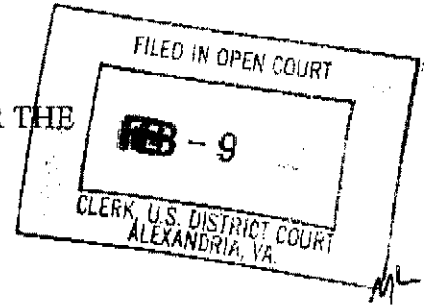




IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA



Alexandria Division

UNITED STATES OF AMERICA)	CRIMINAL NO. 1:06cr9
)	
v.)	Counts 1 & 2 : False Declarations
)	(18 USC § 1623)
SABRI BENKAHLA)	
)	Count 3: Obstruction of Justice
)	(18 USC § 1503)

INDICTMENT

February 2006 Term - At Alexandria

General Allegations

THE GRAND JURY CHARGES THAT:

1. As used in this superseding Indictment:

- a. "Jihad" describes a religious obligation of Muslims to struggle or strive for the defense of and advancement of Islam.
- b. "Mujahideen" describes warriors engaged in violent jihad.

2. The Taliban, at all times relevant to this Indictment until early 2002, was the political/military entity headquartered in Kandahar, Afghanistan, that exercised de facto control over the territory of Afghanistan until its defeat in late 2001 and early 2002 by a multi-national coalition that included the United States.

3. Lashkar-e-Taiba - - translated as "the Army of the Pure" or "the Army of the Righteous" - - claims to have trained thousands of mujahideen to fight in areas including Afghanistan, Kashmir, Bosnia, Chechnya, Kosovo, and the Philippines. Lashkar-e-Taiba claims

to have four camps for training mujahideen from around the world, including camps known as Taiba, Aqsa, Um-al-Qur'a, and Abdullah bin Masud.

4. On July 4, 1999, President Clinton declared a national emergency to deal with the threat posed by Al-Qaeda and the Taliban. In Executive Order 13129, President Clinton prohibited, among other things, United States persons from making or receiving any contribution of funds, goods, or services to or for the benefit of the Taliban.

COUNT 1

1. The Grand Jury realleges and incorporates by reference the General Allegations listed in this Indictment.

2. On or about August 26, 2004, in the Eastern District of Virginia, defendant SABRI BENKAHLA, while testifying under affirmation and penalty of perjury in a proceeding before Grand Jury No. 04-2, a Grand Jury of the United States in the Eastern District of Virginia, did unlawfully and knowingly make a false material declaration, that is to say:

3. At the time and place aforesaid the grand jury was conducting an investigation to determine whether violations of Title 50, United States Code, Section 1705, or Title 18, United States Code, Sections 924, 960, 2339A, or 2339B had been committed, and to identify the persons who had committed, caused the commission of, and conspired to commit such violations. It was material to that investigation that the grand jury ascertain if SABRI BENKAHLA and/or others had participated in a jihad training camp and/or combat in July 1999 and fired automatic weapons and rocket propelled grenades in the territory of Afghanistan controlled by the Taliban and/or across the border in Pakistan, and who had helped BENKAHLA arrange to participate in such combat and/or camp and use such weapons, and who else known to

BENKAHLA was interested in participating in such combat and/or a jihad training camp and using such weapons in such areas and/or with such organizations.

4. At the time and place alleged, SABRI BENKAHLA, appearing as a witness under affirmation and under penalty of perjury at a proceeding before the grand jury did knowingly, willfully, and intentionally make one or more false material declarations, to wit, he was asked the following questions and gave the following answers, the false answers being underlined below:

A. Q: . . . And the next email we'll take a look at . . . dated July 9th, 1999. Do you have that before you?

A: Yes.

Q: Okay. Now, this is an email to Allison . . . correct?

A: Right.

Q: Now, in this email, Mr. Benkahla, you, you said that you will "leave tomorrow on my trip to Britain, then Ireland, then a place far, far away, sorry, it's top secret info, can't tell you where it is over the Internet." Now, in that e-mail when you talked about this secret destination, were you referring to Afghanistan or any place in Afghanistan?

A: No.

(Transcript of Grand Jury Testimony, page 14)

* * *

Q: Did you participate in any training relevant to combat at any time during your trip to Pakistan or Afghanistan in the summer of 1999?

A: No, I did not.

Q: Did you see any training relevant to violent jihad at any time during your trip to Pakistan or Afghanistan - -

A: No, I did not.

Q: -- in the summer of 1999? Let me finish the question. Is the answer to that question no?

A: Yes, it is.

Q: Did you see any training relevant to combat at any time during your trip to Pakistan or Afghanistan in the summer of 1999?

