

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 11-056 (JDB)
	:	
v.	:	VIOLATION: 18 U.S.C. § 2339B
	:	(Conspiracy to Provide Material
IRFAN UL HAQ,	:	Support to a Foreign Terrorist
Defendant.	:	Organization)
	:	
	:	
	:	

FILED

SEP 12 2011

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

FACTUAL PROFFER IN SUPPORT OF GUILTY PLEA

I. SUMMARY OF THE PLEA AGREEMENT

Defendant **IRFAN UL HAQ** agrees to admit guilt and enter his plea of guilty to a one-count Information which charges him with conspiracy to provide material support to a foreign terrorist organization, in violation of 18 U.S.C. § 2339B.

II. ELEMENTS OF THE OFFENSE

The essential elements of the offense of conspiracy to provide material support to a foreign terrorist organization, in violation of 18 U.S.C. § 2339B, each of which the government must prove beyond a reasonable doubt, are:

1. That an agreement existed between two or more persons to commit the crime of providing material support to a foreign terrorist organization; and
2. That the defendant intentionally joined in that agreement.

The essential elements of the underlying offense of providing material support to a foreign

terrorist organization, in violation of 18 U.S.C. § 2339B, each of which the Government must prove beyond a reasonable doubt, are:

1. That the defendant knowingly provided material support to a foreign terrorist organization; and
2. That the defendant knew that the organization is a designated terrorist organization or that the organization has engaged or engages in terrorist activity.

III. BRIEF STATEMENT OF THE FACTS

The following statement of facts does not purport to include all the defendant's illegal conduct during the course of the conspiracy. Nor does it purport to be an inclusive recitation of all that the defendant heard, knew, or witnessed concerning the illegal activities of himself or those of his co-conspirators. It is intended to represent sufficient information for the Court to find a factual basis for accepting the defendant's guilty plea.

1. In January 2011, in Quito, Ecuador, law enforcement agents directed three confidential human sources ("CHS 1-3") to ask IRFAN UL HAQ and QASIM ALI for their assistance to smuggle a fictitious person from Pakistan to the United States (the "Pakistani Person"). During the course of discussions between CHS 1-3 and ALI, CHS 1-3 informed ALI that the Pakistani Person had terrorist ties, namely to the Taliban.

2. On or about January 21, 2011, CHS-1 called ALI, who was then in Pakistan. CHS-1 told ALI that there is a man from the Taliban who is in hiding and is blacklisted in Pakistan. CHS-1 stated that the Pakistani Person needed a passport. CHS-1 also stated that UL HAQ had told them that he (ALI) would be able to have the passport made. The Pakistani Person will pay \$20,000-\$30,000 to get to America, and will pay \$1000-\$1500 dollars for the passport. ALI responded that

he will have the passport made quickly.

3. Later, on or about January 21, 2011, CHS-2 informed UL HAQ that they had spoken with ALI about the Pakistani Person's passport. CHS-2 stated that the Pakistani Person is willing to pay up to \$35,000. UL HAQ stated that he will tell ALI to have the Pakistani passport made.

4. On or about January 26, 2011, CHS-2 called UL HAQ and stated that the Pakistani Person wanted to pay \$2,000-\$3,000 to start the process for the passport. UL HAQ agreed and instructed that the money should be sent to him through Western Union.

5. On or about January 31, 2011, UL HAQ discussed the Pakistani Person with CHS 1-3. They discussed that the route for the Pakistani Person will be: Lahore to Dubai, Dubai to Havana, Havana to Haiti, Haiti to Turks and Caicos, and Turks and Caicos to the USA. UL HAQ also stated that the passport will be made within a week.

6. On February 1, 2011, law enforcement agents forwarded an e-mail purportedly from an associate of the Pakistani Person to UL HAQ (via CHS-3). The e-mail contained a passport photo of the fictitious Pakistani Person along with a message (written in Urdu). The message asked how long it will take to make the passport and indicated that \$2,000 will be sent via Western Union the next day.

7. On February 1, 2011, law enforcement agents caused \$2,000 to be transmitted via Western Union to UL HAQ.

8. On February 1, 2011, agents sent an e-mail to UL HAQ (via CHS-3) indicating that \$2,000 had been transmitted and providing the Western Union account number.

9. On February 1, 2011, UL HAQ met CHS 1-3 at the local Western Union office in Quito. UL HAQ entered the office, withdrew some money from the agents' transmission, forwarded

the remainder to a co-conspirator in Pakistan, and exited a few minutes later.

10. On February 1, 2011, UL HAQ discussed the money he had just received and the travel plans for the Pakistani Person with CHS 1-3. UL HAQ also made several phone calls (on speaker phone) to ALI and other co-conspirators during this meeting.

- a. UL HAQ stated that he had forwarded the photos of the Pakistani Person to make the passport.
- b. UL HAQ called “co-conspirator A” who was making the passport in Pakistan. UL HAQ instructed “co-conspirator A” to make the identification documents in such a way that the Pakistani Person need not present himself in person. UL HAQ stated that he will have money sent to “co-conspirator A.” UL HAQ confirmed that “co-conspirator A” will make the passport in approximately nine days. UL HAQ suggested that “co-conspirator A” use someone else’s fingerprints for the passport.
- c. UL HAQ called ALI and stated that he had sent the work to “co-conspirator A” and that he will pay “co-conspirator A” 50,000 rupees. UL HAQ instructed ALI to expedite “co-conspirator A” and to get the job done in days. UL HAQ asked ALI to accompany the Pakistani Person directly to Haiti. ALI stated that he will meet with “co-conspirator A.”

