman Headley, was charged with being a principle cog in the planned attacks in Denmark and the deadly assault in Mumbai.

While Americans may be shocked to see a naturalized citizen so deeply involved in wanton blood-letting, Headley’s prosecution is merely the latest in a string of cases tied to Lashkar-e Tayyiba since 2001. While all the cases vary in terms of targets and means, they are bound by Lashkar’s willingness to train Westerners in violent jihad. And the threat is only exacerbated by the fact that Westerners are increasingly interested in joining ranks with Islamist militants. Bruce Riedel, a senior fellow with the Brookings Institution, explaining the trend, stated:

“The ideology of al Qaida, the ideology of global Islamic jihad that all jihadists should focus on the United States as the ultimate enemy, is gaining ground with groups beyond al Qaida.”²

¹ See “Feds charge 11 men with conspiracy in overseas jihad,” CNN.com (June 27, 2003) available at <http://www.cnn.com/2003/US/06/27/terror.arrests/>.

² “Next big terrorist attack on US will be postmarked ‘Pakistan’: CIA analyst,” *Times of India* (May 15, 2010) available at <http://timesofindia.indiatimes.com/world/us/Next-big-terrorist-attack-on-US-will-be-postmarked-Pakistan-CIA-analyst/articleshow/5933520.cms>.

While Lashkar is slowly emerging as an heir apparent to al Qaida, it has evolved from an organization with an Indo-centric focus into a group with global ambitions and reach. U.S. Representative Gary L. Ackerman (D-NY) has explained:

“[W]hile U.S. attention has focused primarily on al-Qaida and the Afghan and Pakistani Taliban, the Lashkar e-Tayyiba and other violent, Islamist extremist groups in Pakistan have been growing in both capacity and ambition.”³

Indeed, the threat posed by LeT has not been lost on American intelligence and law enforcement officials. Daniel Benjamin, a counterterrorism official with the United States State Department explained:

“Lashkar e-Taiba has made it clear that it is willing to undertake bold, mass-casualty operations with a target set that would please al-Qaida planners....Very few things worry me as much as the strength and ambition of LeT, a truly malign presence in South Asia.”⁴

Similarly, while testifying before Congress in September 2009, Mike Leiter, the Director of the U.S. National Counter-Terrorism Center, said:

“[LeT]—or [LeT] trained individuals—could pose a direct threat to the Homeland, especially should they collude with al Qaida operatives.”⁵

Demonstrative of the growing reach of Lashkar is a series of criminal prosecutions of Americans for their involvement with the terrorist group. Relying on court documents, primary source material, and news reports, this report will examine these investigations.

Part I of the report will provide a brief primer on Lashkar-e Tayyiba, from its humble beginnings as a proxy force for the Pakistani military and intelligence apparatus to its current status as an internationally recognized and designated terrorist organization. It will demonstrate the ideological shifts that the group has undertaken, the extensive global support structure which has allowed the group to operate under the radar until recently, and the group’s growing cooperation with other terrorist groups in a variety of ways.

Part II of the report will build upon the foundations established in earlier sections and examine the threat posed by Lashkar beyond the borders of India and Pakistan. Demonstrative of this threat are

³ “Bad Company: Lashkar e-Tayyiba and the Growing Ambition of Islamist Militancy in Pakistan: Hearing before the H. Subcomm. On the Middle East and South Asia” (March 11, 2010) (statement of Rep. Gary L. Ackerman).

⁴ Daniel Benjamin, “The Obama Administration’s Counterterrorism Policy at One Year,” CATO Institute (Jan. 13, 2010) available at <http://www.state.gov/s/ct/rls/rm/2010/135171.htm>.

⁵ “Eight Years after 9/11: Confronting the Terrorist Threat to the Homeland: Hearing before the S. Homeland Security and Governmental Affairs Committee” (Sept. 30, 2009) (statement of Mike Leiter, Director, National Counter-terrorism center).

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four terrorism prosecutions, beginning with the Virginia Paintball Jihad investigation, and concluding with the American connection to the 2008 attacks in Mumbai.

THINK LOCALLY, ACT GLOBALLY: THE EVOLUTION OF LET

A. From Kashmir to the West

Lashkar's focus has evolved since its early days as a proxy of the Pakistani government's conflict with India. The organization was founded in 1989 against the backdrop of the ongoing conflict between India and Pakistan over control of Kashmir.⁶ Believed by many to be the brainchild of the Pakistani Inter-service Intelligence (ISI), and funded by wealthy donors from the Persian Gulf states, the group's current iteration can trace its roots to the group Markaz Dawa Wa'al Irshad ("Markaz").⁷

Although the Markaz engaged in both religious and military indoctrination at the time of its founding, shortly afterward Markaz officials recognized a need to separate the two.⁸ The result was the formation of Lashkar as the militant wing of the Islamist political group under the leadership of

⁶ See John Wilson, *Lashkar-e-Tayyiba*, Pakistan Security Research Unit, University of Bradford, UK (May 21, 2007) available at <http://spaces.brad.ac.uk:8080/download/attachments/748/Brief12finalised1.pdf> [hereinafter Wilson Report]. See also *Lashkar-e-Taiba*, Intelligence and Terrorism Information Center at the Israel Intelligence Heritage & Commemoration Center (Dec. 21, 2008) available at http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/pdf/gj_e002.pdf (providing additional background on the founding of Lashkar) [hereinafter IICC Report]. In 1947, India became an independent secular country. At the same time, while it was still under British rule, Pakistan was established on its Muslim regions. *Id.* at 6. Gradually, Pakistan became a country whose rulers nurtured radical Islam, considering it to be a tool for the struggle against India. *Id.* Following Indian independence, a significant Muslim minority, today approximately 160 million, remained in India, in a region known as Jammu and Kashmir. *Id.* See also *United States v. Royer*, Indictment, Case No. 03- (EDVA, June 2003) at ¶ 2 available at http://www.investigativeproject.org/documents/case_docs/156.pdf [hereinafter Royer Indictment] (explaining that "Kashmir is a territory in the Indian subcontinent. Upon independence from the United Kingdom in 1947, the Indian subcontinent was divided into two states, India and Pakistan. After India and Pakistan fought their first war against each other in 1948, two-thirds of Kashmir ended up in India, and one-third in Pakistan. Although India is home to more than 100,000 Muslims, Kashmir is the only state in India with a Muslim majority").

⁷ See Wilson Report, *supra* note 5 at 4 (explaining that the Markaz was set up in 1987 by three Islamic scholars, Hafiz Saeed and Zafar Iqbal of the Engineering University in Lahore, and Abdullah Azzam of the International Islamic University in Islamabad). See also "Bad Company: Lashkar e-Tayyiba and the Growing Ambition of Islamist Militancy in Pakistan: Heading before the H. Subcomm. On the Middle East and South Asia" (March 11, 2010) [hereinafter *Bad Company Hearing*] (statement of Dr. Marvin G. Weinbaum, Scholar-in-Residence, Middle East Institute) ("The Markaz Da'wa wal-Irshad was strongly affiliated with the Ahl-e-Hadith or Salafi School of Islamic thought. Markaz-al-Dawa-wal-Irshad was a service organization founded at Muridke near Lahore in the early 1980s by a Palestinian, Abdullah Azzam, who was for a time the ideological mentor of Osama bin Laden").

⁸ See Royer Indictment, *supra* note 5 at ¶ 3 (explaining that the organization, "roughly translated as 'Center for Invitation [to Islam] and Instructions,' was founded in or about 1986 to organize Pakistani *mujahiden* participating in the *jihad* against the Russians in Afghanistan. As it expanded, education, and *jihad* sections were separated").

Professor Hafiz Mohammad Saeed, an instructor at the University of Lahore.⁹ According to a study by Stephen Tankel, an Associate Fellow at the International Centre for the Study of Radicalization and Political Violence who is writing the first English-language book tracing the evolution of LeT, by the time of the Mumbai attacks:

“it was first among equals in the eyes of the Pakistani army, and its reputation was growing in Pakistani society.”¹⁰

More than anything else, LeT was designed to provide Pakistan’s military with a proxy force of militant recruits to augment the Islamic insurgency in Indian Kashmir.¹¹ Even today, the primary focus of the organization remains the “liberation” of Kashmir.¹² As Saeed has explained:

“Pakistan is a country for Muslims of the subcontinent. Therefore, it is incomplete without Kashmir...Pakistan is also incomplete without Hyderabad, Junagarh, and Munabao...it is our duty to free these states from Hindu subjugation and assure their Muslim population that they will become part of Pakistan. This is our agenda for Pakistan’s completion. We will continue to propagate it in India through speech and writing and take these states back through jihad.”¹³

⁹ See generally IICC Report, *supra* note 5 at 6-9.

¹⁰ See Stephen Tankel, *Lashkar-e-Taiba: From 9/11 To Mumbai*, The International Centre for the Study of Radicalisation and Political Violence (April/May 2009) available at <http://www.icsr.info/news/attachments/1240846916ICSRTankelReport.pdf> at 5 [hereinafter Tankel Report]. Seed money of \$200,000 for the group was given by Osama bin Laden’s Afghan Service Bureau to set up its headquarters in Muridke, 30 kilometers from Lahore. See Wilson Report, *supra* note 5 at 4. See also Karen Branch-Brioso, *St. Louis native Tied to Lashkar-e-Taiba; Terrorist Group has Afghan Roots*, St. Louis Post-Dispatch (July 6, 2003) at B1 (“What the ISI did was pick up certain groups who were active on their own, and fund them...LeT’s growth, primarily, was the result of its sponsorship by ISI, which wanted to use these former people who had wanted to fight in Afghanistan and expand the number of people and send them into Kashmir. These were, in fact, the shock troops of Pakistani intelligence. They did not want to send in Pakistani Army forces, so the idea was to take what was originally a legitimate insurgency and make it more extreme and build it up”).

¹¹ See Wilson Report, *supra* note 5 at 3 (“In the late ‘80s, during the Afghan jihad, the Army realized that these groups could also be deployed to manage regional interests—to ensure Pakistan’s objective of maintaining its strategic depth in Afghanistan and keeping India tied up in Kashmir through a proxy war”).

¹² See Tankel Report, *supra* note 9 at 1 (“Following 9/11 LeT remained primarily focused on liberating Kashmir and waging a wider war against India, but also waged a peripheral campaign against the West”).

¹³ Mohammad Shehzad, *LeT chief wants Hyderabad, Junagarh too*, Rediff.com (Sept. 2, 2004) available at <http://www.rediff.com/news/2004/sep/02hafiz.htm>. See also “24 Killed in Renewed Fighting Over Kashmir,” *Toronto Star* (Nov. 30, 2001) at A24 (“In the bloodiest clash, seven Indian paramilitary troops and three Muslim guerrillas fighting rule by Hindu-dominated India were killed in a 12 hour overnight gun battle in the town of Sopore, north of the state summer capital of Srinagar; Lashkar-e-Taiba claimed responsibility for the attack:”); “Islamic Forces Attack Indian base in Kashmir,” *Milwaukee Journal Sentinel* (Dec. 17, 2000) (Islamic guerrillas attacked an army camp in India’s section of Kashmir).

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Despite its historical focus on Kashmir, over time the organization has taken to training both Islamic militants in Pakistan and Afghanistan, and Westerners seeking religious and military training.¹⁴ Today, it represents a threat not just to the stability of India, but to Pakistan and the global community. As Tankel explained, during the time that LeT focused on ‘liberating’ Kashmir, it has waged a peripheral campaign against the West.¹⁵ Early in 2003, Hafiz Saeed urged his followers to “fight against the evil trio: America, Israel, and India.”¹⁶ As a U.S. District Court recently found, its goals are not confined to the region they call home:

“In November 1999, Lashkar sponsored an international *mujahideen* conference. The highlights of the first day of the conference, as cited on Lashkar’s website, www.dawacenter.com, included a 40-foot-long banner portraying *Lashkar’s* dagger penetrating the national flags of the United States, Russia, the United Kingdom, India, and Israel.”¹⁷

These words and actions coordinated by LeT, including attacks against Western forces in Afghanistan and Iraq, have caused American lawmakers to take notice. As U.S. Representative Gary L. Ackerman (D-NY) recently explained:

“There is a temptation to think that the LeT is really India’s problem; that the LeT is really just interested in the so-called ‘liberation’ of Jammu and Kashmir. While it’s true that the primary area of operations for the LeT has historically been the Kashmir valley and the Jammu region, the LeT has also undertaken repeated and numerous mass casualty attacks throughout India and, in particular, directed at the Indian government. But the idea that this group can be appeased on the subject of Kashmir is dangerous nonsense.”¹⁸

Moreover, not even the group’s leader, Saeed, believes that the fight is limited to Kashmir. In an article written by Saeed on the first anniversary of the September 11, 2001 terrorist attacks in America, Saeed said the following:

Jihad news are pouring in from Afghanistan. Mujahideen have recomposed themselves and have initiated their favorite job. They are also dominating in Kashmir, adding to the helplessness of occupying Indian forces. Even in India, Muslims are rising against the tyrannies of the Hindus. The movement of sacrifices is on its peak in Palestine, defeating the Israeli army. Muslims are advancing everywhere with the grace of God. The activities to crush Jihad in the name of terrorism are fading away. The clouds of despair are scattering. The Ummah is progressing to a bright future with a new determination. This is only path that leads to destination, success. Mujahideen are the benefactors of the Ummah. Remember

¹⁴ See *Bad Company Hearing*, *supra* note 6 (statement of Dr. Marvin G. Weinbaum, Scholar-in-Residence, Middle East Institute).

¹⁵ See Tankel Report, *supra* note 9 at 1 (discussing strategic planning of the organization).

¹⁶ Praveen Swami, “Lashkar Chief’s Release Cause of Global Concern,” *The Hindu* (Oct. 13, 2009) available at <http://www.thehindu.com/2009/10/13/stories/2009101360221000.htm>.

¹⁷ Royer Indictment, *supra* note 5 at ¶ 5.

¹⁸ See *Bad Company Hearing*, *supra* note 6 (statement of Rep. Gary L. Ackerman).

them during your prayers for they have selected forests, mountains and caves as their dwellings for the betterment of the Ummah. They are laying their lives for Islam and not for worldly desires, power and wealth. They are the saviours of the honour of their sisters. They are engaged in breaking the shackles of slavery gripping the Muslims. They deserve sympathy, love and prayers. They trust in Allah. Their deal is only with Allah. They do not seek anything from the worldly creatures. Let us join them and lay our lives for the ascent of the religion and make Allah happy with us. We are happy if Allah Almighty reward the Ummah with independence and sovereignty as a result of our sacrifices.¹⁹

B. Spreading Lashkar's Violent Ideology—Support Structure

Ever since its creation, Lashkar has relied on an extensive network of private and public backers for financial support and political cover. In the late 1980s, Lashkar received financial support from charitable donations collected from Pakistan, Kashmir, the United Kingdom, and Persian Gulf states.²⁰ With this influx of funding and the additional assistance of Pakistani intelligence, the group was able to establish a substantial infrastructure. That support structure, consisting of media outlets, charitable fronts, madrassas, and training facilities, has enabled LeT to enlist and indoctrinate a steady flow of new recruits.²¹

The largest and most well-recognized institution serving Lashkar today is the Jammāt ud-Dawā (JuD).²² Prior to the Pakistani government's ban on Lashkar in 2002, Saeed created JuD to ensure that the organization could continue operating in Pakistan.²³ Today, it serves as a front group, masking its true activities and soliciting funds and resources for Lashkar.