A: You just asked that question.

Q: I asked you if you saw any training relevant to violent jihad.

A: Uh-huh. The next question --

Q: Was any training relevant to combat.

A: No.

Q: Did you handle a firearm at any time during your trip to Pakistan or Afghanistan in the summer of 1999?

A: No, I did not.

Q: Did you handle an explosive device at any time during your trip to Pakistan or Afghanistan in the summer of 1999?

A: No.

Q: Did you fire a firearm at any time during your trip to Pakistan or Afghanistan in the summer of 1999?

A: No, I did not.

Q: Did you fire an explosive device at any time during your trip to Pakistan or Afghanistan in the summer of 1999?

A: No, I did not. Fire an explosive device?

Q: Correct.

A: Explosives -- no, I haven't.

Q: Do you understand the question?

- A: I understand the question, but I don't know if it's correct English.
- Q: Well, did you fire - -
- A: I didn't fire anything whatsoever when I was in Pakistan and I've never been in Afghanistan, to my knowledge, just to cut it short.
- Q: Did you see anyone - - all right, Mr. Benkahla, did you see anyone fire a firearm at any time during your trip to Pakistan or Afghanistan in the summer of 1999?
- A: Not to my recollection, no. And I answered that.
- Q: Could - - is the answer to that question no?
- A: To my recollection, I never saw anybody fire any firearms I saw people maybe carrying arms, but I never saw them firing arms.
- Q: Okay. During the entire trip of the summer of 1999?
- A: That's what I recall.
- Q: All right. Did you see anyone fire an explosive device at any time during your trip to Pakistan or Afghanistan in the summer of 1999?
- A: No.

(Transcript of Grand Jury Testimony, pages 28-30)

- B. Q: All right. Now, Mr. Benkahla, have you yourself ever fired at any time, not just in the summer of 1999, but at any time, an AK-47 style rifle?
- A: I fired an M-16 once when I was in ROTC training at George Mason. I never fired an AK-47.
- Q: Have you yourself ever fired a rocket propelled grenade?
- A: No, I did not.

(Transcript of Grand Jury Testimony, page 30-31)

- C. Q: Mr. Benkahla, you have before you . . . an e-mail dated April 6th, 2000. It's to hamka55@hotmail.com. It's from sabribk@yahoo.com. Is that you?
- A: yes.
- Q: All right. Why did you send this e-mail to hamka55?
- A: I was asking advice about jihad training, I guess you can say.
- * * *
- Q: Now, about halfway into the e-mail you - - there's the line that says "I have done some studying in Afghan for only a short period, and while I was at GMU was involved with the Army ROTC." What did you mean when you said that you had done some studying in Afghan?
- A: I just meant like cultural studies. I studied about the country and - - a little bit, and like, tried to give him the impression that I had been there to him, so he would give me like permission or something like that to come in, or to suggest for me to train.
- Q: Now, had you actually been to Afghanistan?
- A: No, not to my knowledge. Like I said last time, when I - - I wasn't sure of that area, that I was in Afghanistan or not, when I told - -
- Q: All right. We'll get to that, but why did you want to leave this person with the impression that you had been to Afghanistan?
- A: Because usually like - - the thing I was thinking about at the time was to go to Chechnya to try to help there, and they won't let like any, you, person just go in that never had any training or anything like that. So, I thought, you know, to give the impression I kind of trained - -
- Q: All right. So, were you attempting to indicate to this person that you had actually been to jihad training in Afghanistan with this e-mail?
- A: Indirectly, yeah, something like that.
- Q: And had you in fact been to jihad training in Afghanistan?
- A: No, I never went to jihad training in Afghanistan.

* * *

Q: Well, you were trying to convince this person that you had had training but you're saying now that you did not have training, correct?

A: Right.

* * *

Q: Well, when you say you wanted to leave him with the impression you had been in Afghanistan, do you mean that you wanted to leave him the impression that you had done some jihad training in Afghanistan or that you had been studying doing cultural studying in Afghanistan?

A: I was trying to give the impression that I had some jihad training, but the reality was I only did cultural studies. Like I kind of worded it that way so I won't be lying but I won't be telling him, like, that I don't have any training whatsoever.

Q: So, so, to be clear on this, is it your testimony that what you wanted hamka55 to understand - - to believe was that you had undergone jihad training in Afghanistan?

A: Yeah, something like that. . . . I mean, in like weapons training or something like, just, you know, like jihad type training, whatever.

Q: In Afghanistan?

A: Yes.

(Transcript of Grand Jury Testimony, page 7-12)

D. Q: [Y]ou have before you a, a e-mail. . . . dated June 10th, 2000. . . . And you received and saved this e-mail. It's from myunus@talk21.com. Who is that person?

