



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

Alexandria Division

UNITED STATES OF AMERICA	)	CRIMINAL NO. 03 -
)	
v.	)	Count 1: 18 USC § 371
	)	Conspiracy
RANDALL TODD ROYER,)	
(Counts 1-3, 5, 11, 16, 23, 27-28, 30, 33-37)	)	Counts 2-5: 18 USC § 960 Commencing an Expedition Against a Friendly Nation
IBRAHIM AHMED AL-HAMDI)	
(Counts 1, 3, 12, 16, 24, 27, 32, 38)	)	Counts 6-10: 18 USC 924(b) Receipt of Firearm or Ammunition with Cause to Believe a Felony will be Committed Therewith
MASOUD AHMAD KHAN)	
(Counts 1, 3, 5, 16, 25, 34-37, 42)	)	Counts 11-12: 18 USC 924(g) Acquisition of Firearm after Arrival from Foreign Country with Intent to Engage in Crime of Violence
YONG KI KWON)	
(Counts 1, 3, 5, 11, 13-14, 16, 28, 35)	)	Counts 13-15: 18 USC 924(h) Transfer of a Firearm for Use in a Crime of Violence
MOHAMMED AATIQUE)	
(Counts 1, 5, 16, 34-35)	)	Count 16: 18 USC § 924(o) Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence
SEIFULLAH CHAPMAN)	
(Counts 1, 3-5, 11-16, 29, 32)	)	Count 17: 18 USC § 1001(a) False Official Statement
HAMMAD ABDUR-RAHEEM)	
(Counts 1, 3, 5, 7-11, 13-14, 16, 18-20, 40)	)	Counts 18-41: 18 USC § 924(c) Using A Firearm in Connection with a Crime of Violence
DONALD THOMAS SURRATT)	
(Counts 1, 3, 5-6, 16, 19, 21, 41))	
CALIPH BASHA IBN ABDUR-RAHEEM)	
(Counts 1, 8, 16, 18, 22, 39))	
KHWAJA MAHMOOD HASAN)	
(Counts 1, 5, 16-17, 31, 34-37))	
SABRI BENKHALA)	
(Counts 1, 16, 26))	

INDICTMENT

June 2003 Term - At Alexandria

General Allegations

THE GRAND JURY CHARGES THAT:

1. As used in this 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*.
- c. “*Shaheed*” describes *mujahideen* who have earned a place in paradise through death in the course of violent *jihad*.

2. *Kashmir* is a territory in the Indian subcontinent. Upon independence from the United Kingdom in 1947, the Indian subcontinent was divided into two states, India and Pakistan. After India and Pakistan fought their first war against each other in 1948, two-thirds of Kashmir ended up in India, and one-third in Pakistan. Although India is home to more than 100,000,000 Muslims, Kashmir is the only state in India with a Muslim majority.

3. *Markaz Dawa Wa'al Irshad*, roughly translated as “Center for Invitation [to Islam] and Instructions,” was founded in or about 1986 to organize Pakistani *mujahideen* participating in the *jihad* against the Russians in Afghanistan. As it expanded, education and *jihad* sections were separated. Consequently, a military wing of the *Markaz Dawa Wa'al Irshad* was established by Hafiz Mohammed Saeed in the name of *Lashkar-e-Taiba*, also known as *Lashker-e-Taiba*, *Lashkar-e-Toyeba*, *Lashkar -e-Toiba*, *Lashkar e-Tayyiba*, and *Lashkar-I-Taiba* (abbreviated herein where

appropriate as “LET”). Since the Russians left Afghanistan, the primary - - but not exclusive - - focus of *Markaz Dawa Wa'al Irshad* and *Lashkar-e-Taiba* has been on conducting *jihad* against the Government of India.

4. *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.

5. In November 1999, *Lashkar-e-Taiba* sponsored an international *mujahideen* conference. The highlights of the first day of the conference, as cited on *Lashkar-e-Taiba*'s website, www.dawacenter.com, included a 40-foot-long banner portraying *Lashkar-e-Taiba*'s dagger penetrating the national flags of the United States, Russia, the United Kingdom, India, and Israel. According to the website, Hafiz Mohammed Saeed included the following in his speech to *mujahideen* from around the world gathered at the conference:

As the Prophet (Pbuh) said that Allah has placed his sustenance under the shadow of his sword. If *Jihad* is abolished, the infidels would snatch on us the same way a hungry person snatches on food. The *mujahideen* of *Lashker-e-Taiba* have continued the *Jihad* despite of all the negative propaganda against them . . . Today, people, more then ever, are prepared for *Jihad*. They are not afraid of any constraints. If India can brutally invade Kashmir then why can't the *mujahideen* confront her there. The *Jihad* is not about Kashmir only. It encompasses all of India including Junagarh, Mavadar, and Hyderabad, etc. . . .