The headquarters of JuD are based in Muridke, 30 kilometers from Lahore, Pakistan on a sprawling 200-acre complex. On the property, there is a madrasa, hospital, market, residential area,

¹⁹ Hafiz Muhammad Saeed, "9/11: A turning point for the Ummah: Allies abandon as US goes mad to attack Iraq, available at <http://web.archive.org/web/20021019222826/www.jamatdawa.org/english/articles/voice/200209/hafiz.htm>.

²⁰ See generally IICC Report, *supra* note 5 at 19 ("Three important sites for raising funds from [Muslim communities abroad and Pakistani communities] were Saudi Arabia, Persian Gulf states, and Britain").

²¹ See *Id.* At 22 (discussing the LeT, through its front group Jammāt-ud-Dawā, "operates several websites, publishes periodicals and books, and distributes tapes of the supreme leader of Lashkar-e-Taiba and its fronts, Hafiz Muhammad Saeed").

²² According to JuD's website, the group is divided into five "departments": Taleem (education); Khidm o Khalq (Social Services); Dawā (Preaching); Gunge Behray (mute and deaf); and Aurat (women). The Khidm o Khalq department is further diversified into a dispensary, hospital, medical camp, and ambulance service.

²³ See Tankel Report, *supra* note 9 at 6 ("Immediately prior to the ban LeT also engineered a split with its political wing, known at the time as the Markaz Dawat wal Irshad (MDI). The MDI, also set to be banned in Pakistan, was dissolved and replaced by the Jama'at-ud-Dawaat (JuD), which had existed since the mid-1980s as a registered charity. Hafiz Saeed resigned as the amir of LeT, assumed control of JuD, and announced that all Lashkar activities and offices had been shifted to [Indian controlled] Kashmir").

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agricultural tracts, and a fish farm.²⁴ In addition to its headquarters, LeT maintains camps and recruitment centers across Pakistan.²⁵ The organization claims to operate up to 173 educational institutions across Pakistan, including 29 madrassas “educating” approximately 2,900 students.²⁶

JuD and its network have been instrumental in allowing LeT to expand its size, capabilities, and global reach, according to Dr. Marvin G. Weinbaum of the Middle East Institute:

“[LeT] exceeds al Qaeda in its capacity for recruiting and fundraising across the Islamic world. Unlike al Qaeda, LeT has strong societal roots, and enjoys the protection of the institutions of a state.”²⁷

C. Lashkar Today: A Potent Threat

Two decades after its establishment, Lashkar is the largest terrorist organization operating on the Indian subcontinent.²⁸ Its threat stems from the large and diverse pool of recruits willing and able to engage in acts of terrorism, its increasing cooperation with other global terrorist groups, and its ability to operate virtually unfettered by Pakistani authorities. As Tankel said:

“LeT has begun collaborating much more closely with other groups based in the tribal areas in recent years, and this is partly due to its entrance into the Afghan theatre. While it still remains its own organizational entity, the portability of LeT cadres has increased. This means the danger is not only limited to LeT's leadership deciding to collaborate with other actors on a terrorist attack, since if they decide not there are ample opportunities for freelancing. We can no longer gauge threats based solely on who funds, provides training, recruits operatives, or takes credit for attacks because different actors are playing various roles. The likelihood that LeT will be involved either at the organizational or individual level in one of those areas has increased. However, because the group continues to keep its finger prints off attacks and because it still provides utility to the Pakistan Army, it is being given a pass.”²⁹

²⁴ See *Bad Company Hearing*, *supra* note 6 (statement of Dr. Marvin G. Weinbaum, Scholar-in-Residence, Middle East Institute).

²⁵ *Id.* The recruitment centers and camps are located in, among other places, Lahore, Peshawar, Islamabad, Rawalpindi, Karachi, Multan, Tuetta, Gurranwala, Saikot, and Gilgit. *Id.*

²⁶ Qandeel Siddique, “What is Lashkar-e-Taiba,” Norwegian Defence Research Establishment (Dec. 10, 2008) available at http://www.mil.no/multimedia/archive/00118/Qandeels_foredrag_1_118041a.pdf at 4 [hereinafter Siddique Report].

²⁷ See *Bad Company Hearing*, *supra* note 6 (statement of Dr. Marvin G. Weinbaum, Scholar-in-Residence, Middle East Institute).

²⁸ See IICC Report, *supra* note 5 at 2.

²⁹ Interview with Stephen Tankel (records on file with author).

1. Recruitment Pool

Although membership numbers are not publicly available, news reports suggest that Lashkar has grown as a result of increased visibility on the world stage.³⁰ Thus, the group is no longer a homogeneous collection of Pakistani radicals. Rather, in addition to its traditional pool of recruits, there are a number of Afghan war veterans and increasingly more Westerners joining Lashkar's ranks.³¹

Marian Abou Zahab, a researcher affiliated with the Paris-based Centre d'Etudes et de Recherches Internationales (CERI), compiled a sociological profile of a large portion of LeT's non-Western recruits.³² Among the characteristics identified as common to the recruits were:

- Lower middle class;
- From towns and cities in central and south Punjab;
- Belonged to families who had migrated from India;
- More educated (having completed at least secondary education).³³

³⁰ See e.g., Jane Perlez and Salman Masood, "Terror Ties Run Deep in Pakistan, Mumbai Case Shows," *The New York Times* (July 26, 2009) available at <http://www.nytimes.com/2009/07/27/world/asia/27pstan.html> ("The membership of Lashkar-e-Taiba extends to about 150,000 people, according to a midlevel officer in Pakistan's premier spy agency, the Directorate for Inter-Services Intelligence"); Primit Pal Chaudhuri and Anirudh Bhattacharyya, *United States of Lashkar*, *Hindustan Times* (Nov. 22, 2009) available at <http://www.hindustantimes.com/United-States-of-Lashkar/Article1-478912.aspx> ("After a hiatus of four years, Lashkar-e-Tayyeba is once again back to recruiting Western Muslims for the Pakistan terror outfit's jihad against India").

³¹ See e.g., "Cyber Grooming cell chief Aabid Khan gets 12 years for terrorism," *Times Online* (Aug. 20, 2008) available at <http://www.timesonline.co.uk/tol/news/uk/crime/article4568737.ece> (a Briton named Abid Khan was purportedly one of those trained by the LeT. He was arrested in June 2006 and sentenced to 12 years in prison "for possession of articles for use in an act of terrorism and making records useful for terrorism"); Nicole Dowling, "Terror Threat' cleric to stay," *Manchester Evening News* (Oct. 21, 2002) available at http://menmedia.co.uk/news/s/22287_terror_threat_cleric_to_stay (Muslim Pakistani named Shafik ur-Rehman, who served as the Imam in Oldmham's Ross Street Mosque and is considered the representative of Markaz ud dawa wal Irshad in Britain, was accused by the British authorities of collecting funds for LeT in 1999-2000, and of ideological sympathy with the organization); "Terror supplier gets nine years," *BBC News* (March 17, 2006) available at http://news.bbc.co.uk/2/hi/uk_news/england/coventry_warwickshire/4817432.stm (On March 17, 2006, Mohammad Ajmal Khan from Coventry was sentenced to 9 years in prison after he admitted to directing a terrorist network. The network's activity included supplying arms, ammunition, and funds for Lashkar); "Mumbai trains serial blasts probe reveals Pakistani link," *Thaindian News* (May 23, 2010) available at http://www.thaindian.com/newsportal/uncategorized/mumbai-trains-serial-blasts-probe-reveals-pakistani-link_100368394.html (Another LeT operative, Mohammad Rahil Sheikh, a software engineer and British resident, was suspected of involvement in the latest terrorist attack in Mumbai. The Indian authorities suspect that Skeikh, who is probably hiding in Birmingham, was involved in the terrorist attacks which took place in Mumbai in 2006 and transferred funds to LeT during his stay in Dubai).

³² See Siddique Report, *supra* note 24 at 5 ("a randomized sample of circa 100 testaments and life stories of martyrs were analyzed," revealed the sociological profile of a large portion of LeT recruits).

³³ *Id.*

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As will be shown *infra*, Western recruits come from far more comfortable backgrounds and seem motivated more by the organization's open policy towards foreigners.³⁴

2. Cooperation with Other Terrorist Groups

Part of the concern over LeT stems not just from its Islamist roots but also its partnership with al Qaida and other terrorist groups.³⁵ Among the organizations that Lashkar has cooperated with since its expansion are: the Afghan Taliban, Tehrik-i-Taliban (Pakistani Taliban), Harakat-ul-Jihadi-Islami, Jaish-e-Muhammed, and al Qaida.³⁶

The relationship between Lashkar and al Qaida began in the mid 1990s, and has grown closer following the attacks of September 11, and the subsequent American crackdown on al Qaida and the Taliban.³⁷ Georgetown professor and terrorism expert Bruce Hoffman suggests that the basis for this cooperation is ideological:

“This is a group that years ago evolved from having a local and parochial agenda and bought into al Qaida's vision.”³⁸

Perhaps the most demonstrative connection between the groups is LeT's informal policy by which its members may take “leave” to assist al Qaida operations.³⁹ Apparently this has been a popular approach, with a number of al Qaida plots using individuals who had been trained in LeT camps.⁴⁰ Such policies have led to increased commingling of the terrorist

³⁴ See *infra* Part II.

³⁵ See Praveen Swami, “Lashkar Chief's Release Cause of Global Concern,” *The Hindu* (Oct. 13, 2009) (explaining that among those that LeT has been linked to are Jaish-e-Mohammad and Lashkar I Jhangvi. Many of these Lashkar-linked cells have been found to be active across the world, often acting in coordination with al Qaida).

³⁶ *Id.* See also Stephen Tankel, *Lashkar-e-Taiba in Perspective: An Evolving Threat*, New America Foundation (Feb. 2010) available at http://www.carnegieendowment.org/files/Lashkar-e-Taiba_in_Perspective.pdf (explaining that “Lashkar trains not only its own, but with other groups in the FATA. Some of its members are believed to be instructing at other groups' camps as well”); Anne Gearan, “Gates: Terror Groups Aim to Destabilize South Asia,” ABC News (Jan. 20, 2010) available at <http://abcnews.go.com/International/wireStory?id=9609081> (quoting Secretary Gates, discussing Pakistani anti-terror actions: “I believe this operation, under the umbrella of al-Qaida working with all of these different groups, is intended to destabilize not just Afghanistan, or not just Pakistan, but potentially the whole region”).

³⁷ See IICC Report, *supra* note 5 at 14.

³⁸ Eric Schmitt, Mark Mazzetti, and Jane Perlez, “Pakistan's Spies aided group tied to Mumbai Siege,” *The New York Times* (Dec. 8, 2008). See also Praveen Swami, “Lashkar Chief's Release Cause of Global Concern,” *The Hindu* (Oct. 13, 2009) (quoting scholar Christine Fair as explaining that even today the groups “enjoy tight linkages”).

³⁹ See Steve Coll, “Lashkar-e-Taiba,” *The New Yorker* (Dec. 1, 2008) available at <http://www.newyorker.com/online/blogs/stevecoll/2008/12/lashkaretaiba.html> (explaining that some of JuD's “younger volunteers wanted to join the fight with the Taliban in Western Pakistan and Afghanistan...and so Jamat had evolved an internal H.R. policy by which these young men would turn in the Jamat identity cards and go West ‘on their own time,’ much as think tanks allow policy scholars to take leaves of absence to advice political campaigns”).

⁴⁰ See Stephen Tankel, *The Long Arm of Lashkar-e-Taiba*, The Washington Institute (Feb. 17, 2010) available at <http://www.washingtoninstitute.org/templateC05.php?CID=3175> (explaining that “Although LeT ran its own camps in

organizations. As Said T. Jawad, Afghanistan's Ambassador to the U.S., told the *Wall Street Journal*:

“We see the Pakistanization of al Qaeda...Pakistanis are moving higher up in al Qaeda, and more Pakistanis are getting recruited to carry out operations.”⁴¹

As if such cooperation were not disconcerting in and of itself, Lashkar is emerging as a threat in and of itself. As the U.S. has expanded efforts to combat al Qaeda, groups such as Lashkar have filled in the gaps left by Osama bin Laden's organization. As Brahma Chellaney, a Professor of Strategic Studies at the New Delhi-based Centre for Policy Research, explained:

“Unlike the badly weakened and fragmented al Qaeda, the LeT has a clear command-and-control structure, with its top leader Hafiz Saeed operating openly from Pakistan.”⁴²

3. Lack of Pakistani Counter-Terrorism Efforts

Perhaps the most likely reason that LeT has grown to its current stature is the apparent unwillingness of Pakistani authorities to police the group. As General David Petraeus, commander of the U.S. Central Command, told the Senate Armed Services Committee in March 2010:

“There's no question but that there are elements in Pakistan that have not yet been the focus of the Pakistani counter insurgency efforts....Obviously India has expressed its concern as well. The rise of LeT and the need to take action against it has been a 'source of dialogue' with Pakistani authorities.”⁴³

Afghanistan during the 1990s, some of its cadres cross-trained in al Qaeda camps as well....Today, they cooperate on training and recruitment for the Afghan jihad against coalition forces, equipping fighters and infiltrating them across the Durand Line separating Pakistan and Afghanistan”). See also IICC Report, *supra* note 5 at 13 (Lashkar-e-Taiba, similarly to al Qaeda, has made its bases available for trainees from the entire world as an application of its ideology”); *Id.* at 24 (“LET provided al-Qaeda with logistical assistance in Pakistan. At the same time, Al-Qaeda allowed LET operatives to undergo joint training in the training camps in Afghanistan”). Notable al Qaeda members who have trained at LeT camps include David Hicks, Richard Reid, and Dhiren Barot. See Susan Schmidt and Siobhan Gorman, “Lashkar-e-Taiba Served as Gateway for Western Converts Turning to Jihad,” *Wall Street Journal* (Dec. 4, 2008) available at http://online.wsj.com/article/SB12283497072777709.html?mod=googlenews_wsj.

⁴¹ Susan Schmidt and Siobhan Gorman, “Lashkar-e-Taiba served as Gateway for Western Converts Turning to Jihad,” *Wall Street Journal* (Dec. 4, 2008) available at

http://online.wsj.com/article/SB12283497072777709.html?mod=googlenews_wsj.

⁴²Interview with Brahma Chellaney (records on file with author).

⁴³“LeT not yet on Pakistan's Radar: Gen. Petraeus,” *Thaindia News* (March 17, 2010) available at

http://www.thaindian.com/newsportal/world-news/let-not-yet-on-pakistans-radar-gen-petraeus_100335813.html.

The Rise of Lashkar-e Tayyiba

Despite the fact that LeT has been recognized by the United States, the United Kingdom, and the United Nations as a terrorist organization,⁴⁴ Pakistan has been slow to act against the group and its various fronts—in some cases with the blessing of Pakistani government officials.⁴⁵ A number of ministers in President Musharraf's government have been unequivocal in their praise of the organization. For instance:

“Federal Minister Zubaida Jalal accompanied UNICEF officials to the JuD hospital on October 17, 2005 and held meetings with Hafiz Saeed. Saeed reportedly demanded helicopters to ferry relief materials and the injured. Within a week, the JuD-run hospital was visited by Federal Minister for Kashmir Affairs and Northern Areas Syed Faisal Saleh Hayaat. The Minister praised JuD and its leader Hafiz Saeed profusely for the relief and rehabilitation work.”⁴⁶

In the wake of the September 11 attacks, and in response to international pressure, Pakistan's former President, Pervez Musharraf, banned the group in January 2002.⁴⁷ But that action did not stop LeT from continuing to operate in Pakistan under the cover of JuD.⁴⁸ Discussing the scope of JuD's services, a report by the Norwegian Defence Research Establishment explained:

“Jammat-ud-Dawa, widely considered to be the political front of LeT, has been responsible for a considerable amount of charitable work across Pakistan. In addition to having a network of educational institutions spread across Pakistan, [JuD] offers ambulance service, mobile clinics, and blood banks. Itself founded by highly educated university professors, [JuD] appears to give emphasis to worldly

⁴⁴ See e.g., “Foreign Terrorist Organizations,” United States State Department (Jan. 19, 2010) available at <http://www.state.gov/s/ct/rls/other/des/123085.htm> (designating LeT as a Foreign Terrorist Organization); *Statutory Instrument 2001 No. 1261*, Office of Her Majesty's Principal Secretaries of State (March 28, 2001) available at <http://www.opsi.gov.uk/si/si2001/20011261.htm> (proscribing LeT under the British Terrorism Act of 2000); *Security Council al-Qaida and Taliban Sanctions Committee Adds Names of Three Individuals to Consolidated List*, United Nations Security Council (June 29, 2009) available at <http://www.un.org/News/Press/docs/2009/sc9695.doc.htm> (Adding LeT to United Nations Designation list).