A: I'm not sure.

Q: Now, in this e-mail, it also mentions at the bottom "salaams to Haroon". Who was the Haroon that's mentioned by you and myunus@talk21.com in this e-mail?

A: This is my writing, or is he writing it to me?

* * *

Q: Whether you sent it or whether you received it, do you know who the Haroon is in this e-mail?

A: No.

Grand Juror: Okay. And who did you say ["myunus"] was?

A: I wasn't sure who he was.

Grand Juror: You sent him this email, right?

A: Yes.

Grand Juror: Okay. On the next page, right before you close, where it says ["your brother Sabri"] - -

A: Yes.

Grand Juror: - - could you please read the last sentence of your paragraph?

A: "Please stay in touch and please give my salem to Haroon."

* * *

Grand Juror: - - what is this "salem"? Is it a prayer or thoughts - - greetings?

A: It's a greeting. Like say, say hi, hi to Haroon. But I'm not sure who this "yunis" is and which Haroon this is. So, maybe you can write or they can write to the - - this person and find out who he is, and tell me his full name, who he is.

(Transcript of Grand Jury Testimony, pages 13-14, 50-51)

5. The questions and underlined answers in Paragraph 4 were material to the grand jury's investigation in that the grand jury was attempting to ascertain who had participated in combat and/or a jihad training camp in July 1999, who had fired automatic weapons and rocket propelled

grenades in the area of Afghanistan under the control of the Taliban, and/or in Pakistan under the control of the Lashkar-e-Taiba or other jihad organizations espousing hatred and violence for the United States and countries with whom the United States was at peace; who had helped BENKAHLA arrange to participate in such combat and/or camp and use such weapons; and who else known to BENKAHLA was interested in participating in such combat and/or a jihad training camp and using such weapons in such areas and/or with such organizations.

6. The aforesaid underscored testimony of defendant SABRI BENKAHLA in Paragraph 4 was false in that, as SABRI BENKAHLA then well knew and believed:

- A. In his email to Allison from July 9, 1999, when he stated that he would "leave tomorrow on my trip to Britain, then Ireland, then a place far, far away, sorry, it's top secret info, can't tell you where it is over the Internet," he was referring to his plans to travel to Pakistan and Afghanistan to participate in a jihad training camp.
- B. He participated in a jihad training camp in the summer of 1999, and in doing so, fired weapons including AK-47-style rifles and destructive devices including a rocket-propelled grenade, and saw others doing the same.
- C. In his email of April 6th, 2000, to hamka55@hotmail.com, soliciting advice regarding whether he should go to fight in Chechnya or continue with his studies, his statement that he had "trained in Afghan" - - meaning that he had obtained jihad training at a jihad training camp in Afghanistan - - was true.
- D. BENKHALA knew who were Myunus and Haroon, the individuals referenced in BENKHALA's email of June 7, 2000, to myunus@talk21.com advising that BENKHALA planned to "travel to Pakistan" but might "finish up" his studies in Saudi Arabia first

(In violation of Title 18, United States Code, Section 1623)

COUNT 2

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations listed in this Indictment.

2. On or about November 16, 2004, in the Eastern District of Virginia, defendant SABRI BENKAHLA, while testifying under affirmation and penalty of perjury in a proceeding before Grand Jury No. 04-1, a Grand Jury of the United States in the Eastern District of Virginia, did unlawfully and knowingly make a false material declaration, that is to say:

3. At the time and place aforesaid the grand jury was conducting an investigation to determine whether violations of Title 50, United States Code, Section 1705, or Title 18, United States Code, Sections 924, 960, 2339A, or 2339B had been committed, and to identify the persons who had committed, caused the commission of, and conspired to commit such violations. It was material to that investigation that the grand jury ascertain if SABRI BENKAHLA and/or others had participated in a jihad training camp and/or combat in July 1999 and fired automatic weapons and rocket propelled grenades in the territory of Afghanistan controlled by the Taliban and/or across the border in Pakistan, and who had helped BENKAHLA arrange to participate in such combat and/or camp and use such weapons, and who else known to BENKAHLA was interested in participating in such combat and/or a jihad training camp and using such weapons in such areas and/or with such organizations.

4. At the time and place alleged, SABRI BENKAHLA, appearing as a witness under affirmation and under penalty of perjury at a proceeding before the grand jury did knowingly,

willfully, and intentionally make one or more false material declarations, to wit, he was asked the following questions and gave the following answers, the false answers being underlined below:

A. Q: Right. So aside from Pakistani Army soldiers, did you see anybody carrying arms besides people walking along in the village carrying arms?