About 15 years ago, people might have found it ridiculous if someone had told them about the disintegration of the USSR. Today, I

announce the break-up of India, insha-Allah. We will not rest until the whole India is dissolved into Pakistan... May Allah bestow martyrdom on us and enter us into the higher ranks of Paradise by His mercy.

6. Between January 1, 2000, and September 10, 2001, the Washington Post and the Washington Times each carried over a dozen articles mentioning *Lashkar-e-Taiba*'s role in violence in Kashmir.

7. News media around the world widely reported the attack of *Lashkar-e-Taiba* against the historic Red Fort in New Dehli, India on December 23, 2000. According to CNN.com:

Pakistan-based guerrilla group Lashkar-e-Tayyaba claimed responsibility on Saturday [December 23, 2000] for a deadly attack on New Dehli's historic Red Fort.

The group also said that it would continue its attacks until India pulls its forces out of the restive Kashmir region. Two gunmen entered the Red Fort - - a landmark that houses both soldiers and civilians and draws thousands of tourists every day - - and attacked an army supply depot there Friday night, killing a civilian guard, police said. Two soldiers were gunned down as they left the depot.

The group's spokesman, Abu Osama, told Reuters by telephone: "This is our first operation against an Indian military installation inside India."

8. According to BBC News:

A hardline Kashmiri separatist group, Lashkar-e-Toiba, contacted the BBC to say there had been an attack. . . . The telephone callers from Lashkar-e-Toiba said there had been a scuffle in the Red Fort and that two of their militants were inside the building. They described it as a suicide mission. The group has admitted responsibility for a number of other such attacks in Kashmir.

9. In April 2001, in a "Taiba Bulletin" posted on the internet, *Lashker-e-Taiba* claimed that over 14,000 Indian soldiers were killed and that 1,000 *mujahideen* from *Lashker-e-Taiba* died in fighting *jihad* in Kashmir.

10. Between 1996 and December 2001, media outlets reported that *Lashkar-e-Taiba* was blamed for numerous massacres of over 300 Hindu civilians in separate incidents in Kashmir. For example, The New York Times reported that, on the eve of President Clinton's state visit to India in March 2000, terrorists massacred 34 Sikh men in Kashmir. On August 11, 2000, BBC News reported that two members of "*Lashkar-e-Toyeba*" were arrested for the massacre in the village of Chattisinghpura, and that one confessed to it.

11. On December 13, 2001, terrorists attacked India's Parliament while it was in session, resulting in 12 deaths. Media outlets reported that the Government of India blamed two groups for the attack, including *Lashkar-e-Taiba*.

12. On December 24, 2001, the United States designated *Lashkar-e-Taiba* a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act.

COUNT 1

Conspiracy

THE GRAND JURY FURTHER CHARGES THAT:

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

Objects of the Conspiracy

Beginning in or about January 2000 and continuing thereafter up to the present date, within Fairfax County in the Eastern District of Virginia and elsewhere, the defendants, RANDALL TODD ROYER, also known as "Ismail" Royer, MASOUD AHMAD KHAN, IBRAHIM AHMED AL-HAMDI, MOHAMMED AATIQUÉ, SEIFULLAH CHAPMAN, also known as Randall Blue

Chapman, HAMMAD ABDUR-RAHEEM, DONALD THOMAS SURRATT, also known as "Idris" Surratt, CALIPH BASHA IBN ABDUR-RAHEEM, KHWAJA MAHMOOD HASAN, SABRI BENKHALA, and YONG KI KWON, did unlawfully, willfully, and knowingly combine, conspire, confederate and agree together and with others known and unknown to the grand jury, to commit the following offenses against the United States:

1. Within the United States, to unlawfully, knowingly, and intentionally begin, provide for, prepare a means for, and take part in military expeditions and enterprises to be carried on from the United States against the territory and dominion of foreign states, districts and peoples with whom the United States was at peace, in violation of Title 18, United States Code, Section 960;