⁴⁵ *Id.*

⁴⁶ See Wilson Report, *supra* note 5 at 5.

⁴⁷ See “Profile: Lashkar-e-Taiba,” BBC News (May 2, 2010) available at http://news.bbc.co.uk/2/hi/south_asia/3181925.stm (“Pakistan's former president, Pervez Musharraf, banned Lashkar-e-Taiba in January 2002, along with four other Islamic groups. This followed considerable international pressure in the wake of the 11 September 2001 attacks in the U.S.”).

⁴⁸ See Tanel Report, *supra* note 9 at 17 (explaining that JuD was able to operate in Kashmir in a relief and humanitarian capacity providing a “financial windfall in the form of charitable donations and cement[ing] its reputation as a social welfare organization through its provision of aid”). See also Raja Karthikeya Gundu, “Pakistan's Failed Crackdown,” *One India* (Feb. 6, 2009) available at http://www.opendemocracy.net/india/article/raja_karthikeya/lashkar-e-taiba_crackdown_pakistan_terrorism (explaining that all of the actions taken by the Pakistani government against LeT and JuD have been inadequate).

education (outside of Quranic teachings) and its schools offer a broad spectrum of subjects.”⁴⁹

In response to the Mumbai attacks and JuD’s links to Lashkar, the Pakistani government moved to ban JuD in December 2008.⁵⁰ Despite the ban, JuD continues to operate virtually unfettered in Pakistan, both in the open and under the guise of a new charitable front called Falah-e-Insaniat (“FeI”).⁵¹ JuD’s signature black-and-white flag bearing a scimitar was recently seen flying at a relief effort set up by the newly established FeI for refugees fleeing violence in Pakistan’s SWAT valley.⁵² Even the new group’s own members recognize the inseparable nature between JuD and FeI. A current government staffer explained:

“Banning Jammāt-ud-Dawā was just eyewash...They just wanted to show the world they were doing something.”

It is a measure of the impunity with which LeT is allowed to operate in Pakistan that the authorities have been unwilling to contain LeT chief Hafiz Mohammad Saeed, who attracts thousands across the country with his fiery sermons.⁵³ Although he has been periodically arrested, his house detentions have been cosmetic at best.⁵⁴

⁴⁹ See Siddique Report, *supra* note 24 at 10.

⁵⁰ “Pakistan bans Jamaat, arrests Hafiz Saeed,” *The Times of India* (Dec. 12, 2008) available at http://timesofindia.indiatimes.com/Pakistan_bans_Jamaat_shuts_all_its_offices_/articleshow/3824291.cms

⁵¹ FeI has recently expanded its operations, distributing medical supplies and food at the local schools that now house refugees. See Omar Waraich, “Terrorism-Linked Charity Finds New Life Amid Pakistan Refugee Crisis,” *Time.com* (May, 13, 2009) (explaining that “Falah-e-Insaniat Foundation” was registered as a charity in Lahore on 19 April 2007, a year and a half before JuD was banned. A telephone call to the head office was redirected to Yahya Mujahid, who described himself as the “spokesman for Jamaat-ud-Dawa.” He confirmed his group’s close links with Falah-e-Insaniat, but declined to take any further questions).

⁵² Omar Waraich, “Terrorism-Linked Charity Finds New Life Amid Pakistan Refugee Crisis,” *Time.com* (May, 13, 2009).

⁵³ See “Bad Company: Lashkar e-Tayyiba and the Growing Ambition of Islamist Militancy in Pakistan: Heading before the H. Subcomm. On the Middle East and South Asia,” (March 11, 2010) (statement of Dr. Marvin G. Weinbaum, Scholar-in-Residence, Middle East Institute).

⁵⁴ See “Bad Company: Lashkar e-Tayyiba and the Growing Ambition of Islamist Militancy in Pakistan: Heading before the H. Subcomm. On the Middle East and South Asia,” (March 11, 2010) (statement of Dr. Marvin G. Weinbaum, Scholar-in-Residence, Middle East Institute). See also, Praveen Swami, “Lashkar chief’s release cause of global concern,” *The Hindu* (Oct. 13, 2009) available at <http://www.thehindu.com/2009/10/13/stories/2009101355311000.htm> (explaining that “Pakistan’s failure to initiate credible criminal action against Saeed is causing increasing concern across the world”).

LASHKAR IN THE UNITED STATES

The threat posed by Lashkar extends beyond the borders of India and Pakistan. This paper has documented Lashkar's role as a gateway organization for aspiring Islamist militants. As an article in the *Los Angeles Times* explained:

“Lashkar has actively recruited Westerners, especially Britons and Americans, serving as a kind of farm team for Islamic militants.”⁵⁵

Westerners who have passed through LeT's training camps include an Australian-born al Qaida operative named David Hicks, convicted “shoe bomber” Richard Reid, and Dhiren Barot, the mastermind of a failed gas-cylinder bombing in London.⁵⁶

The attraction of Lashkar to Westerners may be traced to a number of factors. Although the group has shown willingness since the 1990s to train foreigners as a means of establishing networks in the West, this activity surged after September 11 because LeT did not experience the same crackdown that its al Qaida brethren did. As a result, the camps became an especially appealing destination for many would-be jihadists. The group makes its training camps accessible to English speakers, providing crucial skills to an increasingly young and Western-born generation of extremists.⁵⁷ As Stephen Tankel explains:

“LeT has made its camps available to English speakers, and also acts as a gateway for would-be Western recruits to access other outfits. Lashkar remains easier to get to in Pakistan than AQ or the TTP, though the latter has become easier to reach. Partly, this stems from the fact that LeT is simply easier to find. You can go to offices for JuD [LeT's above-ground religious party and social welfare organization] in any province. All that said, LeT and all of the groups have become much more careful about who they accept. The days of walk-ins are pretty much over, which means that having transnational operators capable vetting foreign

⁵⁵ Sebastian Rotella, “Pakistani militants build web of Western Recruits; Lashkar-e-Taiba, blamed in the Mumbai attacks, has lured U.S.-and British born youth for terrorist training,” *Los Angeles Times* (Dec. 8, 2008), at A1.

⁵⁶ Susan Schmidt and Siobhan Gorman, “Lashkar-e-Taiba served as Gateway for Western Converts Turning to Jihad,” *Wall Street Journal* (Dec. 4, 2008) available at http://online.wsj.com/article/SB122834970727777709.html?mod=googlenews_wsj. See also Bobby Ghosh, “Beyond Times Square: The Threat from Pakistan,” *Time Magazine* (May 6, 2010) available at <http://www.time.com/time/world/article/0,8599,1987395,00.html> (explaining that “At least one of the plotters of the 2005 London subway bombings was an LeT trainee, and British investigators believe the group has been connected to other plots in the U.K.”).

⁵⁷ See Sebastian Rotella, “Pakistani militants build web of Western Recruits; Lashkar-e-Taiba, blamed in the Mumbai attacks, has lured U.S.-and British born youth for terrorist training,” *Los Angeles Times* (Dec. 8, 2008), at A1 (quoting Evan Kohlmann as explaining “Newbie militants can make real contacts. They perceive that Lashkar-e-Taiba...are below the radar. They are less likely to attract negative attention. It's an easier ladder rung to reach. Lashkar is seen as a run to get to al Qaida”).

recruits before they arrive becomes important. And LeT is believed to have networks in South Asia, Europe, North America, the Gulf and [at one point at least] Australia.”⁵⁸

Demonstrative of the growing threat posed by Lashkar is the terror group’s connections to a number of recent plots involving American citizens.⁵⁹ The most notable were Americans who had assisted in the Mumbai attacks and an extensive sleeper cell of Americans in Northern Virginia. In addition to these high-profile cases, there have been a number of smaller criminal prosecutions of Americans associated with Lashkar.

A. Virginia Paintball Jihad Network

In 2003 the United States Department of Justice announced that it had rolled up the largest known American-based terror cell connected to Lashkar—colloquially called the “Virginia Paintball Jihad Network.”⁶⁰ By the end of the investigation the case would see more than a dozen conspirators implicated:

- Mohammed Aatique
- Hammad Abdur-Raheem
- Caliph Basha Ibn Abdur-Raheem
- Ibrahim al-Hamdi
- Ali al-Timimi
- Sabri Benkahla
- Ali Asad Chandia
- Seifullah Chapman
- Khwaja Mahmood Hasan
- Masoud Ahmad Khan
- Mohammed Ajmal Khan
- Yong Ki Kwon
- Randall Todd Royer
- Donald Thomas Surratt

As the far-reaching investigation revealed, each of these men played pivotal roles in a plot to carry out attacks against U.S. troops in Afghanistan on behalf of Lashkar.⁶¹ By the time the men met at the Dar al-Arqam mosque in Fairfax, Virginia, they had each been radicalized to some extent. What they all shared, however, was an interest in serving the cause of jihad, and using Lashkar to do so.

The following narrative of the men’s journey to Pakistan for training, and their plans to fight Americans, is pieced together from court records in their subsequent prosecutions and news reporting.

The earliest known activity in what would become a far-reaching conspiracy was Randall Todd Royer’s attendance at a Lashkar training camp in the early months of 2000—an event that would

⁵⁸ Interview with Stephen Tankel (records on file with author).

⁵⁹ See e.g., Part A, *infra* (discussing the Virginia Paintball Jihad Network); Part B, *infra* (discussing New York Jihad); Part C, *infra* (discussing Georgia Jihad); and Part D, *infra* (discussing Mumbai in the United States).

⁶⁰ *Id.*

⁶¹ *Id.* (the federal prosecutors in the case, Paul McNulty, explained “Right here, in this community, 10 miles from Capitol Hill, in the streets of Northern Virginia, American citizens allegedly met and plotted and recruited for violent jihad”).

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serve as a foundation from which the entire conspiracy would grow.⁶² On February 23 of that year, Royer went to the Pakistani Embassy in Washington, D.C. to obtain a visa to travel to Pakistan.⁶³ Although the visa application listed “tourism” as the purpose of his trip, Royer’s true intentions were to attend a Lashkar terrorist training camp.⁶⁴

While at the camp, Royer fired on Indian military positions in Kashmir and visited a graveyard for non-Pakistani fighters who died fighting in the region alongside Lashkar militants.⁶⁵ Royer’s training involved more than simple weapons and explosives instruction from the group. He attempted to modernize their operations by setting up an internet-based newsletter for Lashkar.⁶⁶

Upon returning from Lahore, Royer attended a dinner at the home of Ibrahim al-Hamdi.⁶⁷ At the dinner, Royer regaled those gathered with stories of his experience serving with LeT, including firing live rounds on the front lines, endurance training, and discharging automatic weapons.⁶⁸ Following dinner, court records suggest that a number of the men suggested setting up a paintball group as a way of preparing for jihad.⁶⁹ Recounting the events of that evening, one of the conspirators later explained at trial:

“[I]n early 2000, the war in Chechnya was a very ‘hot topic’ among Muslims and was regularly discussed in the mosques and on Arabic satellite television. When he and [Yong Ki] Kwon discussed setting up paintball as a vehicle for jihad, their intention was to prepare for physical jihad in the sense of physical preparation for possible combat...Muslims must be proficient in the use of the crossbow, horseback, riding, and swimming for the view about the requirement of being physically prepared for combat.”⁷⁰

⁶² See e.g., *United States v. Royer*, Indictment, Case No. 03-CR (E.D. Va. June 2003) at ¶ 4 available at http://www.investigativeproject.org/documents/case_docs/156.pdf.

⁶³ *Id.* at ¶ 4.

⁶⁴ *United States v. Khan*, Memorandum Opinion, Case No. 03-296-A (March 4, 2004) at 29, available at http://www.investigativeproject.org/documents/case_docs/468.pdf.

⁶⁵ See e.g., *United States v. Royer*, Indictment, Case No. 03-CR (E.D. Va. June 2003) at ¶¶ 12-13 available at http://www.investigativeproject.org/documents/case_docs/156.pdf.

⁶⁶ *Id.* at ¶ 11.

⁶⁷ *Id.* at ¶ 16.

⁶⁸ *United States v. Khan*, Memorandum Opinion, Case No. 03-296-A (March 4, 2004) at 29, available at http://www.investigativeproject.org/documents/case_docs/468.pdf. Also present at the dinner were Kwon, Hammad Abdur-Raheem, Caliph Bash ibn Abdur-Raheem, Hasan, Surratt, al-Timimi, and others. See *Id.* at ¶ 16.

⁶⁹ *Id.* at 17. At trial, the government called Major David Laden, responsible for basic training at the United States Marine Corps Base at Quantico, Virginia. Maj. Laden explained the benefits of paintball as a stepping stone to further military training. According to Laden, paintball is not the equivalent of real combat, but it stimulates aspects of real combat, such as learning how to move under fire. It also provides instantaneous feedback when a player makes a mistake, because he feels the sting of being hit by a paintball. *Id.* at 26.

⁷⁰ *Id.* at 18-19.

Having agreed that training with paintball would be an effective means of preparing to join LeT, the men set up a password-protected website to discuss paintball and share jihadi videos.⁷¹

Using weapons Kwon bought that spring, weekend paintball games became a regular occurrence by the summer of 2000.⁷² Over time, the group used the prior military experience of Hamad Abdur-Raheem, Seifullah Chapman, and Donald Thomas Surratt to engage in military-style drills.⁷³ The “games” were initially played at public courses, but eventually they moved to private farm land in Spotsylvania County to avoid suspicion.⁷⁴

By September 2000, law enforcement officials were investigating the group. That month, Chapman was questioned by the FBI about the paintball meetings.⁷⁵ Although he denied any illicit activity, the aspiring jihadis increased the secrecy surrounding their games. For instance, new players had to have two or three sponsors and were told not to speak to police if questioned about paintball.⁷⁶ Here’s how Yusuf Wells, a fund-raiser for the now defunct Benevolence International Foundation (BIF), described the “games:”

“I was taken on a trip to the woods where a group of twenty brothers get together to play Paintball. It is a very secret and elite group and as I understand it, it is an honor to be invited to come. The brothers are fully geared up in camouflage fatigues, facemasks, and state of the art paintball weaponry. They call it ‘training’ and are very serious about it. I knew at least 4 or 5 of them were ex US military, the rest varied.

Most all of them young men between the ages of 17-25. I was asked by the amir of the group to give a talk after Thuhr prayer. I spoke about seeing the conditions of Muslims overseas while with BIF, and how the fire of Islam is still very much alive in the hearts of the people even in the midst of extreme oppression. I also stressed the idea of being balanced. That we should not just be jihadis and perfect our fighting skills, but we should also work to perfect our character and strengthen our knowledge of Islam. I also said that Muslims are not just book reading cowards either, and that they should be commended for forming such a group.

