

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER:

RAJA LAHRASIB KHAN

UNDER SEAL

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief:

Count One - Providing Material Support or Resources to a Designated Foreign Terrorist Organization

On or about November 23, 2009, at Chicago, in the Northern District of Illinois, and elsewhere, defendant RAJA LAHRASIB KHAN, a national of the United States, did knowingly attempt to provide material support and resources, namely, funds, to a foreign terrorist organization, namely, *al-Qa'ida*, knowing that the organization had engaged in and was engaging in terrorist activity and terrorism; in violation of Title 18, United States Code, Section 2339B(a)(1); and

Count Two - Providing Material Support or Resources to a Designated Foreign Terrorist Organization

Beginning no later than on or about March 17, 2010, and continuing until at least March 23, 2010, at Chicago, in the Northern District of Illinois, and elsewhere, defendant RAJA LAHRASIB KHAN, a national of the United States, did knowingly attempt to provide material support and resources, namely, funds, to a foreign terrorist organization, namely, *al-Qa'ida*, knowing that the organization had engaged in and was engaging in terrorist activity and terrorism; in violation of Title 18, United States Code, Section 2339B(a)(1);

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
Daniel M. Glavach
Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

March 25, 2010 at Chicago, Illinois
Date City and State

Hon. Geraldine Soat Brown, U.S. Magistrate Judge
Name & Title of Judicial Officer Signature of Judicial Official

UNDER SEAL

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Daniel M. Glavach, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed since approximately September 2005. I am currently assigned to conduct counter-terrorism investigations. While working as a Special Agent, I have directed or otherwise been involved in investigating violations of federal law. I have completed FBI training in the investigation of counter-terrorism matters. As a result of my training and experience, I am familiar with the tactics, methods, and techniques of terrorist networks and their members.

2. I submit that on the basis of the facts set forth in this affidavit, there is probable cause to believe that:

a. On or about November 23, 2009, at Chicago, in the Northern District of Illinois, and elsewhere, defendant RAJA LAHRASIB KHAN, a national of the United States, did knowingly attempt to provide material support and resources, namely, funds, to a foreign terrorist organization, namely, *al-Qa'ida*, knowing that the organization had engaged in and was engaging in terrorist activity and terrorism; in violation of Title 18, United States Code, Section 2339B(a)(1); and

b. Beginning no later than on or about March 17, 2010, and continuing until at least March 23, 2010, at Chicago, in the Northern District of Illinois, and elsewhere, defendant RAJA LAHRASIB KHAN, a national of the United States, did knowingly attempt to provide material support and resources, namely, funds, to a foreign terrorist organization, namely, *al-Qa'ida*,

knowing that the organization had engaged in and was engaging in terrorist activity and terrorism; in violation of Title 18, United States Code, Section 2339B(a)(1).

3. This affidavit is based on my personal knowledge, my review of records and other materials obtained during the course of this investigation, including intercepted telephone and in-person conversations, and information provided to me by other government personnel with knowledge relating to this investigation. Because this affidavit is for the limited purpose of setting forth facts sufficient to establish probable cause, it does not include all of the pertinent facts that I have learned in the course of this investigation.

4. This affidavit summarizes the contents of certain recorded conversations, which were recorded pursuant to: (a) lawful court orders; or (b) the consent of an undercover law enforcement agent, who was a participant in such conversations. Most of these recorded conversations were in the Urdu, Punjabi, or the English languages. While translators and transcribers have attempted to translate and transcribe the conversations accurately, to the extent that quotations from these communications are included, these are preliminary, not final translations and transcriptions. Voice identifications for the participants in these conversations are also preliminary. In most instances, voice identifications are based on names used during the intercepted conversations, voice recognition that has been accomplished to date by investigators, historical information developed during this investigation, toll records, physical surveillance, and subscriber information.

5. This affidavit describes the contents of certain handwritten notations contained in an address book, which, as described below, was found in KHAN's possession in June 2008 and October 2009. Some of these notations were partially in the Urdu language. While translators have attempted to transcribe the foreign language portions of these notations accurately, to the extent that

quotations from these notations are included, these are preliminary, not final translations. Quotations from English language notations are as they appeared in KHAN's address book.

6. Based on my training and experience, my consultation with translators, and the context of this investigation, I have included brackets where appropriate to explain my understanding of the recorded conversations, including the coded language and terms used, as well as the notations contained in KHAN's address book. The summaries below do not include all potentially criminal conversations that have occurred during this investigation or all statements or topics covered during the course of the conversations described below.

Summary

7. As noted above, pursuant to lawful court orders, government agents have intercepted and recorded: (a) numerous telephone conversations in which KHAN, Individual A, and others were participants; and (b) in-person conversations between KHAN and Individual B, which were surreptitiously recorded in KHAN's taxi without the knowledge of KHAN or Individual B. In addition, during this investigation, an undercover law enforcement agent ("UC1") met with KHAN on five occasions. All of these meetings were audio recorded and one was video recorded. As further set forth in this Affidavit, based on these conversations, as well as the other evidence described below, there is probable cause to believe that KHAN has, on at least two occasions, attempted to provide material support or resources, namely, funds, to a designated terrorist organization, namely, *al-Qa'ida*, knowing that such organization has engaged and engages in terrorist activity and terrorism.

8. More specifically:

a. By at least in or around 2008, KHAN, who claims to have known Ilyas Kashmiri for approximately 15 years, learned that Kashmiri was working with *al-Qa'ida*, and that Kashmiri was purportedly receiving orders from *al-Qa'ida*'s leader, Osama bin Laden. According to KHAN, during his meeting or meetings with Kashmiri, among other things: (i) KHAN learned that Kashmiri wanted to train operatives to conduct attacks in the United States; (ii) Kashmiri showed KHAN a video depicting the detonation of an improvised explosive device; and (iii) Kashmiri told KHAN that he needed money, in any amount, to be able to purchase materials from the "black market."

b. On or about November 23, 2009, KHAN sent a money transfer of approximately \$950 from Chicago, Illinois, to Individual A in Pakistan. KHAN later spoke with Individual A by telephone and instructed him to give "Lala" 25,000 Pakistani rupees (approximately \$300) of the money he had sent. As described below, KHAN has admitted to UC1 that "Lala," which means "older brother" in Urdu, is a nickname KHAN uses to refer to Ilyas Kashmiri. KHAN also informed UC1 that: (i) KHAN believes that his telephones are being monitored; and (ii) if KHAN or UC1 were ever questioned about their discussions regarding "Lala," they should claim to have been referring to KHAN's actual older brother.

c. On or about March 11, 2010, KHAN and an associate, Individual B, engaged in a discussion during which they appeared to discuss attacking a stadium in the United States in "August." Among other things, KHAN described that bags containing remote controlled bombs could be placed in several different locations, and then "boom, boom, boom, boom." KHAN further advised that he would ask "Lala" [Kashmiri] to teach him how to conduct such an attack.

d. On or about March 17, 2010, after agreeing to personally deliver to Ilyas Kashmiri any funds UC1 wanted to provide, KHAN accepted \$1,000 (ten \$100 bills) from UC1.

