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Department of Justice

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Former Taliban Commander Charged with Killing American Troops in 2008

Haji Najibullah, Previously Charged in the 2008 Kidnapping of an American Journalist, Was Also Indicted Today for 2008 Attacks on U.S. Servicemembers in Afghanistan, Including Attacks Resulting in the Deaths of Three American Soldiers and Their Afghan Int

A federal grand jury in New York unsealed a superseding indictment today charging an Afghanistan national with federal terrorism-related offenses spanning approximately 2007 to 2009 and stemming from his role as a Taliban commander in Afghanistan.

According to court documents, Haji Najibullah, aka Najibullah Naim, Abu Tayeb, Atiqullah and Nesar Ahmad Mohammad, 45, of Afghanistan, was previously charged with crimes related to the 2008 kidnapping of an American journalist and two Afghan nationals. In addition to those charges, the superseding indictment charges Najibullah with attacks on U.S. troops conducted by Najibullah and the Taliban fighters under his command, including a June 26, 2008, attack on an American military convoy that killed three U.S. Army servicemembers – Sergeants First Class Matthew L. Hilton and Joseph A. McKay, and Sergeant Mark Palmateer – and their Afghan interpreter, as well as an Oct. 27, 2008, attack that resulted in the shooting down of a U.S. military helicopter. In October 2020, Najibullah was arrested and extradited from Ukraine to the United States where he remains in federal custody.

“Najibullah, who allegedly served as a Taliban commander in 2007 and 2008, is charged with numerous terrorism offenses relating to attacks against the U.S. military in Afghanistan, including an attack that killed three U.S. servicemembers, and others relating to taking an American journalist hostage in Afghanistan,” said Acting Assistant Attorney General Mark J. Lesko for the Justice Department’s National Security Division. “He will now be held accountable in an American courtroom. The National Security Division and our partners are committed to identifying and holding accountable those who target and harm Americans anywhere in the world. I want to thank the agents, analysts, and prosecutors who are responsible for this case.”

“As alleged, during one of the most dangerous periods of the conflict in Afghanistan, Haji Najibullah led a vicious band of Taliban insurgents who terrorized part of Afghanistan and attacked U.S. troops,” said U.S. Attorney Audrey Strauss for the Southern District of New York. “One of these lethal attacks resulted in the deaths of three brave American servicemembers and their Afghan interpreter, and another attack brought down a U.S. helicopter. Najibullah also arranged to kidnap at gunpoint an American journalist and two other men and held them hostage for more than seven months. Neither time nor distance can weaken our resolve to hold terrorists accountable for their crimes and to see justice done for their victims. Thanks to the outstanding work of our law enforcement partners, Najibullah will answer for his heinous acts in an American courtroom.”

According to court documents, as of in or about 2007, Najibullah was the Taliban commander responsible for the Jaghato district in Afghanistan’s Wardak Province, which borders Kabul. In this role, Najibullah commanded more than a thousand fighters, at times acted as a spokesperson for the Taliban, and reported to senior leadership in the Taliban. During that time, Najibullah and the Taliban fighters under his command conducted attacks intended to kill and which

did kill American and NATO troops and their Afghan allies, using automatic weapons, improvised explosive devices (IEDs), rocket-propelled grenades (RPGs), and other anti-tank weapons, including an attack that destroyed an Afghan Border Patrol outpost in or about September 2008.

On or about June 26, 2008, Taliban fighters under Najibullah's command attacked a U.S. military convoy in the vicinity of Sayed Abad, Wardak Province, Afghanistan, with IEDs, RPGs, and automatic weapons, killing three U.S. Army servicemembers, Sergeants First Class Matthew L. Hilton and Joseph A. McKay, and Sergeant Mark Palmateer, and their Afghan interpreter.

On or about Oct. 27, 2008, Taliban fighters under Najibullah's command shot down a U.S. military helicopter using RPGs in the vicinity of Sayed Abad, Wardak Province, Afghanistan. The Taliban subsequently claimed responsibility for downing the helicopter, asserting that it was "shot down [by] the mujahideen of the Islamic Emirate." The Taliban also falsely claimed that "[a]ll those onboard were killed," when, in fact, no troops died as a result of the attack.

On or about Nov. 10, 2008, Najibullah and his co-conspirators, armed with machineguns, kidnapped an American journalist (Victim-1) and two Afghan nationals who were assisting Victim-1 (Victim-2 and Victim-3) at gunpoint in Afghanistan. Approximately five days later, on or about Nov. 15, 2008, Najibullah and his co-conspirators forced the three hostages to hike across the border from Afghanistan to Pakistan, where Najibullah and his co-conspirators detained the hostages. For the next seven months, Najibullah and his co-conspirators held the hostages captive in Pakistan.

During their captivity, Najibullah and his co-conspirators forced the victims to make numerous calls and videos seeking help. For example, on or about Nov. 19, 2008, while in Pakistan, Najibullah and a co-conspirator (CC-1) directed Victim-1 to call his wife in New York. In one of the videos, Victim-1 – the American journalist – was forced to beg for his life while a guard pointed a machinegun at Victim-1's face.

Najibullah is charged with conspiring to provide material support for acts of terrorism resulting in death; providing material support for acts of terrorism resulting in death; conspiring to murder U.S. nationals; murdering U.S. nationals Hilton, McKay, and Palmateer; murdering officers and employees of the United States, and a person assisting them in their duties, by killing Hilton, McKay, Palmateer, and their interpreter; attempting to murder officers and employees of the United States; conspiring to destroy U.S. military aircraft; destroying a U.S. military aircraft; conspiring to use weapons of mass destruction; conspiring to take hostages; hostage-taking; conspiring to commit kidnapping; and kidnapping. Counts one through five and nine through 13 each carry a maximum penalty of life in prison. Counts six through eight each carry a maximum sentence of 20 years' imprisonment. Count five also carries a mandatory minimum sentence of life in prison. A federal district court judge will determine any sentence after considering the U.S. Sentencing Guidelines and other statutory factors.

The the FBI's New York Joint Terrorism Task Force, which principally consists of agents from the FBI and detectives from the NYPD, is investigating the case. Valuable assistance was provided by the New York and New Jersey Port Authority Police and the Department of Defense, as well as the Ukrainian authorities and the Justice Department's Office of International Affairs, which assisted in the arrest and extradition of the defendant.

Assistant U.S. Attorneys Sam Adelsberg, David W. Denton Jr., and Jessica K. Fender of the Southern District of New York are prosecuting the case, with valuable assistance provided by Trial Attorney Jennifer Burke of the National Security Division's Counterterrorism Section.

An indictment is merely an allegation and all defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

Attachment(s):

[Download Najibullah Superseding Indictment](#)

Component(s):

[Criminal - Office of International Affairs](#)

[Federal Bureau of Investigation \(FBI\)](#)

[National Security Division \(NSD\)](#)

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