⁷¹ *Id.* at 19. Among the videos which the men apparently watched were “Russian Hell 2000,” which depicted Chechen terrorists beheading unarmed Russian captives. *Id.* at 46

⁷² *Id.* at 19.

⁷³ *Id.* Abdur-Raheem and Chapman taught flanking maneuvers and land navigation. Warm-ups included military-like calisthenics including duck walks and push-ups, with physical punishment such as pushing a car in neutral for those coming late. *Id.* at 23. Surratt admitted that he had provided military training out of his boot camp book. He taught assault and retreat and defend techniques, formations and hand signals. *Id.* at 23.

⁷⁴ *Id.* at 19.

⁷⁵ *Id.*

⁷⁶ *Id.* at 20. New members were told that there were three rules to paintball: (i) don’t tell anyone; (ii) don’t bring anyone; and (iii) take the Fifth if questioned by the police. *Id.*

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Many were confused as to why I had been “trusted” to join the group so quickly, but were comforted after my brief talk. Some offered to help me get presentations on their respective localities.”⁷⁷

As the military-style training progressed, a number of the participants sought out more training with Lashkar. Al-Hamdi, who had previously been denied entry into Chechnya to fight for the Islamist forces due to his lack of training, contacted Royer for assistance in visiting a Lashkar camp.⁷⁸ Royer agreed that LeT was the “straight path” for such training, and in August of 2000 he telephoned a contact in Pakistan to arrange for al-Hamdi’s acceptance into a camp.⁷⁹

Having arranged his admission to a Lashkar camp, al-Hamdi sold his car and bought a plane ticket to Pakistan where he traveled under a tourist visa.⁸⁰ Kwon and Masoud Ahmad Khan drove al-Hamdi to the airport. Upon arriving in Pakistan, he immediately entered a training camp run by Lashkar and reportedly fired on Indian positions in Kashmir.⁸¹ After a month of training, on September 25, 2000, al-Hamdi returned from Pakistan.⁸²

Royer would later arrange the same training opportunities for Chapman, but after 30 days in the program—undertaking weapons training, hiking, and performing military drills—his trip was cut short by the September 11, 2001 attacks.⁸³

While Chapman was in Pakistan, the Dar al-Arqam mosque in Falls Church, Virginia, which all of the men attended, held a meeting on the night of September 11.⁸⁴ Given the events of the day, court records indicate that the gathering turned into a discussion of the attacks.⁸⁵ Ali al-Timimi stated that the attacks may not have been permissible under Islamic doctrine, but that they were not a tragedy because they were brought on by American foreign policy.⁸⁶ Following these statements, al-Timimi was no longer allowed to speak at the Center, which purged its bookstore of all of his speeches.⁸⁷

⁷⁷ *Id.* at 21.

⁷⁸ *Id.* at 28. See also *United States v. Royer*, Indictment, Case No. 03-CR (E.D. Va. June 2003) at ¶ 19 available at http://www.investigativeproject.org/documents/case_docs/156.pdf.

⁷⁹ *United States v. Khan*, Memorandum Opinion, Case No. 03-296-A (March 4, 2004) at 28, available at http://www.investigativeproject.org/documents/case_docs/468.pdf.

⁸⁰ *United States v. Royer*, Indictment, Case No. 03-CR (E.D. Va. June 2003) at ¶ 20 available at http://www.investigativeproject.org/documents/case_docs/156.pdf.

⁸¹ *Id.* at ¶¶ 24-27.

⁸² *Id.* at ¶ 30.

⁸³ *United States v. Khan*, Memorandum Opinion, Case No. 03-296-A (March 4, 2004) at 31, available at http://www.investigativeproject.org/documents/case_docs/468.pdf.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.* at ¶ 31.

Following al-Timimi's ban from the mosque, the aspiring jihadis held a secret meeting at Kwon's home in Fairfax, Virginia on September 16, 2001.⁸⁸ Kwon asked al-Timimi to address how Muslims could protect themselves.⁸⁹ Only those who had participated in the paintball training and owned weapons were invited.⁹⁰ At the beginning of the meeting, al-Timimi told the attendees that the gathering was an "amana," or a trust that should be kept secret.⁹¹ Al-Timimi then went on to argue that the time had come for the men to go abroad and fight against Americans in Afghanistan following the expected invasion.⁹² He said that an apocalyptic battle had begun, that America was at war with Islam, and that the attendees should leave the United States.⁹³ Having read from a document entitled "Sheikh Humood Bin Uqla Ash-Shu'aibi's Fatwa on the Recent Events," which stated in part that it was compulsory to assist Afghanistan in jihad against the expected U.S. military invasion,⁹⁴ al-Timimi explained:

"American troops likely to arrive in Afghanistan would be legitimate targets of the violent jihad in which his listeners had a duty to engage."⁹⁵

As the conversation continued, the men discussed obtaining military-style training from LeT to prepare to fight American troops.⁹⁶ Royer and al-Timimi told them that LeT would be the best group with which to train, and a number of the men agreed to do so.⁹⁷ They immediately began

⁸⁸ *United States v. Timimi*, Indictment, Case No. 1:04cr (E.D. Va. September 2004) at ¶ 5 available at http://www.investigativeproject.org/documents/case_docs/72.pdf. Present at the meeting were Ali al-Timimi, Kwon, Randall Royer, Masoud Khan, Hammad Abdur-Raheem, Caliph Basha Ibn Abdur-Raheem, Muhammed Aatique, and Khwaja Hasan. *Id.*

⁸⁹ *Id.*

⁹⁰ *United States v. Khan*, Memorandum Opinion, Case No. 03-296-A (March 4, 2004) at 33, available at http://www.investigativeproject.org/documents/case_docs/468.pdf.

⁹¹ *Id.* (explaining that "the secrecy was underscored by having the window blinds drawn and the phones disconnected from the wall").

⁹² *United States v. Timimi*, Indictment, Case No. 1:04cr (E.D. Va. September 2004) at ¶ 1 available at http://www.investigativeproject.org/documents/case_docs/72.pdf. Al-Timimi told those in attendance that Mullah Omar, the Emir of Afghanistan and leader of the Taliban, had called for their help in defending Afghanistan from the expected American invasion. *United States v. Chandia*, Indictment, Case No. 1:05-cr-401 (E.D. Va. Sept. 14, 2005) at ¶ 10, available at http://www.investigativeproject.org/documents/case_docs/1087.pdf.

⁹³ *United States v. Khan*, Memorandum Opinion, Case No. 03-296-A (March 4, 2004) at 33, available at http://www.investigativeproject.org/documents/case_docs/468.pdf.

⁹⁴ *United States v. Chandia*, Indictment, Case No. 1:05-cr-401 (E.D. Va. Sept. 14, 2005) at ¶ 11, available at http://www.investigativeproject.org/documents/case_docs/1087.pdf.

⁹⁵ *United States v. Timimi*, Indictment, Case No. 1:04cr (E.D. Va. September 2004) at ¶ 2 available at http://www.investigativeproject.org/documents/case_docs/72.pdf.

⁹⁶ *Id.* at ¶ 3.

⁹⁷ *United States v. Khan*, Memorandum Opinion, Case No. 03-296-A (March 4, 2004) at 34, available at http://www.investigativeproject.org/documents/case_docs/468.pdf. After the meeting, Khan, Kwon, Aatique, and Hasan agreed to go to LeT for training.

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planning their department from Northern Virginia to Pakistan.⁹⁸ Al-Timimi and Royer were integral in organizing the men's travel arrangements.⁹⁹

The preparations began in earnest on September 18, 2001 - one week after al Qaida's lethal strikes in New York and Washington. The men first went to the Pakistani Embassy in Washington, D.C., where Kwon and Khwaja Mahmood Hasan applied for visas.¹⁰⁰ They then drove Khan to Pennsylvania, where he met with Muhammed Aatique.¹⁰¹ The two groups of men then went their separate ways to travel to Karachi, Pakistan.¹⁰²

After having spent a week with his mother in Pakistan, Aatique was the first to arrive at the training camp.¹⁰³ Once in Pakistan, Khan, Hasan, and Kwon met and traveled together to the LeT office in Lahore, eventually meeting back up with Aatique at the LeT's Masada camp near Muzafabad, Pakistan.¹⁰⁴ Many of the conspirators later attended the Ibn Masood camp in the same area of the country.¹⁰⁵

While at the camps, the men engaged in varying degrees of weapons and other related training.¹⁰⁶ They fired AK-47 rifles and machine guns at Masada¹⁰⁷ and learned how to use anti-aircraft guns and rocket-propelled grenades at Ibn Masood.¹⁰⁸

⁹⁸ *Id.*

⁹⁹ *United States v. Timimi*, Indictment, Case No. 1:04cr (E.D. Va. September 2004) at ¶ 6 available at http://www.investigativeproject.org/documents/case_docs/72.pdf. For example, on September 17, al-Timimi told Kwon and Hasan how to reach an LeT camp undetected.

¹⁰⁰ *Id.* at ¶ 7.

¹⁰¹ *Id.*

¹⁰² *Id.* at ¶ 9. The pairs of men flew out of different airports from the United States en route to their ultimate destinations in Karachi, Pakistan. On September 19, Aatique and Khan traveled from JFK Airport in New York to Karachi, Pakistan arriving the following day. On September 20, Kwon and Hasan traveled to Dulles arriving in Pakistan on September 22 after layovers in New York and Manchester, England. *Id.* A federal judge reviewing the evidence presented against Khan concluded that one purpose of his trip to Pakistan was to participate in the probate of his late father's estate, but that these legal proceedings were not the primary reason for his travels to Pakistan. See *United States v. Khan*, Memorandum Opinion, Case No. 03-296-A (March 4, 2004) at 53, available at http://www.investigativeproject.org/documents/case_docs/468.pdf.

¹⁰³ *United States v. Timimi*, Indictment, Case No. 1:04cr (E.D. Va. September 2004) at ¶ 15 available at http://www.investigativeproject.org/documents/case_docs/72.pdf. According to his plea agreement, Aatique telephoned a number that Royer had previously provided to him as a contact number for Lashkar-e-Taiba. In accordance with the instructions he received upon calling that number, Aatique flew from Karachi to Lahore, and then proceeded to the Lashkar-e-Taiba office in Lahore, where he stayed for two nights. Using the alias or "kunya" of Abu Omar, Aatique was then escorted by bus to Lashkar-e-Taiba offices in Islamabad and in Muzafabad, and then to Camp Masada, a half day hike up into the mountains from Lashkar-e-Taiba's Muzafabad office. *Id.*

¹⁰⁴ *Id.* at ¶ 16.

¹⁰⁵ *Id.* at ¶ 17 There is also a reference to the Aqsa training camp, which Kwon allegedly attended in mid-October. See *Id.* at 13.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.* at ¶¶ 16, 22.

¹⁰⁸ *Id.* at ¶¶ 17, 23.

Back in Virginia, al-Timimi organized a meeting on October 15 at his home.¹⁰⁹ He read and expressed agreement with an Arabic document written by Sheikh Safar Hawali entitled “Statement to the Ummah Concerning the Recent Events,” which stated that:

“Muslims everywhere rejoiced when they heard the news of the terrorist attacks of September 11, 2001, and that it was the duty of Muslims to guard the religion from all sides.”¹¹⁰

He reiterated that fighting Americans was not only permissible, but necessary, and told the men that they would die as martyrs if they were killed fighting Americans in Afghanistan.¹¹¹ Once again, al-Timimi recommended LeT because “its belief system was good and it focused on combat.”¹¹²

Following this meeting, Ali Asad Chandia renewed his Pakistani passport and bought a plane ticket to Lahore scheduled for November 3, 2001.¹¹³ He arrived in Pakistan on the 5th and went to a LeT office in Lahore.¹¹⁴ There, he ran into Hasan and Kwon and asked them about the type of training that took place at the camp.¹¹⁵ Chandia sought advice as to the type of clothing he would need.¹¹⁶

Chandia and Khan returned to the U.S. a week apart from each other in February 2002.¹¹⁷ Upon returning, investigators believe that Khan attempted to acquire unmanned aerial drones for LeT.¹¹⁸ Emails from an account believed to belong to Khan and the president of a UAV contractor in Colorado revealed negotiations to purchase unmanned drones.¹¹⁹ In one such communication, following a test flight of the machines, an email sent from Khan’s account and believed to have been written by Khan stated:

“I just got back to DC and read your emails....I would like to place the order for complete system however could you find out for me a remote control and video which have greater

¹⁰⁹ *Id.* at ¶ 18. Present at this meeting were Surrat, Hammad Abdur-Raheem, Caliph Abdur-Raheem, and Ali Asad Chandia. *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.* See also *United States v. Chandia*, Indictment, Case No. 1:05-cr-401 (E.D. Va. Sept. 14, 2005) at ¶ 23, available at http://www.investigativeproject.org/documents/case_docs/1087.pdf (identifying Chandia as the previously unknown “Conspirator” from the Timimi indictment).

¹¹² *United States v. Timimi*, Indictment, Case No. 1:04cr (E.D. Va. September 2004) at ¶ 21 available at http://www.investigativeproject.org/documents/case_docs/72.pdf.

¹¹³ *United States v. Chandia*, Indictment, Case No. 1:05-cr-401 (E.D. Va. Sept. 14, 2005) at ¶ 28, available at http://www.investigativeproject.org/documents/case_docs/1087.pdf.

¹¹⁴ *Id.* at ¶ 34.

¹¹⁵ *Id.*

¹¹⁶ *Id.* at ¶¶ 34-36.

¹¹⁷ *Id.* at ¶ 40.

¹¹⁸ *Id.* at ¶ 52. In February 2002, Chandia and Khan went to visit Hasan in Alexandria, Virginia, and while there Khan said that he had come back to the United States to obtain equipment for LeT. *Id.*

¹¹⁹ *Id.* at ¶ 41.

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range. 5 mils + which is compatible with your system. Please get back to me ASAP so that I could make a final decision.”¹²⁰

Later that month, Khan departed D.C. for England, where he continued to gather equipment for LeT including wireless video equipment intended for use on a remote-controlled aircraft.¹²¹ It is unclear whether this material, or the unmanned drone purchased, ever came into Lashkar’s possession.

By early 2003, the FBI was ready to begin arresting suspects in the multi-year investigation. On June 25, 2003, warrants were issued for Aatique, al-Hamdi, Benkahla, Hammad Abdur-Raheem, Caliph Basha Ibn Abdur-Raheem, Chapman, Hasan, Ahmad Khan, Kwon, and Royer.¹²² With each arrest, additional details surfaced regarding the men’s radical activities.

On May 8, 2003 in Gaithersburg, Maryland, authorities sent to arrest Khan found him in possession of automatic weapons, a document entitled “The Terrorist’s Handbook” containing instructions for how to manufacture and use explosives and chemicals as weapons, a photograph of the FBI headquarters building in Washington, and a fatwa from Osama bin Laden issued in October 2001, that declared:

“So here is America, Allah has struck it in one of its vital points, so he destroyed her greatest of buildings. And unto Allah is all praise and He has favored us with this blessing.

And here is America filled with terror from its north to its south, from its east to its west. And unto Allah is all praise and He has favored us with this blessing.”¹²³

Similarly, when Chandia was arrested in September 2005, he possessed numerous publications related to jihad, including:

- *Jihad is the best Defence for oppressed Muslims*
- *Jihad in Islam*
- *Jihad in the Present Time*
- *Paradise—Its Blessings and How to Get There*
- *Limited Warfare in the Nuclear Age*¹²⁴

The conspirators were charged in an extensive indictment which alleged numerous offenses related to supporting Lashkar and planning and engaging in acts of terrorism abroad. By the time the dust

¹²⁰ *Id.* at ¶ 48.

¹²¹ *Id.* at ¶ 55.