KHAN accepted these funds after having had prior conversations with UC1 in which: (i) KHAN confirmed to UC1 that Ilyas Kashmiri was working with *al-Qa'ida*; (ii) KHAN assured UC1 that Kashmiri would use UC1's funds to purchase weapons and, possibly, other supplies; (iii) KHAN assured UC1 that KHAN had provided Kashmiri with money in the past, including in approximately December 2009; and (iv) KHAN discussed the possibility of having his son transport the money from the United States to England, where KHAN would rendezvous with his son, retrieve the money, and deliver it to Kashmiri in Pakistan.

e. On or about March 23, 2010, government agents at Chicago's O'Hare International Airport came into contact with KHAN son, who was traveling to England. During this contact, agents discovered that KHAN's son possessed seven of the ten \$100 bills UC1 had given to KHAN.

Background Information

Raja Lahrasib Khan

9. According to records maintained by U.S. Immigration and Customs Enforcement, KHAN, who was born in Pakistan and immigrated to the United States in the late 1970's, became a naturalized United States citizen in 1988. According to statements KHAN made to UC1, as well as FBI surveillance, KHAN is employed as a taxi driver.

10. According to records obtained from T-Mobile and statements KHAN made to UC1, KHAN is the subscriber of and uses cellular telephone number ***-***-6148 (hereinafter, "#6148").¹

Ilyas Kashmiri

¹ When telephone numbers and addresses are listed in this Affidavit, the symbol "*" is used to redact certain digits.

11. In April 2006, the United States Department of State issued its “Country Reports on Terrorism 2005,” which listed a number of designated “foreign terrorist organizations” and “Other Groups of Concern” (hereinafter the “2005 State Department Report”). Included among the Other Groups of Concern was Harakat ul-Jihad-I-Islami” (“HUJI”), a Sunni extremist group with links to *al-Qa’ida*, which was located in Pakistan and Kashmir. According to the 2005 State Department Report, “HUJI’s operations in Kashmir were led by Commander Ilyas Kashmiri, a former commander of the Afghan jihad,....[who] was arrested in October [2005] on charges of attacks against President Musharraf in 2003.” International news media reports have identified Kashmiri as, among other things, an *al-Qa’ida* leader.

12. In September 2009, international news media reported that Kashmiri had been killed in a drone attack in Pakistan. In October 2009, according to an article posted on the Asia Times Online (www.atimes.com), Kashmiri granted an interview to an Asia Times Online reporter purportedly to disprove the accounts of his death. According to the Asia Times Online article, during the interview, among other things: (1) Kashmiri claimed that the 2008 Mumbai attacks were “nothing compared to what has already been planned for the future”; and (2) Kashmiri said that he joined *al-Qa’ida* because “[w]e were both victims of the same tyrant. Today, the entire Muslim world is sick of Americans and that’s why they are agreeing with Sheikh Osama [bin Laden].”²

al-Qa’ida

² In January 2010, Kashmiri and others were indicted in the Northern District of Illinois for their roles in a conspiracy to murder and maim in connection with an attack to be carried out against the facilities of the Danish daily newspaper *Morgenavisen Jyllands-Posten*, located in Denmark, and at least two of its employees, as retribution for the *Jyllands-Posten* publication of cartoons, some of which depicted the Prophet Mohammed. See *United States v. Ilyas Kashmiri et al.*, No. 09 CR 830 (N.D. Ill.).

13. *al-Qa'ida* is a terrorist organization that seeks to attack Western interests worldwide.³ Among other targets, *al-Qa'ida* seeks to attack the government and civilians of the United States; other Western governments and civilians; and other persons, governments, and institutions that did not follow the interpretation of Islam promoted by *al-Qa'ida*. According to the 2005 State Department Report, in February 1998, *al-Qa'ida* leaders issued a statement “under the banner of ‘The World Islamic Front for Jihad Against the Jews and Crusaders’ saying it was the duty of all Muslims to kill U.S. citizens, civilian and military, and their allies everywhere.”

14. In or around 1999, the U.S. Secretary of State designated *al-Qa'ida* a Foreign Terrorist Organization. In 2004, *al-Qa'ida* leader Osama bin Laden publicly acknowledged *al-Qa'ida's* involvement in the September 11, 2001 attacks on the United States, and, in a videotaped statement, said, among other things:

As I watched the destroyed towers in Lebanon, it occurred to me to punish the unjust the same way [and] to destroy towers in America so it could *taste some of what we are tasting* and to stop killing our children and women. (Emphasis added.)

³ There are several commonly used spellings of *al-Qa'ida*, including “Al Qaeda” and “al-Qaeda.” For the sake of clarity, this Affidavit solely uses the spelling, “*al-Qa'ida*.”

Summary of the Evidence

KHAN's Address Book

15. On or about June 25, 2008, government agents at Chicago's O'Hare International Airport encountered KHAN, who was arriving in the United States from international travels, including a trip to Pakistan. During this encounter, agents discovered and copied an address book that was in KHAN's possession. Contained in the address book was an entry for "ALYAS KISHMIRI." Also contained in KHAN's address book, in the "Notes" section, were handwritten notations which said "DONATE" with, what appeared to be, three names underneath. One of the names was "ALYAS," and, to the right of "ALYAS," was "20,000." Under the "20,000" were "500" and "500."