11. On or about February 10, 2011, ALI discussed the status of the Pakistani Person’s documents with CHS 1-3 over the telephone.

- a. ALI stated that he had met with “co-conspirator A” the previous day.
- b. ALI stated that they had sent in the application for the Pakistani Person; the ID will be made in one or two days; and that passport will be made in four or five days.

- c. ALI stated that UL HAQ had paid him 5,000 rupees.
- d. ALI asked about the destination for the Pakistani Person. CHS-3 replied that it is all the way to the USA.
- e. CHS-3 asked ALI to send him a copy of the ID as soon as it is made. ALI agreed.

12. On or about February 19, 2011, CHS 1-3 informed UL HAQ that the associate of the Pakistani Person (“CHS-4”) was in Quito and wanted to see the progress of the travel documents. UL HAQ brought ZAHID YOUSAF to the meeting at the Holiday Inn.

- a. CHS-4 stated that he and the Pakistani Person were members of Tehrik-e Taliban Pakistan (“TTP”). (The United States Department of State designated Tehrik-e Taliban Pakistan as a foreign terrorist organization on September 1, 2010).
- b. YOUSAF handed CHS-4 several travel documents for the Pakistani Person, including a copy of a United Kingdom passport with Pakistani Person’s photo. UL HAQ stated that these documents were just samples of their work, and that the actual travel documents will be provided later.
- c. UL HAQ stated that his people, including ALI, will accompany the Pakistani Person from Pakistan to Dubai; from Dubai to Cuba; and from Cuba to the Dominican Republic. CHS 1-3 were responsible for transporting the Pakistani Person from the Dominican Republic to the United States.
- d. YOUSAF stated that he would join ALI and the Pakistani Person in the Dominican Republic.
- e. YOUSAF stated that in case of an emergency, they could make the travel documents in two or three days, but the problem is obtaining the thicker grade paper for the

documents.

- f. UL HAQ called “co-conspirator A” in Pakistan and asked how long it would take to smuggle people out of Pakistan in case of an emergency. UL HAQ told “co-conspirator A” that they are dealing with very dangerous people who will not spare them if something goes wrong. After listening to “co-conspirator A,” UL HAQ stated that, at a minimum, it will take five days to make the documents and that they can also provide a safehouse.
- g. CHS-4 asked if they could bring weapons. UL HAQ replied, no, that they can risk doing human smuggling but nothing else.
- h. YOUSAF stated that they (YOUSAF and UL HAQ) have international documents (Pakistani and Ecuadorian passports) and can travel in and out of Pakistan to assist the Pakistani Person with his travel.
- i. UL HAQ stated that he can even smuggle people out of Pakistan who are blacklisted because he has a contact at the Immigration office who can provide the exit stamp.
- j. YOUSAF stated that the normal rate to smuggle Indians or Pakistanis to the United States is \$50,000 to \$60,000.
- k. YOUSAF stated that they will purchase the tickets for the Pakistani Person because his documents are ready, but they will have to wait for the others because it takes 10-12 days to make their documents.
- l. UL HAQ stated that it is not their concern what CHS-4's men want to do in the United States – hard labor, sweep floors, wash dishes in a hotel, or blow up. That will be up to them.

m. UL HAQ instructed CHS-4 to send him an additional \$2000 through Western Union for the balance owed for the travel documents.

13. On or about February 21, 2011, UL HAQ informed CHS 1-3 that he had received a copy of the Pakistani passport for the Pakistani Person. UL HAQ gave CHS 1-3 the e-mail account and password for "co-conspirator A" and instructed them to access the e-mail account directly to see the passport.

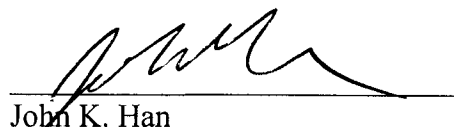
14. CHS-3 accessed the e-mail account and obtained an e-mail sent from "co-conspirator A" to UL HAQ that attached a copy of a Pakistani passport with the Pakistani Person's photograph.

15. Based on the events from January through March of 2011, UL HAQ, ALI and YOUSAF believed that the Pakistani Person and CHS-4 were associated with an organization that has engaged in or engages in terrorist activity.

Respectfully Submitted

RONALD C. MACHEN JR.
UNITED STATES ATTORNEY

BY:

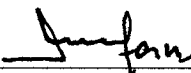


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DEFENDANT'S ACKNOWLEDGMENT

I have read this factual proffer, understand it, and agree that it is true and accurate. While it is not a complete recitation of all that I did or all that I know, it represents some of my conduct and some of my knowledge concerning my own involvement in illegal activity as well as the activities of some of my co-conspirators. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this factual proffer fully.

Date: _____




IRFAN UL HAQ

ATTORNEY'S ACKNOWLEDGMENT

I have read each of the pages constituting this factual proffer, reviewed them with my client, and discussed it with my client.

Date: 9-12-2011



Mary Petras, Esq.
Counsel for Defendant