¹²² Warrant Issued, PACER (June 6, 2003) (subscription required).

¹²³ *United States v. Chandia*, Indictment, Case No. 1:05-cr-401 (E.D. Va. Sept. 14, 2005) at ¶ 103, available at http://www.investigativeproject.org/documents/case_docs/1087.pdf

¹²⁴ *Id.*

settled, all but two of the conspirators had been found guilty, with each being sentenced to lengthy prison terms.

The first conviction came on August 21, 2003, when Hasan pled guilty to conspiring to commit an offense against the United States, and using a firearm in connection with a crime of violence.¹²⁵ He was sentenced on November 7, 2003 to more than a decade in prison.¹²⁶

The following day, Surrat was convicted of conspiracy to commit an offense against the United States and transporting a firearm in interstate commerce with reason to know that it would be used to commit a felony.¹²⁷ He was sentenced to almost four years in prison on November 7, 2003.¹²⁸

On August 25, 2003, Kwon was convicted of conspiring to commit an offense against the United States, use of a firearm in connection with a crime of violence, and transferring a firearm to another for use in a crime of violence.¹²⁹ He was sentenced on November 7, 2003 to eleven and a half years in prison.¹³⁰

Aatique, who had been arrested on July 2, 2003, was convicted on September 22, 2003 of aiding others in commencing a military expedition against a friendly nation, and using and discharging a firearm in relation to a crime of violence.¹³¹ He was sentenced on December 12, 2003 to ten years and two months in prison.¹³²

On January 16, 2004, Royer and al-Hamdi pled guilty to related charges.¹³³ Royer pled to aiding and abetting the use and discharge of a firearm during and in relation to a crime of violence and to aiding and abetting the carrying of an explosive during the commission of a felony.¹³⁴ In his plea agreement, Royer admitted to aiding and abetting al-Hamdi, Ahmad Khan, Kwon, Aatique, and Hasan in gaining entry to Lashkar training camps.¹³⁵ Similarly, Al-Hamdi pled guilty to possession of a firearm during and in relation to a crime of violence, and to carrying an explosive during the

¹²⁵ “Statistics on Unsealed International Terrorism and Terrorism-Related Convictions,” United States Department of Justice, available at <http://www.justice.gov/cjs/docs/terrorism-convictions-statistics.pdf>.

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Randall Todd Royer and Ibrahim Ahmed al-Hamdi Sentenced for Participation in Virginia Jihad Network*, United States Department of Justice (April 9, 2004) available at

http://www.justice.gov/criminal/pr/2004/04/2004_3655_RANDALL_TODD_ROYER_A.htm.

¹³⁵ *Id.*

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commission of a felony.¹³⁶ In his plea agreement, al Hamdi admitted to possessing a Saigs .308 caliber rifle with a telescopic sight and ammunition, including tracer rounds, for the purpose of enhancing his ability to train for violent jihad in Chechnya, Kashmir, or other places.¹³⁷ On April 9, they were both sentenced to 20 and 15 years in prison, respectively.¹³⁸ Commenting on the sentencing of the men, then-Attorney General John Ashcroft explained:

“Today’s sentences demonstrate the severe penalties for aiding terrorist causes.... We will not allow terrorist groups to exploit America’s freedoms to pursue their deadly goals.”¹³⁹

On March 4, 2004, following a three-week trial during which Aatique, Kwon, Hasan, and al-Hamdi all testified, Chapman, Khan, and Hammad Abdur-Raheem were convicted on many of the charged counts.¹⁴⁰ During the trial, the defendants tried to downplay their activities, attempting to pass themselves off as peaceful men. Chapman argued that:

“He is a moderate Muslim with no interest in violent jihad against any country. He argues that his possession of weapons was lawful and for legitimate recreational purposes, that he played paintball with other named co-conspirators for physical exercise, that he did not know the LET camp he and others visited in Pakistan trained persons for violent jihad, and that he had no intention himself of fighting India or any other nation and no intention of helping others engage in such fighting.”¹⁴¹

Similarly, Abdur-Raheem argued that:

“His possession of firearms, his training co-conspirators about the safety and maintenance of their firearms, and his participation in paintball were for purely recreational purposes. He disavows knowing the intention of other paintball players to use the game as a preparation for violent jihad. He also argues that he was never a part of any of the conspiracies.”¹⁴²

Khan claimed that:

“He was not a part of the paintball group and that his trip to Pakistan was for the purpose of settling a family legal problem. He argues that the time he spent at the LET camp was purely recreational and he disavows any intention to go to Afghanistan to fight on behalf of the Taliban against the United States.”¹⁴³

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *United States v. Khan*, Memorandum Opinion, Case No. 03-296-A (March 4, 2004) at 15, available at http://www.investigativeproject.org/documents/case_docs/468.pdf.

¹⁴² *Id.*

¹⁴³ *Id.*

Evaluating these arguments, the presiding federal judge explained:

“Although the defendants have tried to portray the paintball exercises as innocent fun, the Court concludes that for the defendants and their co-conspirators, these games were viewed as not just an opportunity for outdoor exercise, fellowship and an opportunity to improve self-defense skills, but also as preparation for real combat.”¹⁴⁴

Having been found guilty, Masoud Khan was sentenced to life in prison, Abdur-Raheem to just over four years, and Chapman to 85 years in prison.¹⁴⁵

On April 26, 2005, Ali al-Timimi was found guilty by a federal jury in Alexandria, Virginia for inspiring the group.¹⁴⁶ He was convicted of soliciting others to wage war against the United States; counseling others to engage in a conspiracy to levy war against the United States; attempting to aid the Taliban; counseling others to attempt to aid the Taliban; counseling others to violate the Neutrality Act; and counseling others to use firearms and explosives in furtherance of crimes of violence.¹⁴⁷ He was sentenced to life in prison.¹⁴⁸ In sentencing him, Judge Leonie Brinkema explained:

“I don’t think any well-read person can doubt the truth that terrorist camps are an essential part of the new terrorism that is perpetrated in the world today....People of good will need to do whatever they can to stop that.”¹⁴⁹

Explaining the unusual conviction for what was said by many to be speech protected by the First Amendment, then Attorney General Alberto R. Gonzales said:

“Those who aid our terrorist enemies abroad should take notice of today’s terrorism conviction of Ali al-Timimi.... The al-Timimi conviction, along with the previous convictions in the ‘Virginia Jihad’ case, demonstrates the resolve shown by the Department in prosecuting those who helped in an effort to attack American troops abroad. Relying on international cooperation and using the legal tools available to us, including the sharing of critical intelligence, federal prosecutors put together the global investigation that led to today’s conviction.”¹⁵⁰

¹⁴⁴ *Id.* at 19.

¹⁴⁵ News Release: United States Department of Justice (April 26, 2005) available at <http://www.justice.gov/usao/vae/Pressreleases/04-AprilPDFArchive/05/42605TimimiPR.pdf>.

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ Jerry Markon, “Muslim Lecturer Sentenced to Life,” *The Washington Post* (July 14, 2005) available at <http://www.washingtonpost.com/wp-dyn/content/article/2005/07/13/AR2005071302169.html>.

¹⁵⁰ News Release, United States Department of Justice (April 26, 2005) available at http://www.investigativeproject.org/documents/case_docs/73.pdf.

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On June 6, 2006 Chandia was convicted of providing material support to a designated foreign terrorist organization. He was sentenced on April 25, 2008 to 15 years in prison.¹⁵¹ Commenting on the sentence, United States Attorney Chuck Rosenberg said:

“Terrorist organizations like Lashkar-e Taiba rely on a network of individuals to carry out their deadly operations. Asli Asad Chandia was a member of that network for Lashkar-e Taiba, and he will now spend a very long period of time in prison for providing material support in furtherance of its violent agenda.”¹⁵²

Following trials, Caliph Basha Ibn Abdur-Raheem and Sabri Benkahla were acquitted.¹⁵³ After his acquittal, Benkahla was granted statutory immunity and testified twice before a grand jury.¹⁵⁴ He also interviewed with the FBI. Investigators later determined that he lied in these discussions, and he was subsequently charged with obstruction of justice and perjury.¹⁵⁵ On February 5, 2007, Benkahla was convicted by a federal jury of two counts of perjury before the grand jury, one count of obstruction of justice with respect to the grand jury investigation, and one count of making false official statements to the FBI.¹⁵⁶ Addressing the convictions, U.S. Attorney Rosenberg explained:

“Truthful and complete information is a cornerstone of our war on terror. We need and expect the truth; when we do not get it, as Mr. Benkahla now knows, we prosecute perjury and obstruction of justice aggressively.”¹⁵⁷

He was sentenced to 10 years in prison.¹⁵⁸

In addition to demonstrating the scope of the threat posed by Lashkar’s willingness to work with Western recruits, this investigation produced the largest number of convictions in any single American terrorism case to date.

¹⁵¹ “Maryland Man Sentenced to 15 years for providing material support to terror group,” United States Attorney’s Office Eastern district of Virginia (Aug. 25, 2006) *available at* <http://www.justice.gov/usao/vae/Pressreleases/08-AugustPDFArchive/06/20060825chandianr.pdf>.

¹⁵² *Id.*

¹⁵³ “Statistics on Unsealed International Terrorism and Terrorism-Related Convictions,” United States Department of Justice, *available at* <http://www.justice.gov/cjs/docs/terrorism-convictions-statistics.pdf>.

¹⁵⁴ *Id.*

¹⁵⁵ “Virginia Jihad Member Convicted of Perjury, Obstruction,” United States Attorney’s Office Eastern District of Virginia (Feb. 5, 2007) *available at* <http://www.justice.gov/usao/vae/Pressreleases/02-FebruaryPDFArchive/07/20070205benkahlanr.pdf>.

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ “Statistics on Unsealed International Terrorism and Terrorism-Related Convictions,” United States Department of Justice, *available at* <http://www.justice.gov/cjs/docs/terrorism-convictions-statistics.pdf>.

B. New York Jihad

Lashkar was connected to another pair of American homegrown terrorists in the years following the September 11th attacks—a D.C. cab driver, Mahmud Faruq Brent, and a Florida-based physician, Rafiq Sabir. The investigation, which produced links not only to Lashkar, but the Virginia Paintball Jihad plot, was uncovered by agents of the FBI's Joint Terrorism Task Force in 2005. Among those captured in the eventual criminal prosecution included:

- Tarik Shah
- Mahmud Faruq Brent
- Rafiq Sabir
- Abdulrahmen Farhane

Based upon publicly available information, Shah and Brent met in 2001 and soon thereafter lived together in Beacon, New York.¹⁵⁹ During this time, Shah confided in Brent that he had attended a terrorist training camp in Afghanistan in 1998.¹⁶⁰ The men got along swimmingly, training for martial arts together and watching videos about jihad in Bosnia.¹⁶¹ As they grew increasingly radical, Brent introduced Shah to Seifullah Chapman of the Virginia LeT network.¹⁶² Chapman was introduced as a Muslim convert serving as a military recruiter and trainer for overseas camps.¹⁶³

In February 2002, Brent traveled to Pakistan for what is presumed by law enforcement officials to be training at a LeT camp.¹⁶⁴ Upon returning on June 4, he told Shah that he had attended a training camp “up in the mountains” of Pakistan.¹⁶⁵ By this point, the FBI had become interested in the men and had recruited a confidential informant (“CI,” or “informant”) to augment their investigation. Much of what is known about the conspiracy is based upon the work of this informant.

From 2003 to May 2005, Shah engaged in multiple meetings and conversations with the informant, during which he discussed his desire to train Muslim “brothers” in the martial arts to help them wage jihad.¹⁶⁶ Specifically, Shah said he would be willing to train men in hand-to-hand combat, including knife and stick fighting.¹⁶⁷ He explained that although he was interested in training others, in the wake of the September 11 attacks, various mosques had prevented him from engaging in such

¹⁵⁹ *United States v. Brent*, Sealed Complaint (Aug. 3, 2005) available at http://www.investigativeproject.org/documents/case_docs/1086.pdf (unsealed).

¹⁶⁰ “Bronx Martial Arts Instructor Pleads Guilty to Conspiring to Support al Qaida,” United States Attorney Southern District of New York (April 4, 2007).

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ “Bronx Martial Arts Instructor Pleads Guilty to Conspiring to Support al Qaida,” United States Attorney Southern District of New York (April 4, 2007).

¹⁶⁷ *United States v. Brent*, Sealed Complaint (Aug. 3, 2005) available at http://www.investigativeproject.org/documents/case_docs/1086.pdf (unsealed).

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activities.¹⁶⁸ Consequently, Shah took steps to find locations where jihad training could be conducted and weapons could be machined.¹⁶⁹

At the time that the FBI was investigating Brent and Shah, they were also looking into Rafiq Sabir, a doctor who had agreed to provide medical services to al Qaida fighters.¹⁷⁰

After years of expressing interest in attending a training camp to learn about “chemical stuff,” and “explosives and firearms,” Shah met with a person whom he believed was a recruiter for al Qaida in May 2005.¹⁷¹ The man with whom he met was actually an FBI agent.¹⁷² During that meeting, Shah, along with Sabir, pledged “bayat,” or allegiance, to Osama bin Laden and al Qaida.¹⁷³ The men agreed to provide martial arts training to al Qaida fighters.¹⁷⁴

As with the arrests in the Virginia Paintball Jihad case, many of the defendants possessed Islamist militant literature at the time of their capture. When Brent was arrested in August 2005, FBI agents found in his home:

- A jihadist recruiting video called “The Martyrs of Bosnia;”
- Multiple recordings by radical clerics;
- Addresses, email addresses, and telephone numbers for the LeT office in Lahore, Pakistan.¹⁷⁵

Shah, Sabir, Brent, and Farhane were indicted in the Southern District of New York in August 2005 on charges of providing material support to Lashkar and other related terrorism offenses.¹⁷⁶

Farhane was the first to be convicted in the conspiracy.¹⁷⁷ In November 2006, he was sentenced to thirteen years in prison.¹⁷⁸

¹⁶⁸ *United States v. Brent*, Sealed Complaint (Aug, 3, 2005) available at http://www.investigativeproject.org/documents/case_docs/1086.pdf (unsealed).

¹⁶⁹ “Bronx Martial Arts Instructor Pleads Guilty to Conspiring to Support al Qaida,” United States Attorney Southern District of New York (April 4, 2007).

¹⁷⁰ *United States v. Brent*, Sealed Complaint (Aug, 3, 2005) available at http://www.investigativeproject.org/documents/case_docs/1086.pdf (unsealed).

¹⁷¹ *Id.*

¹⁷² “Bronx Martial Arts Instructor Pleads Guilty to Conspiring to Support al Qaida,” United States Attorney Southern District of New York (April 4, 2007).

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ “Statistics on Unsealed International Terrorism and Terrorism-Related Convictions,” United States Department of Justice, available at <http://www.justice.gov/cjs/docs/terrorism-convictions-statistics.pdf>.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

Brent pled guilty in April 2007 to conspiring to provide material support to Lashkar.¹⁷⁹ He was sentenced to fifteen years imprisonment.¹⁸⁰ In imposing the statutory maximum, the U.S. Judge Loretta A. Preska said:

“Without foot-soldiers willing to offer themselves as fighters, like Brent, Lashkar could not carry out violent terrorist acts and that Brent’s willingness to travel and train at Lashkar’s terrorist training camp in Pakistan was a critical component of putting Lashkar’s murderous views into action.”¹⁸¹

Two days later, Shah pled guilty to conspiring to provide material support to al Qaida and admitted to agreeing to train jihadists in martial arts and hand-to-hand combat with weapons.¹⁸² He was sentenced to fifteen years in prison.¹⁸³

Finally, Sabir was convicted in May 2007 for his role in the conspiracy.¹⁸⁴ He was sentenced to nearly 30 years in prison.¹⁸⁵

C. Georgia Jihad

In the mid-2000s, another domestic terrorism plot was uncovered. This revealed not only links to Lashkar, but also demonstrated the global reach of the organization that developed courtesy of the Internet. The plotters in the case, Ehsanul Sadequee and Syed Haris Ahmed, expressed an interest in attending Lashkar training camps and provided the terrorist group with operational materials with which to carry out attacks within the United States.