16. On or about October 9, 2009, government agents at O'Hare again encountered KHAN, who was arriving in the United States from international travels, including a trip to Pakistan. During this encounter, agents discovered and copied an address book in KHAN's possession, which appeared to be the same address book described in Paragraph 15. While reviewing the address book, agents discovered that the entry for "ALYAS KISHMIRI" appeared to be crossed out. In addition, agents observed an entry containing Individual A's first name (in Urdu), which was associated with an apparent telephone number of ***-***0985.

The November 2009 Transfer of Money

17. On or about November 18, 2009, KHAN, using #6148, spoke by telephone with an individual, who identified himself as Individual A and was using telephone number *****0985 (hereinafter, "#0985"). During this conversation, KHAN and Individual A engaged in the following discussion regarding KHAN sending money to Individual A:

...

KHAN: Let's say - I want to send some money - ah - through Western Union.

Individual A: Don't send in my account.

KHAN: Should I send you in your account?

Individual A: Do not send in my account.

KHAN: OK. Give me your account number.

Individual A: You should not send the money in my account. How will you remit?

KHAN: What?

Individual A: How will you remit?

KHAN: I will remit through Western Union, so you can get it before Eid. You will receive next day. They will give you a call. Ah. You will give them the PIN number, and they will give you money.

Individual A: Is it like a bill of exchange?

KHAN: I don't know whether it is a bill of exchange or not. It is Western Union. They take one thousand rupees and deliver next day - next day or the same day.

Individual A: This is right. It is ok. It is ok.

KHAN: Is everything all right? ...Brother [Individual B's first name] was saying hello to you.

Individual A: Well. Write down my name [Individual A].

KHAN: Right. I have written down [Individual A] So - that - that - I - God willing - let's say - ah - the Eid is not this Friday. The Eid is on next Friday. I will remit the money before Eid, God willing, you will get at that time. Is it all right?

Individual A: God willing. [Unintelligible.]

...

17. On or about November 22, 2009, KHAN, using #6148, spoke by telephone with Individual A, who was using #0985. During this conversation, KHAN and Individual A discussed,

among other things, that: (a) Individual A lived in “Mirpur” [Pakistan]; (b) KHAN would be sending the money “tomorrow”; and (c) KHAN would call Individual A after the money was sent to tell Individual A to whom he should “distribute” the money.

18. On or about November 23, 2009, FBI surveillance observed KHAN going into a currency exchange located on North LaSalle Street in Chicago.

19. According to records obtained from Western Union, on November 23, 2009, “RAJA KHAN” sent \$950, from the currency exchange located on North LaSalle Street, to Individual A, in either Mirpur or Bhimber, Pakistan. [Bhimber is a town located approximately 21 miles from Mirpur.] These records also showed that 77,917.91 Pakistani rupees (approximately \$930) were paid to Individual A on November 23, 2009, and that the Western Union control number for the transaction was 9245334670.

20. On or about November 23, 2009, KHAN, using #6148, spoke by telephone with Individual A, who was using #0985. During this call, KHAN informed Individual A that the Western Union “pin number” was 9245334670, and that he had sent 77,917 rupees and 91 “paisa” to Individual A. KHAN also informed Individual A that 25,000 rupees were for “Lala,” 15,000 rupees were for Individual A, and the remaining rupees were to be distributed to Individual C (6,000 rupees), Individual D (6,000 rupees), and Individual E (25,000 rupees). As described below, KHAN admitted to UC1 that “Lala” was a nickname he used to refer to Kashmiri.

21. On or about November 24, 2009, KHAN, using #6148, spoke by telephone with Individual A, who was using #0985. During this call, Individual A confirmed that he had received the money and delivered it to Individuals D and E.

22. Also on November 24, 2009, KHAN, using #6148, spoke with Individual C by telephone. During this call, KHAN instructed Individual C to call Individual A at the #0985 so that Individual C could arrange to receive the 6,000 rupees KHAN had sent for him.

23. Also on November 24, 2009, KHAN, using #6148, spoke with an individual who was using a telephone with an 847 area code. The 847 area code is assigned to telephone numbers within multiple Chicago suburbs. During this conversation, KHAN appeared to discuss the November 23, 2009 Western Union transfer, and engaged in the following conversation:

...

KHAN: I did ask [name redacted]. I asked, "Will [you] give?" He said, "Yes, of course I will give money."

Other Party: For what?

KHAN: That, which was needed to send Pakistan?

Other Party: OK, OK.

KHAN: Anyway, I will talk to him again today. [I] did send our, 950 yesterday.

Other Party: OK, Glory and praise be to God.

KHAN: You gave me 625. Ah, you gave 625. No, not 625, 400, yes, 425, and the rest, I added remaining from my own pocket.

Other Party: All right, God willing.

[Long Pause]

KHAN: Yes, I added 525 from my own pocket. La, la, la, la, la, la. However, they gave a good [exchange] rate, 82.2 [Pakistani rupees], for dollar.

...

The February 4, 2010 Meeting

24. On or about February 4, 2010, UC1 met with KHAN and Individual B at a restaurant in Chicago. During this meeting, UC1 informed KHAN that UC1 was looking for a trustworthy contact in Pakistan. In response, KHAN engaged in the following discussion regarding Ilyas

Kashmiri:

...

KHAN: I, I wish I have one magazine I show you. It's in Urdu. The guy, he have uh, two plans attack on the *Musharraf*, but he, you know, he get away.

UC1: Alright.

KHAN: They put him in the jail, we worked hard to get him out from the jail, and now he's in the Miranshah [region of Pakistan]. The Indian Government they have I don't know about, 100 million rupees on his head. He pull, he killed Indian captain or some big wig, army's.

UC1: Yes.

KHAN: Put the knife in his, you know throat, here, like this, and they front page of the magazine [unintelligible] his picture [unintelligible]. I have the magazine.

...

KHAN: We call him Lala. His name is Ilyas Kashmiri [unintelligible].

...

KHAN: I, I, I know him, I see him, I spend time with him.

UC1: Raja, that is, that's the nickname they use for him, for my brother Kashmiri. [unintelligible] I will have [unintelligible].

KHAN: Lala...we call him Lala.

...

KHAN: It Urdu it means older brother.

...

UC1: Lala Kashmiri. You know him?