A: I don't recall, no.

(Transcript of Grand Jury Testimony, pages 4-5)

B. Q: Okay. Have you ever fired a rifle that may not have been an AK-47 rifle but was an AK-47 style rifle, besides the M-16 you talked about?

A: During ROTC training?

Q: At any time.

A: I don't recall ever firing anything like an AK-47.

Q: Okay, have you ever fired an automatic weapon of any kind?

A: I don't know if you'd classify as an automatic or semiautomatic. Just the gun that I told you that I fired, that's it.

Q: One bullet, one – one pull of the trigger shoots one bullet, that's a semiautomatic. One pull of the trigger, more than one bullet is automatic.

A: No, I did semiautomatic handgun.

Q: Okay. Ever an automatic weapon?

A: No.

(Transcript of Grand Jury Testimony, pages 7-8)

C. Q: Have you ever handled a rocket-propelled grenade?

A: No.

(Transcript of Grand Jury Testimony, page 8)

D. Q: Well, if you were telling Allison you were going to go someplace secret, meaning Pakistan, why didn't you buy a ticket to Pakistan from the U.S. instead of going to London and buying another ticket, London to Pakistan from London?

A: Like I said, I wasn't sure if I was going to go to Pakistan or not. I just had it in my mind that I wanted to visit Pakistan. I knew a lot of friends in Britain that were from Pakistan. This e-mail, in general, I was trying to be funny and I wasn't you know, a lot of it's in joking context.

(Transcript of Grand Jury Testimony, page 15)

E. Q: How was it that the person you ended up going with was somebody you'd never met before, this Abdellah?

A: Because he was going there. The other ones weren't leaving. My friends that I did know weren't going there. I mean, he spent the night at the mosque with me for a couple of days, so - -

Q: And he just agreed to show you around Pakistan?

A: Well, he told - - I said, like, I was thinking about going to Pakistan. He said, "Well, I'm leaving to Pakistan," I forget, in a week or whatever, "if you want to come with me, you know, I'll show you around." I said okay.

(Transcript of Grand Jury Testimony, pages 17-18)

5. The aforesaid underscored testimony was material to the grand jury's investigation, and was false as the defendant well knew when he gave such testimony, for the reasons outlined in Paragraphs 5 and 6 of Count 1 of this Indictment, which are incorporated by reference herein.

(In violation of Title 18, United States Code, Section 1623)

COUNT 3

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations listed in this Indictment.
2. Between on or about August 26, 2004, and on or about November 16, 2004, in the Eastern District of Virginia, defendant SABRI BENKAHLA unlawfully, willfully, and knowingly did corruptly influence, obstruct and impede, and endeavor to corruptly influence, obstruct and impede the due administration of justice by knowingly and willfully testifying falsely and evasively before Grand Jury No. 04-1 and Grand Jury No. 04-2 of the Alexandria Division of the United States District Court for the Eastern District of Virginia with the intent to impede and obstruct that grand jury, as set forth in Paragraph 4 of Count 1 and Paragraph 4 of Count 2 of this Indictment, which are here realleged and incorporated by reference.
3. The false and evasive testimony realleged and incorporated by reference in the preceding paragraph was false, and evasive, for the reasons set forth in Paragraphs 5 and 6 of Count 1 of this Indictment, which are here realleged and incorporated by reference.
4. The false and evasive testimony realleged and incorporated by reference in Paragraph 2 of this Count obstructed and impeded the grand jury's ability to ascertain who had participated in a jihad training camp or combat in July 1999 with BENKAHLA, in the area of Afghanistan under the control of the Taliban, or in Pakistan under the control of the Lashkar-e-Taiba or other jihad organizations espousing hatred and violence for the United States and countries with whom the United States was at peace, and who had fired automatic weapons and rocket propelled grenades in the course of such participation in such combat or camp. It obstructed and impeded

the grand jury's ability to ascertain who had helped arrange BENKAHLA'S participation in such a jihad training camp and/or combat, and who else known to BENKAHLA was interested in participating in such a jihad training camp or combat. The identity of the individuals who had helped arrange BENKAHLA'S participation in the jihad training and/or combat, and other individuals who wanted to participate in such jihad training and/or combat was a matter of interest to the grand jury in the course of carrying out its duties, as BENKAHLA then and there well knew.

(In violation of Title 18, United States Code, Section 1503)

A TRUE BILL:

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

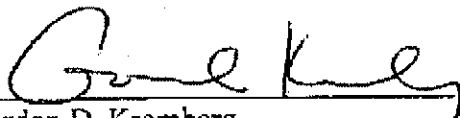
FOREPERSON

Paul J. McNulty
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By:



Robert Spencer
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