In December 2001, while living in Bangladesh, Sadequee sent an email seeking to join the Taliban in order to help them in their fight against U.S. and coalition forces in Afghanistan.¹⁸⁶ Having returned to the United States in 2004, Sadequee continued to try to join anti-coalition forces in the region.¹⁸⁷ Ahmed and Sadequee began discussing what they felt was a shared obligation to engage in

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ “Maryland Man Sentenced to 15 years for Providing Material Support to Terrorist Organization,” United States Attorney for the Southern District of New York (July 25, 2007) *available at* http://www.investigativeproject.org/documents/case_docs/453.pdf.

¹⁸² “Bronx Martial Arts Instructor Pleads Guilty to Conspiring to Support al Qaida,” United States Attorney Southern District of New York (April 4, 2007) *available at* http://www.investigativeproject.org/documents/case_docs/395.pdf

¹⁸³ “Statistics on Unsealed International Terrorism and Terrorism-Related Convictions,” United States Department of Justice, *available at* <http://www.justice.gov/cjs/docs/terrorism-convictions-statistics.pdf>.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ “Atlanta Defendant Found Guilty of Supporting Terrorists,” United States Department of Justice (Aug. 12, 2009) *available at* http://www.investigativeproject.org/documents/case_docs/1041.pdf.

¹⁸⁷ *Id.*

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jihad against Americans.¹⁸⁸ To this end, the conspirators used the Internet to develop relationships and maintain contact with each other and with other supporters of violent jihad in the U.S., Canada, the United Kingdom, Pakistan, Bosnia, and elsewhere.¹⁸⁹

The men's rudimentary paramilitary "training" began much the same way as the conspiracy in Northern Virginia—with paintball in Northwestern Georgia.¹⁹⁰ Having communicated with a group of men in Canada who would later be known as the Toronto 18,¹⁹¹ Sadequee purchased bus tickets for himself and Ahmed to travel to Toronto in February 2005.¹⁹²

Once in Canada, Sadequee and Ahmed met with Fahim Ahmad and Jahmal James to discuss plans to carry out attacks within their respective countries and abroad.¹⁹³ According to federal prosecutors, the men:

“Identified and discussed strategic locations in the United States that were suitable for terrorist attack, including military bases and oil storage facilities and refineries. They explored how they might disrupt the world-wide Global Positioning System (GPS). They also discussed a plan for members of the group to travel to Pakistan to seek and receive paramilitary training that they would then use to engage in violent jihad.”¹⁹⁴

Following their trip to Toronto, Ahmed and Sadequee discussed additional plans to attack the Dobbins Air Reserve Base in Marietta, Georgia.¹⁹⁵ In their search for additional targets, the men later took a road trip to the D.C. area, where they scouted several possible targets to strike.¹⁹⁶

¹⁸⁸ “Terrorism Defendants Sentenced,” United States Department of Justice (Dec. 14, 2009) *available at* http://www.investigativeproject.org/documents/case_docs/1146.pdf.

¹⁸⁹ *Id.*

¹⁹⁰ See *United States v. Ahmed*, Superseding Indictment (July 19, 2006) *available at* http://www.investigativeproject.org/documents/case_docs/140.pdf at ¶ 17 (“on several occasions in or around late 2004 and early 2005, Ahmed, Sadequee, and another [unnamed person] engaged in physical and rudimentary paramilitary training, including activities with paintball guns, in Northwestern Georgia”).

¹⁹¹ See generally Ian Austen and David Johnston, “17 Held in Plot to Bomb Sites in Ontario,” *The New York Times* (June 4, 2006) *available at*

http://www.nytimes.com/2006/06/04/world/americas/04toronto.html?_r=1&ei=5087%0A&en=9a73d1adefdf1e34&cex=1149566400&pagewanted=all (describing the case of the Toronto 18 and the connections with Sadequee and Ahmed).

¹⁹² See *United States v. Ahmed*, Superseding Indictment (July 19, 2006) *available at* http://www.investigativeproject.org/documents/case_docs/140.pdf at ¶ 18.

¹⁹³ *United States v. Ahmed*, Criminal Indictment (July 19, 2006) *available at* http://www.investigativeproject.org/documents/case_docs/140.pdf at ¶ 20

¹⁹⁴ *Id.* at ¶ 20.

¹⁹⁵ *Id.* at ¶ 21.

¹⁹⁶ *Id.* at ¶ 23.

On their two-day trip in April, Ahmed and Sadequee identified and took video of a number of symbolic and infrastructure targets, including:

- The United States Capitol
- The headquarters of the World Bank in Washington
- The Masonic Temple in Alexandria, Virginia
- A group of large fuel storage tanks near I-95 in Northern Virginia.¹⁹⁷

Having compiled the scouting videos, Sadequee sent the clips in an encrypted email to Younis Tsouli, an al Qaida propagandist and wunderkind who operated under the alias Irhabi 007 until his arrest in October 2005.¹⁹⁸ When Tsouli was captured, law enforcement officials in Britain recovered the videos made by Ahmed and Sadequee as well as videos showing how to make a car bomb, a video on firearms, and a variety of propaganda videos ranging in topics from paramilitary training camps in Afghanistan and Pakistan to beheadings of Westerners and footage of the September 11th attacks.¹⁹⁹

By April of 2005, the plans of the men had moved from simply planning and providing logistical support to actually seeking out paramilitary training.²⁰⁰ Ahmed sent a heavily coded message to Sadequee concerning the logistics and importance of getting to the “curry place” in Pakistan.²⁰¹ Over the next few days, Ahmed and Sadequee discussed the value of seeking access to paramilitary training camps affiliated with LeT and the logistics and financing required to attend the camps.²⁰² To this end, Sadequee provided Ahmed with the name and contact information of Abu Umar, a LeT operative who could assist Ahmed in obtaining training in Pakistan.²⁰³

On July 17, 2005, Ahmed went to Pakistan for the purpose of studying in a madrassa and obtaining military training with LeT.²⁰⁴ He was unsuccessful in obtaining entry to a camp for unknown reasons, and consequently returned to Atlanta on August 19.²⁰⁵

¹⁹⁷ *Id.* at ¶ 23.

¹⁹⁸ *Id.* at ¶ 25.

¹⁹⁹ *Id.* at ¶ 26.

²⁰⁰ *United States v. Ahmed*, Superseding Criminal Indictment (Dec. 9, 2008) available at

http://www.investigativeproject.org/documents/case_docs/140.pdf at ¶ 28. Investigators explained that “curry place” was code for an LeT run training camp in Pakistan. *Id.*

²⁰¹ *United States v. Ahmed*, Superseding Criminal Indictment (Dec. 9, 2008) available at

http://www.investigativeproject.org/documents/case_docs/140.pdf at ¶ 28. Investigators explained that “curry place” was code for an LeT run training camp in Pakistan. *Id.*

²⁰² *United States v. Ahmed*, Superseding Criminal Indictment (Dec. 9, 2008) available at

http://www.investigativeproject.org/documents/case_docs/140.pdf at ¶ 29-30.

²⁰³ *Id.* at ¶ 27.

²⁰⁴ *Id.* at ¶ 28.

²⁰⁵ *Id.* at ¶ 33.

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Around the time that Ahmed was returning home, Sadequee traveled to Bangladesh to get married and to pursue military training.²⁰⁶ During a search of his luggage, Customs and Border Patrol agents found CD-ROMs in his suitcase with encrypted video files as well as a visitor center's map of the Washington, D.C. area which included the sites of four potential terrorist targets.²⁰⁷

Back in the United States, Ahmed was pursuing his aim to engage in terrorism by undertaking an "independent study" via the Internet.²⁰⁸ In September 2005, Ahmed researched shaped explosive charges and methods to defeat surveillance by government authorities.²⁰⁹

By March 2006, agents of the FBI's Joint Terrorism Task Force, which had been following Ahmed and Sadequee's activities, brought in Ahmed for questioning.²¹⁰ Following this interview, Ahmed became even more careful, repeatedly attempting to evade FBI surveillance.²¹¹ He also contacted Sadequee, who was still in Bangladesh, and warned him not to return to the United States because the authorities were investigating their activities.²¹²

The next month, Canadian authorities conducted a series of raids that resulted in the arrest of 18 people alleged to be members of a Lashkar cell in Toronto.²¹³ They were accused of planning to detonate truck bombs, open fire in a crowded area, and storm the Canadian Broadcasting Centre, the Canadian Parliament building, the Canadian Security Intelligence Service headquarters, and the Parliamentary Peace Tower.²¹⁴ Authorities accused them of plotting to take hostages and to behead the Prime Minister and other leaders.²¹⁵

Soon after the arrests in Canada, U.S. law enforcement officials arrested Ahmed and Sadequee.²¹⁶ Initially, the charges were for lying about the purpose of their visit, but the Justice Department later detailed the broader terrorism plot in which the men had participated.

On December 9, 2008, the Justice Department released a superseding indictment, charging the men with providing material support to Lashkar.²¹⁷ According to the indictment:

²⁰⁶ *Id.*

²⁰⁷ *Id.* at ¶ 30.

²⁰⁸ *Id.*

²⁰⁹ *Id.* at ¶ 35.

²¹⁰ *Id.*

²¹¹ *Id.* at ¶¶ 40-42.

²¹² *Id.* at ¶ 42.

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ "Atlanta, Ga. Terror suspects arrested, charged," CTV News (July 19, 2006) available at http://www.ctv.ca/CTVNews/Canada/20060719/atlanta_terror_060719/?s_name=&no_ads=.

²¹⁷ *United States v. Ahmed*, Superseding Criminal Indictment (Dec. 9, 2008) available at http://www.investigativeproject.org/documents/case_docs/140.pdf at ¶ 29-30.

“Beginning in 2004 and 2005, Ahmed conspired with others to provide material support to terrorists engaged in violent jihad. The evidence indicated that the material support consisted of: (i) Ahmed and other individuals who would provide themselves as personnel to engage in violent jihad, and (ii) property, namely, video clips of symbolic and infrastructure targets for potential terrorist attacks in the Washington, DC area, including the U.S. Capitol.”²¹⁸

Following a week-long federal jury trial, Sadequee was convicted on all charges on August 12, 2009.²¹⁹ In a sentencing memorandum, the government explained:

“He aligned himself with people and organizations that have proven themselves willing and able to use any means, to include the mass murder of innocent civilians, to achieve their avowed goal of successful armed jihad against their perceived enemies. In short, Defendant pledged himself as a foot soldier in the war against Western civilization that certain violent jihadist organizations believe they are fighting.”²²⁰

He was sentenced on December 14, 2009 to 17 years in prison.²²¹

On June 10, 2009, following a bench trial, Ahmed was found guilty of conspiring to provide material support to Lashkar.²²² Following the verdict, U.S. Attorney for the Northern District of Georgia explained its importance:

“This case has never been about an imminent threat to the United States, because in the post-9/11 world we will not wait to disrupt terrorism-related activity until a bomb is built and ready to explode...The fuse that leads to an explosion of violence may be long, but once it is lit—once individuals unlawfully agree to support terrorist acts at home or abroad—we will prosecute them to snuff that fuse out. This investigation is connected to arrests and convictions of multiple terrorist supporters in Atlanta and around the world—all before any innocent people were killed.”²²³

Ahmed was sentenced on December 14, 2009 to 13 years in prison for his role in the conspiracy.²²⁴

²¹⁸ *Id.*

²¹⁹ “Press Release: Atlanta Defendant Found Guilty of Supporting Terrorists,” United States Department of Justice (Aug. 12, 2009) available at http://www.investigativeproject.org/documents/case_docs/1041.pdf.

²²⁰ *United States v. Ahmed*, Government’s Sentencing Memorandum (N.D. Ga) available at http://www.investigativeproject.org/documents/case_docs/1143.pdf at 14.

²²¹ “Press Release: Terrorism Defendants Sentenced,” United States Department of Justice (Dec. 14, 2009) available at http://www.investigativeproject.org/documents/case_docs/1146.pdf.

²²² “Press Release: Defendant Found Guilty of Conspiracy to Support Terrorists,” United States Department of Justice (June 10, 2009) available at http://www.investigativeproject.org/documents/case_docs/1000.pdf.

²²³ *Id.*

²²⁴ “Press Release: Terrorism Defendants Sentenced,” United States Department of Justice (Dec. 14, 2009) available at http://www.investigativeproject.org/documents/case_docs/1146.pdf.

D. Mumbai in the U.S.

The latest, and perhaps most disconcerting in terms of the breadth of the threat of Americans joining Lashkar, came in the form of an American-based support structure for the 2008 Mumbai attacks. During the course of the investigation of two men, David Coleman Headley and Ahawwur Hussain Rana, U.S. law enforcement officials uncovered a wide-ranging plot to provide logistical and technical support to LeT.²²⁵

According to authorities, beginning in February 2002, Headley traveled to Pakistan for the purpose of receiving paramilitary training from Lashkar.²²⁶ Detailing his training, officials explained that in August 2002, Headley had attended a three-week course where he learned, among other skills, the use of weapons and grenades.²²⁷ In April 2003, he attended a three-month course and received training in various skills, including, but not limited to, close combat tactics, the use of weapons and grenades, and survival skills.²²⁸ Four months later, he attended a three-week course and received training in counter-surveillance.²²⁹ Then, in December 2003, Headley attended a three-month course on combat and tactical training.²³⁰ Following each of these trips, Headley returned to the United States. He eventually moved to Chicago, where he began preparations for an assignment given to him by Lashkar leadership—surveillance of targets for potential terrorist attacks in Europe and India.²³¹

In order to create an effective cover for his upcoming travels, Headley changed his name from Daood Gilani to David Headley in order to present himself in India as an American who was neither Muslim nor Pakistani.²³² He also made arrangements with co-conspirator Rana that would enable him to pass as an employee of Rana's company, First World Immigration, a cover that would explain his numerous trips.²³³

It is not clear why Headley became a jihadist, although one possible trigger was the publication of offensive cartoons in a Danish newspaper. On September 30, 2005, the Danish newspaper *Jyllands-*

²²⁵ Sebastian Rotella, "Chicago Terror Case's Troubling Implications," *The Chicago Tribune* (Oct. 20, 2009) available at www.chicagotribune.com/news/nationworld/sns-dc-terror-chicago.0.6984071.story.

²²⁶ *United States v. Headley*, Indictment, Case No. 09-CR-830 (N.D. Ill., Dec. 7, 2009) available at http://www.investigativeproject.org/documents/case_docs/1140.pdf at ¶ 1.

²²⁷ *Id.* at ¶ 3.

²²⁸ *Id.*

²²⁹ *Id.*

²³⁰ "Press Release: Chicago Resident David Coleman Pleads Guilty to Role in India and Denmark Terrorism Conspiracies," United States Attorney Northern District of Illinois (March 18, 2010) available at http://www.investigativeproject.org/documents/case_docs/1201.pdf.

²³¹ *Id.*

²³² *United States v. Headley*, Indictment, Case No. 09-CR-830 (N.D. Ill., Dec. 7, 2009) available at http://www.investigativeproject.org/documents/case_docs/1140.pdf at ¶ 3A.

²³³ *Id.* at ¶ 3B.