KHAN: Yes!

UC1: You met him?

KHAN: So many times, not even once, so many times.

...

25. Also during the February 4, 2010 meeting, UC1 informed KHAN that he had been trying to give money to Kashmiri for a long time, and advised that he and KHAN needed to meet

again. KHAN responded:

...

KHAN: Last time when I went to Miranshah that was my first time. I start journey five o'clock in the morning, I get there ten-thirty [unintelligible]. And, and uh, I ask, Ilyas Kashmiri, you know, if you want I can talk to Russians. They can help us out. Nobody's uh, onto us. We kick their ass so hard their seven generation gonna remember.

UC1: They will never help us out. [laughs] They will never help us out.

KHAN: He says I'll praise be to God in the black market, you get everything, but we need money [unintelligible]. That's why...

UC1: [unintelligible].

KHAN: ...I, I collect some money to the my friends and I [unintelligible] give to him there. And uh, I personally, I go personally, receive him and give him money.

...

The February 8, 2010 Meeting

26. On or about February 8, 2010, UC1 met with KHAN and Individual B at a restaurant in Chicago. During this meeting, UC1 and KHAN engaged in the following dialogue:

...

UC1: Even though it's easy for us to send money to Bangladesh or to Kashmir, to Afghanistan, what's hard is for us to find the right person the money to go to.

KHAN: That's right, yeah.

UC1: Because what happens is if you have too many little groups in Kashmir, too many little groups in Afghanistan, all of 'em are getting money, eventually they end up fighting against each other. And that's the problem we ran into in Iraq.

KHAN: Yeah.

UC1: There wasn't one group that was dominant so we could say this is our *mujahideen* brothers. We have to support this group. A little money there, a little money there, a little money there, and it was just chaos. Nobody really knew how to handle it.

KHAN: Yeah, this [unintelligible].

UC1: It causes problems because once somebody becomes powerful and then they start fighting with each other. That's what I don't want happening. We had that problem in Afghanistan little bit, but everything regrouped and that's what we're doing well. In Iraq had the same problem.

KHAN: Yeah.

UC1: There was too many little groups. Until *al-Qa'ida* came, and we formed *al-Qa'ida* in Iraq, and we had one group. Everybody knew what to do. This is the money going to *al-Qa'ida* in Iraq and that's gonna take care of whatever we needed to do. There wasn't six different little groups, and ten different little groups. The same thing with Kashmir. There are little groups in Kashmir, but if there's one person that we know, as you know...

KHAN: Yeah.

UC1: ...Ilyas Kashmiri, we can trust him.

KHAN: This, this, I, I saw him, you know. The bigger thing yeah we are thinking the same way. I didn't donate money to him do you know, anybody. I go there with camp. I see everything that he is talking about.

UC1: Yeah.

KHAN: [unintelligible] look at here.

UC1: Yes. Yes.

KHAN: And I have brother there.

UC1: That you can trust.

KHAN: Yeah, Brother [Individual A's first name]. I don't trust anybody else. If I give him money, if I cannot go there, I give him money he goes there.

UC1: He makes sure it goes to Lala Kashmiri. OK. That was my...

UC1: OK, so if we, if we can get money to Brother [Individual A first name], he can get the money to Kashmiri?

KHAN: Yeah, Ilyas Kashmiri.

UC1: And it'll be there?

KHAN: Yeah.

...

27. Also during the February 8, 2010 meeting, KHAN confirmed that Kashmiri was working with *al-Qaida*. Specifically, KHAN and UC1 engaged in the following discussion:

...

UC1: I've heard, when I was in Afghanistan, one of the brothers would come and stay, they would tell me, but I could never know one hundred percent, but since you know Ilyas Kashmiri. My brother would tell me that he, at the time, this was several years ago, they were telling me that Ilyas Kashmiri would, he's trying to work with *al-Qa'ida*, they're one group. I never knew if that was actually happening. So that's why I could never send him money because I wasn't sure if it was...

KHAN: He's working [unintelligible]. The same.

[At this point in the conversation, KHAN brought his hands together to indicate that Ilyas Kashmiri and *al-Qa'ida* were the same.]

...

UC1: My biggest fear, when I was in Afghanistan, was if I give money to Kashmiri I wasn't sure if he was gonna do the right thing.

KHAN: Right.

UC1: But if you're telling me that he was, he is with *al-Qa'ida*, they're working together, that's all I needed to know.

KHAN: [unintelligible] He is the one who unites the attack [unintelligible][unintelligible]...Ilyas Kashmiri.

UC1: He unites it. He brings it together.

KHAN: Yeah. Yeah.

...

KHAN: ...I'm going next month [unintelligible]. I'm gonna see in person Ilyas Kashmiri.

UC1: You're gonna see Ilyas Kashmiri in person?

KHAN: Yeah.

...

28. Also during the February 8, 2010, KHAN described the following conversation

he had with Kashmiri:

...

KHAN: I stayed one night with uh, Brother Ilyas Kashmiri.

UC1: Yes.

KHAN: One night. I ask him, you know how you, support, I mean, you know, attack you know, and everything, how, where you get the money?

UC1: How does he do it?

KHAN: He say like you brother.

UC1: He begs.

KHAN: Lot a brother that he know.

UC1: He, they said [unintelligible].

KHAN: Yeah, he says, right now even if it's one dollar or fifty cents.

UC1: They take it.

KHAN: And I told him, I said you want, and I talk with the Russians because America was behind kicking them out.

UC1: Yes.

KHAN: Kicking them out.

UC1: Right.

KHAN: [unintelligible]. He says no.

UC1: He doesn't want their money.

KHAN: He says, he says the problem is we kick their ass really bad, the [unintelligible] generation they're going to remember.

UC1: Yes, you're right they told me that they will not, they will never forgive us.

KHAN: They will help us. He says if we have money, he said I can get anything from that black market.

UC1: That's all he needs is money.

KHAN: He needs money, yeah.

...

29. Finally, during the February 8, 2010 meeting, KHAN informed UC1 that, during a trip to Pakistan approximately four to six months earlier, KHAN made two unsuccessful attempts to see Kashmiri. KHAN also advised that, "Honest to God, if I don't get married in Pakistan I would be with Ilyas Kashmiri the rest of my life."

The February 23, 2010 Meeting

30. On or about February 23, 2010, UC1 met with KHAN and Individual B at a coffee shop in Chicago. During this meeting, UC1 informed KHAN that he had spoken with an associate, who, unbeknownst to KHAN, was another undercover law enforcement agent ("UC2"). UC1 then informed KHAN that he had informed UC2 that he had found someone who could help them send money to Ilyas Kashmiri. KHAN informed UC1 that he was traveling to England, on his way to Pakistan, on March 29, 2010. KHAN and UC1 then engaged in the following discussion:

...

UC1: OK. Did you want to uh, did you wanna carry the money or did you want to, 'cuz carrying the money is a little dangerous, you know, if we...

KHAN: Uh it's, it's up, up to you or if you provide it there...uh, [unintelligible] cash, I gonna give it to some, to my son, and he takes it there because they don't check if you go to the, Europe...they don't check. If I go to uh, if it shows the ticket I'm going to Pakistan, they search me, you cannot take more than ten thousand dollars.

...

KHAN then informed UC1, that his son would be traveling to England on March 20 or 22, 2010, and that, in the past, he has provided money to "my daughter-in-law comes or my son comes, or her brother comes here...I give them money, they take it there. When I go there, I take money [unintelligible]."

31. During the February 23, 2010 meeting, KHAN expressed his concerns about anyone

learning that he was transporting money to Kashmiri. Specifically, KHAN remarked, “And please, uh, you know, I don’t care if you help or not, but I don’t want anybody else know, you know...because...” UC1 then assured KHAN that only he and UC2 would know.

32. Also during the February 23, 2010 meeting, UC1 informed KHAN that UC2 and UC1 wanted the money, which they would be providing to KHAN, to be used to “help fight the Americans, either in Afghanistan or in Iraq...or, uh, fight the Indians in Kashmir...he doesn’t want the money just to be used for charity.” KHAN responded, “Yeah, sure, sure, I understand.” KHAN later informed UC1 that he would personally go to Miranshah and give the money to Kashmiri.

33. Also during the February 23, 2010 meeting, KHAN and UC1 engaged in the following discussion about Osama bin Laden:

...
KHAN: I love that Osama bin Laden, he says the last fifty years we have been, you know, *tasting...now America will taste that*. [Emphasis added.]
UC1: Yes...now they're afraid.
KHAN: Then he gonna feel...then he gonna feel to know...
UC1: Feel our pain...
KHAN: Yeah...feel our pain.
UC1: ...yes, feel our suffering.
KHAN: Yeah, that's what he did in Kenya...
UC1: Yes.
KHAN: ...Nigeria, and uh, somewhere in Yemen, you know, that boat, you know?
UC1: Yes, yes, yes...yes. Together... together we can do it...with, with, with Osama bin-Laden...and him being our leader, he has helped us so much.
KHAN: Yeah. I asked the Lala about him. And he says he's healthy, he's leading...

UC1: He's good...

KHAN: ...he's good, and uh...

UC1: ...*inshallah, inshallah*. [“God willing”]

KHAN: ...you know, I was thinking he was uh, they say he...

UC1: Was sick, yes, sure.

KHAN: ...yeah, [unintelligible], but he says no...he's perfect, healthy, and he's leading and he's giving the orders...

UC1: *Inshallah*.

KHAN: ...[unintelligible] humdallah [phonetic spelling], he's, he's OK, he's in safe hands.

UC1: [unintelligible]...good.

KHAN: That's what, Lala said to me, you know...

...

34. Also during the February 23, 2010 meeting, KHAN advised that KHAN had informed Kashmiri that he was willing to speak with “Russia” about providing assistance. Specifically, KHAN said that he had suggested, “Maybe they’re gonna help...you know. I am not talking about the money, they can give us ammunition, you know?” According to KHAN, Kashmiri responded that, “if we have money we can buy anything on the black market....Just, we need the money, that’s it.” KHAN later provided the following information about Kashmiri:

...

KHAN: You know he was, I don't know if he was a major or captain in the army. He's quit...in the Pakistani army? He quit and, you know, he starts ah his own organization, *mujahideen*...make a camp, train them, send them into Bosnia, um, um, I mean Russia...and uh, there's a Georgia...Palestine, Kashmir, Iraq, Afghanistan ...I mean, this, this guy got like uh, internationally, you know, like circles going on.

...

35. Finally during the February 23, 2010 meeting, UC1 and KHAN discussed their

outrage and anger over the United States' actions in, among other places, Iraq and Afghanistan. During a portion of this discussion, UC1 and KHAN engaged in the following dialogue.

...

UC1: ...All we do is, we make our money and we help the people in Afghanistan, we help our brothers in Iraq. And because it's getting harder in Afghanistan...we need to, or bro-, brother [UC2] agrees, we need to start finalizing our stuff. We need to start finishing with what we were planning on doing. Because it may eventually stop. So...that's why I want him to meet so we can do something and we can make things happen...we can hurt, like you said, hurt the Americans they way they hurt us...

KHAN: Yeah.

UC1: ...let them suffer the way we have suffered...

KHAN: I mean...

UC1: ...and maybe then they'll understand.

KHAN: ...you, you don't understand if I have pain, you don't understand. You only understand when you got pain...

UC1: Yes.

KHAN: ...you know.

UC1: Yes, absolutely...absolutely. That, that is so true. That's true. Unless they suffer, they'll never truly understand.

KHAN: If, if their countries, every, every day, you know, we are bombing somewhere ...kill fifty people, a hundred people, seventy people here, other state, other state...eventually they get the message...

UC1: Yes.

KHAN: ...hey, you know what we are doing? Maybe...

UC1: We should stop.

KHAN: ...yeah, we should stop, you know.

....

The March 1, 2010 Meeting

36. On or about March 1, 2010, UC1 and UC2 met with KHAN and Individual B in a hotel room in Chicago. During this meeting, after UC1 informed UC2 that KHAN knew Ilyas Kashmiri, UC2 asked KHAN, “So what would you need, brother, I mean what, what....” KHAN replied:

I mean whatever you can, you know... it's...I met him [Kashmiri] and told him, you know ...he's, he says whatever you can help, with the money. And I told him, you know, if they buy, you know, the stuff...he says we can buy anything in the black market, but we need money. He says even one dollar, it counts...that's what he said.