Posten published an article entitled “Muhammeds Ansigt” (the Face of Muhammed).²³⁴ The article consisted of twelve cartoons, some of which depicted Muhammed, and an explanatory text.²³⁵ The cultural editor for the newspaper wrote:

“The modern, secular society is rejected by some Muslims. They demand a special position, insisting on special consideration of their own religious feelings. It is incompatible with contemporary democracy and freedom of speech, where one must be ready to put up with insults, mockery, and ridicule. It is certainly not always attractive and nice to look at, and it does not mean that religious feelings should be made fun of at any price, but that is of minor importance in the present context. ... we are on our way to a slippery slope where no-one can tell how the self-censorship will end. That is why *Morgenavisen Jyllands-Posten* has invited members of the Danish editorial cartoonists union to draw Muhammed as they see him.”²³⁶

Many Muslims took great offense to depictions of the Prophet Muhammad, as Islam condemns the illustration of its greatest prophet.²³⁷ Headley was among them, posting a message on a Yahoo group on October 29, 2008, using his name Daood Gilani.²³⁸ Responding to an earlier post, he said:

“Everything is not a joke... We are not rehearsing a skit on Saturday Night Live. Making fun of Islam is making fun of Rasoosallah SAW [Messenger of Allah, Peace be on Him],... call me old fashioned but *I feel disposed towards violence for the offending parties*, be they cartoonists from Denmark or Sherry Jones (Author of Jewel of Medina) or Irshad Manji (Liberal Muslim trying to make lesbianism acceptable in Islam, amongst other things)... They never started debates with folks who slandered our Prophet, they took violent action. Even if God doesn't give us the opportunity to bring our intentions to fruition, we will claim ajr [a religious] award for it.”²³⁹

Intending to punish the editors and creators of the cartoon, Headley began planning an attack against *Jyllands-Posten*. At the same time, however, Headley was attempting to carry out surveillance of possible targets in Mumbai on behalf of his Lashkar handler – a task which far outweighed his plot against the Danish newspaper in terms of importance to LeT.²⁴⁰

²³⁴ See “Embassies torched in cartoon fury,” CNN.com (Feb. 5, 2006) available at <http://www.cnn.com/2006/WORLD/meast/02/04/syria.cartoon/>.

²³⁵ *United States v. Headley*, Criminal Complaint (Oct. 11, 2009) available at http://www.investigativeproject.org/documents/case_docs/1105.pdf at ¶31.

²³⁶ *Id.*

²³⁷ See “Embassies torched in cartoon fury,” CNN.com (Feb. 5, 2006) available at <http://www.cnn.com/2006/WORLD/meast/02/04/syria.cartoon/>.

²³⁸ *United States v. Headley*, Criminal Complaint (Oct. 11, 2009) at available at http://www.investigativeproject.org/documents/case_docs/1105.pdf at ¶ 33 (emphasis added).

²³⁹ *Id.*

²⁴⁰ *Id.*

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From September 2006 to July 2008, Headley repeatedly traveled to Mumbai for extended periods of time to scout targets for Lashkar.²⁴¹ During each trip, Headley took videos of locations in and around the city.²⁴² Among the locations scouted out were the Taj Mahal hotel, the Oberoi hotel, the Leopold Café, the Nariman House, and the Chhatrapati Shivaji Terminus train station, “as well as other places of public use, state and government facilities, public transportation systems and infrastructure facilities.”²⁴³ He would then travel to Pakistan to brief his Lashkar handlers on what he saw.²⁴⁴ After one such surveillance mission in July 2008, Headley was let in on the details for an upcoming attack. He was told that a team of attackers was being trained in a variety of combat skills; that the team would be traveling to Mumbai by sea and using the landing site he recommended; and that the team would be fighting to the death and would not try to escape following the attacks.²⁴⁵

In preparation for this attack, Headley was instructed to take boat trips in and around the Mumbai harbor and shoot more videos, which he did during an April 2008 stay in India.²⁴⁶ He returned to Mumbai with a global positioning system and performed the surveillance, which included taking boat trips in and around the Mumbai harbor and entering locations in the GPS device.²⁴⁷ After returning to Pakistan, Headley again met with LeT members and discussed his recommendations for potential landing sites.²⁴⁸ During these meetings, Headley learned that the attack plans were being delayed, in part, to wait for calmer seas.²⁴⁹

On November 26, 2008, ten attackers trained by Lashkar carried out multiple assaults over a two-day period. Using guns, grenades, and improvised explosive devices against multiple targets in India, they killed 166 people.²⁵⁰ The ten terrorists traveled from Pakistan by sea, and were armed with AK-56 automatic rifles, hand grenades, GPS devices, and cell phones. The attackers terrorized Mumbai, gunning down innocent civilians at a train station, hospital, two five-star hotels, a Jewish center, and a restaurant frequented by Westerners.

²⁴¹ *United States v. Headley*, Indictment, Case No. 09-CR-830 (N.D. Il., Dec, 7, 2009) available at http://www.investigativeproject.org/documents/case_docs/1140.pdf at ¶ 3C

²⁴² *Id.* at ¶ 3C.

²⁴³ *Id.* at ¶ 3D.

²⁴⁴ *Id.* at ¶ 3E.

²⁴⁵ *United States v. Headley*, Plea Agreement (N.D. Il. 2010)

http://www.investigativeproject.org/documents/case_docs/1200.pdf at 8.

²⁴⁶ *United States v. Headley*, Indictment, Case No. 09-CR-830 (N.D. Il., Dec, 7, 2009) available at http://www.investigativeproject.org/documents/case_docs/1140.pdf at ¶ 3F.

²⁴⁷ *United States v. Headley*, Plea Agreement (N.D. Il. 2010)

http://www.investigativeproject.org/documents/case_docs/1200.pdf at 7.

²⁴⁸ *Id.*

²⁴⁹ *Id.*

²⁵⁰ *United States v. Headley*, Indictment, Case No. 09-CR-830 (N.D. Il., Dec, 7, 2009) available at http://www.investigativeproject.org/documents/case_docs/1140.pdf at ¶ 3G.

Among those Americans who were killed in Mumbai were:

- Ben Zion Chroman
- Alan Scherr
- Gavriel Holtzberg
- Naomi Scherr
- Sandeep Jeswani
- Aryeh Leibish Teitelbaum²⁵¹

At the same time that Headley was scouting targets in Mumbai for Lashkar, Headley and Rana were making their own plans for an attack on the Danish newspaper.²⁵² Beginning in late 2008, Headley and Rana discussed what they referred to in coded communications as the “Mickey Mouse Project.”²⁵³ This plot involved one or more attacks against the *Jyllands-Posten* building and its employees.²⁵⁴

From August to December 2008, Headley sent multiple email messages from internet addresses traced to unnamed individuals in the Pakistani cities of Karachi and Lahore.²⁵⁵ Emails received between December 16 and December 25 instructed Headley to travel to Copenhagen and then to Pakistan to meet with Ilyas Kashmiri, an al Qaida commander with ties to LeT.²⁵⁶

In December 2008, Headley met with a LeT operative in Pakistan and discussed the attack on *Jyllands-Posten*.²⁵⁷ When Headley suggested that they target only those responsible – the cartoonist and the editor - the LeT member stated that “all Danes are responsible.”²⁵⁸

Prior to departing for the Mickey Mouse project, Headley wrote in an email:

“Yes I am ready for MMP but I think it will better to go after new year as everything is shut down from Christmas to new year....I will spend a week or so the first time to get a feel of the property. If you have any other helpful info on the project it to me. If God wants I will return by middle of next month to you. If this Amal [good deed] is maqbool [acceptable] and I get Ajr [a religious award] for it, I want my father to get that Ajr.”²⁵⁹

²⁵¹ *Id.*

²⁵² *Id.*

²⁵³ *Id.*

²⁵⁴ *United States v. Rana*, Criminal Complaint (Oct. 18, 2009) available at http://www.investigativeproject.org/documents/case_docs/1106.pdf at ¶ 7.

²⁵⁵ *United States v. Headley*, Criminal Complaint (Oct. 11, 2009) available at http://www.investigativeproject.org/documents/case_docs/1105.pdf at ¶ 34.

²⁵⁶ *Id.* at ¶ 36-40.

²⁵⁷ *Id.*

²⁵⁸ *United States v. Headley*, Plea Agreement (N.D. Il. 2010) http://www.investigativeproject.org/documents/case_docs/1200.pdf at 11.

²⁵⁹ *Id.*

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In January 2009, after extensive correspondence with Abdur Raheem during which time Raheem urged Headley to “try to go as early as possible to MMP,” Headley traveled to Copenhagen, Denmark.²⁶⁰ Rana arranged portions of Headley’s travel.²⁶¹ During that trip, Headley visited two different offices of the *Jyllands-Posten*—one in Copenhagen and the other in Aarhus, Denmark.²⁶² At each location, Headley scouted and took extensive video surveillance of the surrounding areas.²⁶³

On January 15 and January 23 Headley traveled to two separate *Jyllands-Posten* facilities in Denmark.²⁶⁴ As a cover, Headley claimed that he was interested in placing advertisements for Rana’s immigration services business.²⁶⁵ From Denmark, Headley traveled to Pakistan by way of the United Arab Emirates, where he met Abdur Raheem.²⁶⁶ The two men traveled together to the Federally Administered Tribal Area (“FATA”) region in northwestern Pakistan, and met with Kashmiri to solicit his group’s participation in the planned attack on the newspaper.²⁶⁷ Kashmiri told Headley that he could provide manpower and funding for the operation, but that Lashkar’s participation was not necessary.²⁶⁸ This was good news to Headley, who later learned that Lashkar had put the attack on hold due to an international crackdown in the wake of the Mumbai attacks.

Following Lashkar’s formal withdrawal from the plan, Headley met with Kashmiri in May 2009 and was told to meet a European who could provide Headley with money, weapons, and manpower for the attack on the newspaper.²⁶⁹ Kashmiri told Headley that it should be a suicide attack and that the attackers should prepare martyrdom videos beforehand.²⁷⁰ As Headley admitted in his plea agreement:

“Among the details, Kashmiri stated that the attackers should behead captives and throw their heads out of the newspaper building in order to heighten the response from Danish authorities.”²⁷¹

²⁶⁰ *United States v. Rana*, Criminal Complaint (Oct. 18, 2009) available at http://www.investigativeproject.org/documents/case_docs/1106.pdf at ¶ 7.

²⁶¹ *Id.* at ¶ 8.

²⁶² *Id.*

²⁶³ *United States v. Headley*, Plea Agreement (N.D. Il. 2010) http://www.investigativeproject.org/documents/case_docs/1200.pdf at 12.

²⁶⁴ *Id.* at ¶ 49.

²⁶⁵ *United States v. Rana*, Criminal Complaint (Oct. 18, 2009) available at http://www.investigativeproject.org/documents/case_docs/1106.pdf at ¶ 8.

²⁶⁶ *Id.*

²⁶⁷ *United States v. Headley*, Criminal Complaint (Oct. 11, 2009) available at http://www.investigativeproject.org/documents/case_docs/1105.pdf at ¶ 52. In a post to a Yahoo group he sent on May 4, 2009, Headley admitted that he “was there on some business recently.” *Id.* at ¶ 53.

²⁶⁸ *United States v. Headley*, Plea Agreement (N.D. Il. 2010) http://www.investigativeproject.org/documents/case_docs/1200.pdf at 13.

²⁶⁹ *Id.* at 14.

²⁷⁰ *Id.*

²⁷¹ *Id.*

Rana and Headley then began working with Kashmiri to carry out the Jyllands-Posten attack.²⁷² Headley traveled to Europe for a second trip in July 2009, scouting various locations in Copenhagen, including the *Jyllands-Posten* office in King's Square.²⁷³ But the plan would hit another speed bump.

In early September 2009, Rehman called Headley to report that Kashmiri might have been killed in a U.S. drone strike in Pakistan's FATA region.²⁷⁴ Headley then made a phone call that was monitored by the U.S. in which he said:

“So it means our company has gone into bankruptcy then...and the projects and so forth will go into suspension for the time being.”²⁷⁵

However, Headley wanted to continue to work toward jihad. In a conversation a week later, Headley said that “the main thing is the business must go on.”²⁷⁶ Headley continued:

“main thing that I have an income...make some money. I don't care that if I am working for Microsoft or I am working for a ...any...GE or Philips, I don't care. As long as I am making money, I don't give a shit.”²⁷⁷

A law enforcement official explained that this was a coded message indicating that Headley did not care whether he worked for Kashmiri's group or LeT, so long as he helped carry out attacks.²⁷⁸ A few days earlier, Headley and Rehman had discussed the need, in light of Kashmiri's reported death, to turn back to LeT to complete the planning for the attack on the newspaper.²⁷⁹ He intended to return to Pakistan in October 2009, presumably to renew communications with Lashkar about the planned attack.²⁸⁰

On October 3, Headley was arrested at Chicago's O'Hare International Airport before boarding his scheduled flight to Philadelphia.²⁸¹ After being arrested, Headley's luggage was searched. Agents found, among other items:

²⁷² *Id.* at ¶ 11.

²⁷³ *United States v. Headley*, Criminal Complaint (Oct. 11, 2009) available at http://www.investigativeproject.org/documents/case_docs/1105.pdf at ¶ 68.

²⁷⁴ *United States v. Rana*, Criminal Complaint (Oct. 18, 2009) available at http://www.investigativeproject.org/documents/case_docs/1106.pdf at ¶ 14.

²⁷⁵ *United States v. Headley*, Criminal Complaint (Oct. 11, 2009) available at http://www.investigativeproject.org/documents/case_docs/1105.pdf at ¶ 82.

²⁷⁶ *Id.*

²⁷⁷ *Id.* at ¶ 89.

²⁷⁸ *Id.*

²⁷⁹ *Id.*

²⁸⁰ *Id.* at ¶ 93.

²⁸¹ *Id.* at ¶ 94.

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- A photocopy of the front page of an August 1, 2009 issue of the *Jyllands Posten*;
- A street guide for Copenhagen, Denmark;
- A list of phone numbers, including a Pakistani telephone number Headley had used to contact Individual A;
- A book entitled “How to Pray Like a Jew,” presumably to allow him to blend in at a Denmark synagogue that he was tasked with performing surveillance of;
- A memory stick with ten short videos, including videos taken of King’s Square both during the day and at night. The daytime video of King’s Square includes close-up shots of the entrance to the *Jyllands-Posten* office. The videos also include shots of what appears to be the entrance to a military barracks, a close up of a guard station near the entrance at that location, and of the exterior and interior of Copenhagen’s central train station.²⁸²

Rana was arrested two weeks later.²⁸³ After waving his Miranda rights, Rana made the following statements:

- He knew that Headley had been affiliated with LeT for the past few years;
- He knew that Headley had received training from LeT;
- He knew that Headley had met with Ilyas Kashmiri in the past year;
- He knew that Headley was angry about the cartoon depictions of the Prophet Mohammed;
- He was offended by the cartoon depictions of the Prophet Mohammed and would not have done business with the newspaper that published them;
- He had discussed the cartoonist and editor from the *Jyllands-Posten* with Headley.²⁸⁴

On Oct. 18, JTTF agents executed search warrants at four locations: Headley’s and Rana’s residences on the north side of Chicago, Rana’s immigration business in Chicago, and a farm he owns in Kinsman, Illinois.²⁸⁵

Commenting on the arrests, David Kris, Assistant Attorney General for National Security, explained:

“The criminal complaints unsealed today have exposed a serious plot against overseas targets by two Chicago-based men working with Pakistani-based terrorist organizations. Information developed during this investigation was shared with our foreign partners as we worked together to mitigate these threats. This case is a reminder that the threat posed by

²⁸² *Id.*

²⁸³ *United States v. Rana*, Criminal Complaint (Oct. 18, 2009) available at http://www.investigativeproject.org/documents/case_docs/1106.pdf at ¶ 111.