Later, when UC2 asked how KHAN would get the money to Kashmiri, KHAN replied, “Well I take with me and cash it there in Pakistan and take it to them.”

37. Also during the March 1, 2010 meeting, UC1 informed KHAN, “And, and it's very important that...I know you told me that brother Kashmiri, is he working with our brothers in *al-Qa'ida* or is he...” KHAN interrupted UC1 and said, “Yes.” Later, KHAN and UC1 engaged in the following dialogue:

...
UC1: How does he know all our brothers in, in, in Iraq? Does he work with *al-Qa'ida*? Does he talk...

KHAN: He's, he trained them and send them there.

UC1: Yes, you told me he had a training camp.

KHAN: Yeah.

...

KHAN: This brother sends, you know, make the groups, you know, the trainings and, you know, like your duty is that place, your duty's that place, your duty this place...then he will checks... (inaudible)

UC1: That is incredible.

KHAN: He is uh, the k-, [unintelligible], he is the main key there.

UC2: So he's in charge over it, so actually, if somebody wants to get some training ...you can...

KHAN: Yeah, he can...

...

38. Also during the March 1, 2010 meeting, KHAN, UC1, and UC2 engaged in the following discussion about sending money to Kashmiri:

...

UC2: ...so, um...and who knows, you know, if um...so you're leaving...can you take the money with you?

KHAN: I cannot take more than ten thousand dollars.

UC2: That's what...[unintelligible]

UC1: Do you think that's enough for brother Kashmiri?

KHAN: Well, I mean, it helps...you know.

UC1: I know it's, it's hard for, for us, I, I told you before...

KHAN: Yeah.

UC1: ...sometimes taking the money will be good because he needs money right away.

KHAN: Yeah.

UC1: But then afterwards, how, what's the best way for us to get the money to brother Kashmiri, to make sure he can, continue to support him?

KHAN: Well I find out the, some way, you know, how we can...

UC1: OK.

KHAN: ...send the money in Pakistan.

UC1: You've done it in the past? You've provided money for Kashmiri? Have you taken it every time?

KHAN: I, I take by myself, you know...

UC1: OK.

KHAN: ...take by myself and give to him.

UC1: OK.

KHAN: And I know somebody...if I cannot go there, I trust, like, you know, like you, like brother [Individual B].

UC1: And you trust the brother?

KHAN: Yeah...and you can too.

UC1: OK. And have you done it with a brother you trust?

KHAN: Yes...yeah.

UC1: Did you send him a check? Did you...

KHAN: No, I give the cash.

UC2: And the money get there...

KHAN: Yes.

...

39. Finally, during the March 1, 2010 meeting, KHAN informed UC1 and UC2 that: (a) he believed that his telephones were being monitored; (b) Kashmiri told KHAN that, if KHAN helped with “the money, we can get anythings in the black market”; (c) Kashmiri trains people for both *al-Qa’ida* and the Taliban; and (d) KHAN expressed a concern about anyone learning about what they were discussing.

The March 11, 2010 Recording of KHAN and Individual B

40. On or about March 11, 2010, FBI surveillance observed KHAN meeting with Individual B inside of KHAN’s taxi in Chicago. During this meeting, KHAN informed Individual B that: (a) KHAN’s son would be traveling to England on the “23rd” [March 23, 2010]; (b) KHAN believed that his telephones in the U.S. and in Pakistan were being monitored; and (c) when KHAN gets to Pakistan, he will look for “Lala” [Kashmiri]. KHAN and Individual B then engaged in a

discussion, which appeared to contain references to conducting a bombing at a stadium in the United States in “August.” Among other things, KHAN described the location as a “big stadium” where security did not check cars. KHAN and Individual B then engaged in the following dialogue:

...
Individual B: OK. You thinking take the car or [unintelligible]? How, how is it going to do?

KHAN: When you had to take in the car, you can not you know, put on your bag, when you go there, take ‘em out. You know, put one bag here, one there, one there, you know three, four, five different places, you know, boom, boom, boom, boom. You know I guess there is remote control, you know. Just walking and bomb. Walk fifteen, twenty feet, bomb. You know?

...
KHAN: Like that, like the [unintelligible] garbage can, or something like that, it can hide it. Oh, yeah, there’s lot of garbage cans. Yeah. You don’t have to just [unintelligible], so many people. So many people, you know like just leave the bag here.

Individual B: Ask Lala.

KHAN: Hm-hmm.

Individual B: How Lala can.

KHAN: Yeah, I gonna. I gonna tell him to teach me, you know? He know how to do that.

...
Individual B: Suppose, if we cannot find the Lala. Is any other hope, person we can use for this plan?

KHAN: Well when I go there, I can’t say right now anything, unless I get there. I have to contact with them. I’m gonna find somebody, you know, go to see Lala. Uh, if it’s safe, I go. Then I call you and you come over.

Individual B: OK.

KHAN: If it’s not safe, then I gonna see somebody here, you know. [unintelligible]

...
KHAN: If you wanna do it inside, there in the stadium, you can do that too. Nobody

asked, you know, what're you taking out of your luggage.

Individual B: And do the inside?

KHAN: Yeah. Can do it inside. Yeah.

...

Individual B: [unintelligible] winter time is better they cannot...

KHAN: No. I'm say it's gonna be summertime. It's obvious to me, I think in August.

...

Individual B: They'll be so scared.

KHAN: They, they shouldn't be, they shouldn't have it like a government level, whatever they're doing there, they should do here too. That's why they get, you know, like you know in India and Pakistan...

...

KHAN: They keep going and coming and bringing all this, they do some bad stuff [unintelligible]. Hey you do this stuff, I'll do more and you'll see what's gonna happen. They should do it here to the problem is it's too far. It's you know, it's like no. In Pakistan they teach you, they are, uh [unintelligible].

...

The March 14, 2010 Recording of KHAN and Individual B

41. On or about March 14, 2010, FBI surveillance observed KHAN meeting with Individual B inside of KHAN's taxi cab in Chicago. During the meeting, KHAN informed Individual B that: (a) KHAN plans to look for "Lala" [Kashmiri] during his next trip, but he does not know where Lala is staying; (b) if it is not safe to travel to see Lala, he will find someone to give Lala the money; (c) it was difficult obtaining explosives "here"; (d) in 2008, KHAN met with Kashmiri in or around Kotli; and (e) KHAN provided Individual B with a description of Kashmiri's residence, and said that there were AK-47s [rifles], grenades, ammunition, and shoulder "rocket missile." KHAN and Individual B then engaged in the following discussion about how the weapons were obtained:

...

Individual B: So like a...my point is where they buy from?

KHAN: I think we buy from Russia, from China...you know? [unintelligible]

Individual B: Makes a lot of money also...

KHAN: Oh yeah. The problem is, you know, when you buy the illegal things, it's like a double cost, you know.

Individual B: Double cost.

KHAN: Yeah.

...

The March 17, 2010 Meeting

42. On or about March 17, 2010, UC1 met with KHAN and Individual B at a restaurant in Chicago. During this meeting, UC1 and KHAN engaged in the following discussion regarding KHAN's relationship with Kashmiri, as well as KHAN's knowledge of Kashmiri's affiliation with *al-Qa'ida*:

...

UC1: And one of the things he [UC2] wanted to make sure was, he asked me how did brother Raja meet brother Kashmir? And I said I don't know, I think he was in Pakistan. And I couldn't...

KHAN: I knew him the last twenty years.

UC1: You've known him the last twenty years?

KHAN: Yeah, I know him last fifteen years, fifteen years. [unintelligible]...

UC1: When was the last time you actually met brother Kashmiri and you talked to him?

KHAN: Um, last, last year.

UC1: 2008?

KHAN: 2008.

UC1: OK. And how did you meet him? Did you talk to him on the phone?...

KHAN: I went there, I went Miranshah.

UC1: You went to Pakistan and...

KHAN: I went to Pakistan and I went in Miranshah...

UC1: Miranshah.

KHAN: ...is clo-, close to Afghanistan.

UC1: OK.

KHAN: Is in that frontier.

UC1: OK.

KHAN: I went there, I stay a night there.

UC1: So, you met him then?

KHAN: Yeah, I met in Pakistan.

UC1: OK, and how did you, how did you give him the money? Did you just give it to him, did you...

KHAN: Yeah.

UC1: OK, so you meet him face to face.

KHAN: Yeah, face to face, mm-hmm.

UC1: Do you think you'll meet him again...

KHAN: *Inshallah*. ["God willing."]

UC1: *Inshallah*...OK. How did you know that he was, that he was together with *al-Qa'ida* then? How, how...

KHAN: Because I ask him about the big Lala. Osama...

UC1: Osama...OK...

KHAN: ...I ask him.

UC1: OK.

KHAN: Telling that he's alive or is he *shaheed* [phonetic spelling] [martyred], you know. He said no, he's OK. *Allahamdullah* [phonetic spelling] he's healthy and...

UC1: OK.

KHAN: ...uh, he is commanding everythings.

UC1: OK.

KHAN: That's what he said.

UC1: OK. So you knew...

KHAN: Yeah.

UC1: ...that, because you talked to him about Osama, that he is together with...

KHAN: With...

UC1: ...*al-Qa'ida*. OK.

KHAN: But personally I never met Osama... Osama bin Laden. I never met...I want met him...

UC1: You, of course.

KHAN: ...I wanna see him...

UC1: OK.

KHAN: ...before the, even the war start, I was going to Pakistan. But then 9/11 happens, and I didn't go.

UC1: Of course, that changed everything.

KHAN: Yeah, it changed everything.

UC1: OK. So in 2008 you met brother Kashmiri...

KHAN: Yeah.

UC1: ...and you talked about *al-Qa'ida*, Osama bin Laden, and he told you that he...

KHAN: He's OK.

UC1: ...Osama bin Laden is healthy...OK, *shukra* [phonetic spelling].

KHAN: Yeah...he's healthy, he's OK.

UC1: OK, *shukra, shukra* [phonetic spelling]

KHAN: And uh, he's commanding, he's giving orders...

UC1: OK, Osama bin Laden's giving orders.

KHAN: Yeah.

UC1: Does he give orders to Kashmiri? Did Kashmiri...

KHAN: Just, yeah, to Kashmiri, then Kashmiri give the order to *mujahideen*...

UC1: OK. OK. OK.

KHAN: *al-Qa'ida* and Taliban.

...

Later during this conversation, KHAN said that, "I, I, I pray help our brother Kashmiri all the time, you know...he be alive, you know, because...he's the main key...he's the main key. After Osama bin Laden."

43. Also during the March 17, 2010 meeting, UC1 engaged in the following dialogue with KHAN regarding what Kashmiri does with the money that is donated to him:

...

UC1: OK. How...when you give brother Kashmiri the money, how do you know that the money will be used to support *al-Qa'ida* in purchasing weapons and training...do you talk to him about that?

KHAN: Yeah, because he buys the weapon...I ask him...

UC1: OK.

KHAN: ...he buys the weapon. I saw, like...the quantity, pile them up [unintelligible]...

UC1: OK, so you saw the weapons in his...

KHAN: ...[unintelligible].

UC1: OK. So now...

KHAN: And he said, you know if, if you can not help physically, if you can help financially, you know.

...

44. Also during the March 17, 2010 meeting, KHAN: (a) informed UC1 that Kashmiri recruits *mujahideen*, trains them, and sends them to Kashmir, Palestine, Bosnia, and Georgia, Russia; (b) accepted \$1,000 (ten \$100 bills) from UC1;⁴ (c) informed UC1 that he would give the money directly to Kashmiri and “nobody else”; and (d) that Kashmiri would use the money to buy weapons and “whatever *mujahideen* needs, including, possibly, medicine, clothing, and ammunition. KHAN also informed UC1 that, in December [2009], KHAN sent money to Kashmiri via “Brother [Individual A’s first name].” When UC1 asked whether KHAN knew if that money got to Kashmiri, KHAN replied, “Yes...yes.”

45. Also during the March 17, 2010 meeting, KHAN described an explosives video he viewed while visiting Kashmiri:

...

KHAN: And, when he [Kashmiri] come back again he show me, you know, how they do, you know, to make the explosive.

UC1: He showed you...