²⁸⁴ *Id.*

²⁸⁵ “Two Chicago men charged in connection with alleged roles in Foreign Terror Plot that Focused on Targets in Denmark,” U.S. Dep’t of Justice (Oct. 27, 2009) available at http://www.investigativeproject.org/documents/case_docs/1107.pdf.

international terrorist organizations is global in nature and requires constant vigilance at home and abroad.”²⁸⁶

On March 18, 2010, Headley pled guilty to providing material support to Lashkar and a variety of other terrorism-related offenses.²⁸⁷ In pleading guilty, Headley admitted that he attended training camps in Pakistan operated by Lashkar and, on five separate occasions between 2002 and 2005, had received instructions to travel to India to conduct surveillance.²⁸⁸ He has cooperated with the government since he was arrested on October 3, 2009, in return for which the U.S. Attorney’s Office has agreed not to seek the death penalty. Commenting on the guilty plea, Attorney General Holder stated:

“Today’s guilty plea is a crucial step forward in our efforts to achieve justice for the more than 160 people who lost their lives in the Mumbai terrorist attacks. Working with our domestic and international partners, we will not rest until all those responsible for the Mumbai attacks and the terror plot in Denmark are held accountable. Not only has the criminal justice system achieved a guilty plea in this case, but David Headley is now providing us valuable intelligence about terrorist activities. As this case demonstrates, we must continue to use every tool available to defeat terrorism both at home and abroad.”²⁸⁹

Headley has not yet been sentenced, as federal authorities have agreed to defer sentencing until Headley has fulfilled his cooperation agreement with the government.²⁹⁰

Rana, who was arrested and indicted in January of 2010, has pled guilty and remains in federal custody while awaiting trial.²⁹¹

CONCLUSION

As the above cases demonstrate, the danger posed by Lashkar is not simply a present threat, but a growing one that U.S. policymakers must take notice of. As a recent *Time Magazine* article concluded:

“LeT has the same [jihadist] intent but much greater capabilities. It has larger international networks and access to more sophisticated urban and educated recruits—people like

²⁸⁶ *Id.*

²⁸⁷ *Id.*

²⁸⁸ *Id.*

²⁸⁹ *Id.*

²⁹⁰ *Id.*

²⁹¹ *Id.*

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Headley, who can move freely in American society. Its foreign operations tend to be better planned, often in collaboration with other groups, like al-Qaeda and Jaish.”²⁹²

United States law enforcement and intelligence officials must continue to combat the threat posed by terrorist organizations. As the United States and the international community effectively dismantle al Qaida, they must also remain vigilant as Lashkar and the security threat that it poses - not just to India - but to the U.S. and international security continues to rise.

²⁹² Bobby Ghosh, “Beyond Times Square: The Threat from Pakistan,” *Time Magazine* (May 6, 2010) available at <http://www.time.com/time/world/article/0,8599,1987395,00.html>.

APPENDIX A

VIRGINIA JIHAD NETWORK



Muhammed Aatique



Hammad Abdur-Raheem



Caliph Basha Ibn Abdur-Raheem



Ibrahim al-Hamdi



Ali al-Timimi



Sabri Benkahla



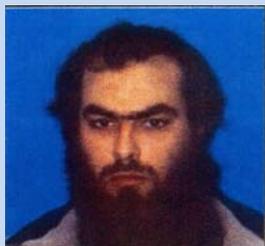
Ali Asad Chandia



Seifullah Chapman



Khwaja Mahmood Hasan



Masoud Ahmad Khan



Mohammed Ajmal Khan



Yong Ki Kwon



Randall Todd Royer



Donald Thomas Surratt

NEW
YORK
JIHAD



Mahmud Faruq Brent



Abdulrahmen Farhane



Rafiq Sabir



Tarik Shah

GEORGIA
JIHAD



Syed Haris Ahmed



Ehsanul Sadequee

MUMBAI
IN THE
U.S.



David Coleman Headley



Ahawwur Hussain Rana

APPENDIX B*

* The following summarizes the criminal prosecutions of Lashkar-e Tayyiba in the United States, providing details from each of the four LeT cells discussed previously. For each defendant, the spreadsheet identifies the date of indictment, the charges filed (including duplicates where there were multiple violations of the same offense), the eventual outcome of the trial, and any applicable sentencing data. The underlying court records have been hyperlinked whenever available.

The United States Department of Justice has compiled a comprehensive analysis of “terrorism” charges and their use in the criminal justice system. *See* “Introduction to National Security Division Statistics on Unsealed International Terrorism and Terrorism-Related Convictions,” *United States Department of Justice*, <http://www.justice.gov/cjs/docs/terrorism-convictions-statistics.pdf>.

Virginia Paintball Jihad

| <i>Lashkar Cell</i> | <i>Defendant</i> | <i>Date Indicted</i> | <i>Offenses Charged</i> | <i>Verdict</i> | <i>Sentencing Date</i> | <i>Sentence</i> |
|--------------------------|--------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------|--------------------|
| Virginia Paintball Jihad | Aatique, Muhammed | June-03 | Conspiracy | Plea Bargain | December 12, 2003 | 10 years, 2 months |
| | | | Commencing an Expedition Against a Friendly Nation | | | |
| | | | Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence | | | |
| | | | Using a Firearm in Connection with a Crime of Violence | | | |
| | | | Using a Firearm in Connection with a Crime of Violence | | | |
| | Abdur-Raheem, Hammad | June-03 | Conspiracy | Guilty | June 11, 2004 | 9 years |
| | | | Receipt of Firearm or Ammunition with Cause to Believe a Felony will be Committed Therewith | Not Guilty | | |
| | | | Receipt of Firearm or Ammunition with Cause to Believe a Felony will be Committed Therewith | Not Guilty | | |
| | | | Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence | Guilty | | |
| | | | Using a Firearm in Connection with a Crime of Violence | Not Guilty | | |
| | Abdur-Raheem, Caliph Basha Ibn | June-03 | Conspiracy | Not Guilty | N/A | N/A |
| | | | Receipt of Firearm or Ammunition with Cause to Believe a Felony will be Committed Therewith | | | |
| | | | Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence | | | |
| | | | Using a Firearm in Connection with a Crime of Violence | | | |
| | | | Using a Firearm in Connection with a Crime of Violence | | | |
| | al-Hamdi, Ibrahim | June-03 | Conspiracy | Plea Bargain | April 9, 2004 | 17 years |
| | | | Commencing an Expedition Against a Friendly Nation | | | |
| | | | Acquisition of a Firearm after Arrival from Foreign Country with Intent to Engage in Crime of Violence | | | |
| | | | Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence | | | |
| | | | Using a Firearm in Connection with a Crime of Violence | | | |
| | | | Using a Firearm in Connection with a Crime of Violence | | | |
| | | | Using a Firearm in Connection with a Crime of Violence | | | |
| | al-Timimi, Ali | September-04 | Conspiracy | Guilty on all Counts | July 13, 2005 | Life |
| | | | Attempt to Contribute Servics to the Taliban | | | |
| | | | Aiding and Abetting the Use of Firearms in Connection with a Crime of Violence | | | |
| | | | Aiding and Abetting the Use of Firearms in Connection with a Crime of Violence | | | |
| | | | Aiding and Abetting the Carrying of Explosives During Commission of a Felony | | | |
| | | | Aiding and Abetting the Carrying of Explosives During Commission of a Felony | | | |
| Benkahla, Sabri | June-03 | Conspiracy | Not Guilty | N/A | N/A | |
| | | Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence | | | | |
| | | Using a Firearm in Connection with a Crime of Violence | | | | |
| | February-06 | False Declarations | Guilty on all counts | July 24, 2007 | 10 years, 1 month | |
| | | False Declarations | | | | |
| Obstruction of Justice | | | | | | |

Virginia Paintball Jihad

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|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|------------------------------|----------------------------------|--------------------|
| Chandia, Ali Asad | September-05 | Conspiracy to Provide Material Support to Terrorists | Guilty | August 18, 2006 | 15 years |
| | | Material Support to Terrorists | Not Guilty | | |
| | | Conspiracy to Provide Material Support to a Designated Foreign Terrorist Organization | Guilty | | |
| | | Material Support to a Designated Foreign Terrorist Organization | Guilty | | |
| Chapman, Seifullah | Jun-03 | Conspiracy | Guilty | June 11, 2004 | 85 years |
| | | Commencing an Expedition Against a Friendly Nation | Not Guilty | | |
| | | Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence | Guilty | | |
| | | Using a Firearm in Connection with a Crime of Violence | Guilty | | |
| | | Using a Firearm in Connection with a Crime of Violence | Not Guilty | | |
| | | Conspiracy to Contribute Material Support to Lashkar-e Tayyiba | Guilty | | |
| Hasan, Khwaja Mahmood | June-03 | Conspiracy | Plea Bargain | November 7, 2003 | 11 years, 3 months |
| | | Commencing an Expedition Against a Friendly Nation | | | |
| | | Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence | | | |
| | | False Official Statement | | | |
| | | Using a Firearm in Connection with a Crime of Violence | | | |
| | | Using a Firearm in Connection with a Crime of Violence | | | |
| | | Using a Firearm in Connection with a Crime of Violence | | | |
| | | Using a Firearm in Connection with a Crime of Violence | | | |
| | | Using a Firearm in Connection with a Crime of Violence | | | |
| Khan, Masoud Ahmad | June-03 | Conspiracy | Guilty | June 11, 2004 | 65 years |
| | | Commencing an Expedition Against a Friendly Nation | Not Guilty | | |
| | | Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence | Guilty | | |
| | | Using a Firearm in Connection with a Crime of Violence | Guilty | | |
| | | Using a Firearm in Connection with a Crime of Violence | Guilty | | |
| | | Using a Firearm in Connection with a Crime of Violence | Not Guilty | | |
| | | Using a Firearm in Connection with a Crime of Violence | Guilty | | |
| | | Using a Firearm in Connection with a Crime of Violence | Not Guilty | | |
| | | Conspiracy to Provide Material Support to a Designated Foreign Terrorist Organization | Not Guilty | | |
| | | Conspiracy to Contribute Services to Taliban | Guilty | | |
| | | Conspiracy to Contribute Material Support to Lashkar-e Tayyiba | Guilty | | |
| | | Conspiracy to Levy War Against the United States | Guilty | | |
| | | Khan, Mohammed Ajmal | June-03 | | |
| Commencing an Expedition Against a Friendly Nation | | | | | |
| Commencing an Expedition Against a Friendly Nation | | | | | |
| Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence | | | | | |
| Using a Firearm in Connection with a Crime of Violence | | | | | |
| Using a Firearm in Connection with a Crime of Violence | | | | | |
| Using a Firearm in Connection with a Crime of Violence | | | | | |
| Using a Firearm in Connection with a Crime of Violence | | | | | |
| Using a Firearm in Connection with a Crime of Violence | | | | | |
| Using a Firearm in Connection with a Crime of Violence | | | | | |
| September-05 | Conspiracy to Provide Material Support to Terrorists | | | | |
| | Material Support to Terrorists | | | | |
| | Conspiracy to Provide Material Support to a Designated Foreign Terrorist Organization | | | | |
| | Material Support to a Designated Foreign Terrorist Organization | | | | |

Virginia Paintball Jihad

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| Virginia Paintball Jihad | Kwon, Yong Ki | June-03 | Conspiracy | Plea Bargain | November 7, 2003 | 11 years, 6 months |
| | | | Commencing an Expedition Against a Friendly Nation | | | |
| | | | Commencing an Expedition Against a Friendly Nation | | | |
| | | | Acquisition of a Firearm after Arrival from Foreign Country with Intent to Engage in Crime of Violence | | | |
| | | | Transfer of a Firearm for Use in a Crime of Violence | | | |
| | | | Transfer of a Firearm for Use in a Crime of Violence | | | |
| | | | Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence | | | |
| | | | Using a Firearm in Connection with a Crime of Violence | | | |
| | | | Using a Firearm in Connection with a Crime of Violence | | | |
| | | | Royer, Randall Todd | | | |
| Commencing an Expedition Against a Friendly Nation | | | | | | |
| Commencing an Expedition Against a Friendly Nation | | | | | | |
| Commencing an Expedition Against a Friendly Nation | | | | | | |
| Acquisition of a Firearm after Arrival from Foreign Country with Intent to Engage in Crime of Violence | | | | | | |
| Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence | | | | | | |
| Using a Firearm in Connection with a Crime of Violence | | | | | | |
| Using a Firearm in Connection with a Crime of Violence | | | | | | |
| Using a Firearm in Connection with a Crime of Violence | | | | | | |
| Using a Firearm in Connection with a Crime of Violence | | | | | | |
| Surratt, Donald Thomas | June-03 | Conspiracy | Plea Bargain | November 7, 2003 | 3 years, 10 months | |
| | | Commencing an Expedition Against a Friendly Nation | | | | |
| | | Commencing an Expedition Against a Friendly Nation | | | | |
| | | Receipt of Firearm or Ammunition with Cause to Believe a Felony will be Committed Therewith | | | | |
| | | Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence | | | | |
| | | Using a Firearm in Connection with a Crime of Violence | | | | |
| | | Using a Firearm in Connection with a Crime of Violence | | | | |
| | | Using a Firearm in Connection with a Crime of Violence | | | | |
| | | Using a Firearm in Connection with a Crime of Violence | | | | |
| | | Using a Firearm in Connection with a Crime of Violence | | | | |
| New York Jihad | Brent, Mahmud Faruq | August-05 | Conspiracy to Provide Material Support or Resources to a Foreign Terrorist Organization | Plea Bargain | July 25, 2007 | 15 years |
| | Farhane, Abdulrahmen | October-05 | Conspiracy to Provide Material Support or Resources to a Foreign Terrorist Organization | Plea Bargain | April 2007 | 13 years |
| | Shah, Tarik | November-05 | Conspiracy to Provide Material Support or Resources to a Foreign Terrorist Organization | Plea Bargain | July 2007 | 15 years |
| | Sabir, Rafiq | November-05 | Conspiracy to Provide Material Support or Resources to a Foreign Terrorist Organization | Guilty | November 28, 2007 | 25 years |

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| Georgia Jihad | Ahmed, Syed Haris | July-06 | Conspiracy to kill, kidnap, main, or injure persons or damage property in a foreign country | Guilty on all counts | December 14, 2009 | 13 years | |
| | | | Providing and Attempting to Provide Material Support to Terrorists | | | | |
| | | | Conspiracy to Provide Material Support to a Designated Foreign Terrorist Organization | | | | |
| | | | Attempting to Provide Material Support to a Designated Foreign Terrorist Organization | | | | |
| | Sadequee, Ehsanul | July-06 | Conspiracy to kill, kidnap, main, or injure persons or damage property in a foreign country | Guilty on all counts | December 14, 2009 | 17 years | |
| | | | | | | | Providing and Attempting to Provide Material Support to Terrorists |
| | | | | | | | Conspiracy to Provide Material Support to a Designated Foreign Terrorist Organization |
| | | | | | | | Attempting to Provide Material Support to a Designated Foreign Terrorist Organization |
| Mumbai in the U.S. | Headley, David Coleman | October-09 | Conspiracy to Murder and Maim in a Foreign Country | Plea Agreement | Awaiting Sentencing | | |
| | | | Providing Material Support to a Designated Terrorist Organization | | | | |
| | Rana, Ahawwur Hussain | October-09 | Conspiracy to Provide Material Support to a Designated Foreign Terrorist Organization | Awaiting Trial | | | |
| | | | Providing Material Support to a Designated Terrorist Organization | | | | |