KHAN: He showed, he shows me that uh, CDs [unintelligible]...

UC1: Oh...

KHAN ...you know. And I told him how, you know, the, the [unintelligible] in the water. [unintelligible] how do you do it in the water?

UC1: They can do it in the water too.

KHAN Yeah, he says uh, you know the cooker? He say we put the stuff inside the cooker...and tape them up so much for the water won't goes inside.

⁴ Prior to providing the ten \$100 bills to KHAN, the bills’ serial numbers were documented by agents.

UC1: Oh...

KHAN And they told me they think they're hiding the watching, and so the Humvee goes there. I saw the Humvee, it goes fifty feet from the air. And then it falls on the floor, and the two of 'em, they was running, you know, and, and the brother, *mujahideen*, he say oh my God, they are running, they didn't get killed, [sound effects]...they killed.

UC1: You saw this?

KHAN Yeah, I saw the...

...

46. Also during the March 17, 2010 meeting, KHAN described Kashmiri's desire to train individuals to conduct attacks in the United States:

...

KHAN: Well he [Kashmiri] said, you know, he needs help, you know. He says we need help. And uh, he...he says we, we don't have approach in America. We can do [unintelligible] somebody's there. I can train the people. If somebody there come in here, I can train the people that can do the things, they, they're doing here, we can do there, you know...so.

UC1: So he'll train people, and.

KHAN: He says if somebody come from United State to there, he can train them. Otherwise, from there, somebody can not come here, you know, it's...

UC1: It's very hard.

KHAN: ...it's very hard, you know.

...

KHAN: If you can send the people, they get trained there, he train them...how to do, you know...like they are doing there in uh, Afghanistan, or in Pakistan. They gonna do it here in the different city. In this way they can get the message.

UC1: What kind of training they can give him if we send people from here to Pakistan?

KHAN: Telling them how to, you know, the, make the explosive...you know, blow up the buildings or the bridge, for the peoples.

UC1: And then they can come back to America with no problem.

KHAN Yeah.

...

47. Finally, during the March 17, 2010 meeting, KHAN and UC1 engaged in the following discussion about how to avoid using Kashmiri's name over the telephone:

...

UC1: Oh yes, that I was going to ask you...when you go, how are we going to communicate. I can't say brother Kashmiri over the phone, you can't say...

KHAN: Just say Lala, you know Lala...Lala means older brother.

...

UC1: He won't get him mixed up with somebody else if I say Lala, you know him...

KHAN: Yeah. And when you say Lala, I know. OK. In case, you know, they do record my conversation...

UC1: Your telephone calls.

KHAN: ...you know, the telephones, you know. OK, example...somebody ask you who's Lala. Somebody ask me, it's my older brother...

UC1: OK.

...

UC1: Mm-hmm. But when we talk about Lala, we're not talking about [KHAN's brother's name], we're talking about brother Kashmiri.

[talking at the same time]

KHAN: We are not...that's right, yeah. If for example somebody approach you that suspicious, hey, you was, you know, you was talking on the telephone...who's Lala?

UC1: OK...I can say La-, [KHAN's brother's name].

KHAN: Yeah...Lala, [KHAN's brother's name].

UC1: [KHAN's brother's name], [KHAN's brother's name].

KHAN: Otherwise, me and you, we know, you know, what we're talking about.

...

The March 18, 2010 Recording of KHAN and Individual B

48. On or about March 18, 2010, FBI surveillance observed KHAN meeting with Individual B inside of KHAN's taxi in Chicago. During the meeting, KHAN informed Individual B about a news media report about a purported *al-Qa'ida* member named "Yemeni" being "*shaheed*" [martyred] in a "strike" in Miranshah [Pakistan]. Later during the conversation, Individual B said, "I hope Lala is alright," and KHAN responded, "I hope so." KHAN also described previously giving "Lala" [Kashmiri] money through Individual A. Specifically, KHAN said:

...
You know, I says I wanna see, you know. When I see I... I donate pretty good money. He like I wanna see that, then I go see first, camp, then I go the see the Lala everything that I do. You donate money to Lala. Then I know, you know that I ask the Lala and he's OK, you know, if I give. He says yeah, no doubt about it you can give [unintelligible]. Now I don't even think about it, you know, [unintelligible]. They split the money I give. That's why I trust [Individual A's first name] Bhai to give him that, send him the money and give it to him.
...

The March 23, 2010 Possession of UCI's Funds by KHAN's Son

49. On or about March 23, 2010, government agents at Chicago's O'Hare International Airport encountered one of KHAN's sons departing the United States for England. During this encounter, agents observed that KHAN's son was in possession of seven of the ten \$100 bills that UCI had provided to KHAN on March 17, 2010. The three \$100 bills, which KHAN's son did not have in his possession, were assigned serial numbers: BB93342194A; DB75651030A; and HC 41350099A. As noted above, KHAN had previously informed UCI that one option for getting the money to Kashmiri would be for KHAN to give the money to his son, rendezvous with the son in England to retrieve the money, and KHAN would then transport the money to Pakistan.

Conclusion

50. Based on the information set forth above, I submit that there is probable cause to believe that:

a. On or about November 23, 2009, at Chicago, in the Northern District of Illinois, and elsewhere, defendant RAJA LAHRASIB KHAN, a national of the United States, did knowingly attempt to provide material support and resources, namely, funds, to a foreign terrorist organization, namely, *al-Qa'ida*, knowing that the organization had engaged in and was engaging in terrorist activity and terrorism; in violation of Title 18, United States Code, Section 2339B(a)(1); and

b. Beginning no later than on or about March 17, 2010, and continuing until at least March 23, 2010, at Chicago, in the Northern District of Illinois, and elsewhere, defendant RAJA LAHRASIB KHAN, a national of the United States, did knowingly attempt to provide material support and resources, namely, funds, to a foreign terrorist organization, namely, *al-Qa'ida*, knowing that the organization had engaged in and was engaging in terrorist activity and terrorism; in violation of Title 18, United States Code, Section 2339B(a)(1).

FURTHER AFFIANT SAYETH NOT.

DANIEL M. GLAVACH
Special Agent, Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me on March 25, 2010.

HON. GERALDINE SOAT BROWN
United States Magistrate Judge