2. Within the United States, to unlawfully, knowingly, and intentionally enlist and engage with intent to serve in armed hostility against the United States, in violation of Title 18, United States Code, Section 2390;

3. To unlawfully, willfully, and knowingly use and attempt to use false and altered passports, in violation of Title 18, United States Code, Section 1543;

4. To unlawfully, knowingly, and intentionally transport and receive firearms and ammunition in interstate commerce with reason to believe that such firearms and ammunition would be used to commit a felony offense, in violation of Title 18, United States Code, Section 924(b);

5. To unlawfully, willfully, and knowingly obstruct foreign officials in the performance of their duties, in violation of Title 18, United States Code, Section 112(b);

6. To unlawfully, knowingly, and intentionally travel from foreign countries and states outside of Virginia into Virginia and acquire and transfer firearms in Virginia in furtherance of an intent to engage in

conduct that constitutes a violation of Title 18, United States Code, Section 960, a crime of violence as defined in Title 18, United States Code, Section 924(c)(3), in violation of Title 18, United States Code, Section 924(g); and

7. To unlawfully, knowingly, and intentionally transfer firearms, knowing that such firearms would be used to provide for and prepare a means for military expeditions and enterprises to be carried on from the United States against the territory and dominion of foreign states, districts and peoples with whom the United States was at peace, which conduct constitutes a violation of Title 18, United States Code, Section 960, and a crime of violence as defined in Title 18, United States Code, Section 924(c)(3), in violation of Title 18, United States Code, Section 924(h).

Ways, Manner and Means to Accomplish the Conspiracy

The purposes of the conspiracy were to prepare for and engage in violent *jihād* on behalf of Muslims in Kashmir, Chechnya, the Philippines and other countries and territories, against countries, governments, military forces, and peoples that the defendants and their conspirators believed to be the enemies of Islam. The ways, manner and means by which these purposes were carried out included the following:

1. It was part of the conspiracy that the defendants and their conspirators prepared to become *mujahideen* and die “*shaheed*” -- that is, as martyrs in furtherance of violent *jihād*.

2. It was further part of the conspiracy that certain of the defendants and their conspirators determined which nations and peoples were the enemies against whom they prepared to engage in *jihād*.

3. It was further part of the conspiracy that the defendants and their conspirators agreed to conduct their preparation for *jihad* in secrecy and to refuse to disclose any information about their activities if asked by law enforcement.

4. It was further part of the conspiracy that the defendants and their conspirators obtained AK-47-style rifles and similar weapons to develop familiarity and skills with the weapons of choice used by *mujahideen* in Bosnia, Chechnya, Kashmir, and elsewhere around the world.

5. It was further part of the conspiracy that the defendants and their conspirators practiced marksmanship with AK-47-style rifles and similar weapons at firing ranges operated by private parties or the United States military.

6. It was further part of the conspiracy that HAMMAD ABDUR-RAHEEM, CALIPH BASHA IBN ABDUR-RAHEM and certain of the defendants and their conspirators received ammunition and firearms accessories that they purchased in interstate commerce.

7. It was further part of the conspiracy that the defendants and their conspirators practiced small-unit military tactics on private property near Fredericksburg, Virginia.

8. It was further part of the conspiracy that the defendants and their conspirators used paint-ball weapons and equipment to practice small-unit military tactics and simulate actual combat in preparation for violent *jihad*.

9. It was further part of the conspiracy that DONALD THOMAS SURRATT, HAMMAD ABDUR-RAHEEM and SEIFULLAH CHAPMAN instructed conspirators in military tactics based upon their training and experience in the United States military.

10. It was further part of the conspiracy that the defendants and their conspirators gathered in private homes and in the Dar al Arqam Islamic Center in Falls Church, Virginia, to hear lectures on the righteousness of violent *jihad* in Kashmir, Chechnya, and other places around the world, and to watch videotapes of *mujahideen* engaged in *jihad* in such locations.

11. It was further part of the conspiracy that RANDALL TODD ROYER and IBRAHIM AHMED AL-HAMDI recruited conspirators for service with the *Lashkar-e-Taiba*.

12. It was further part of the conspiracy that RANDALL TODD ROYER made telephone calls to introduce and sponsor defendants and conspirators for service with *Lashkar-e-Taiba*.

13. It was further part of the conspiracy that the defendants and their conspirators used aliases or "Abu names" in their communications with *Lashkar-e-Taiba* so that they would not have to use their real names. For example, IBRAHIM AHMED AL-HAMDI used the name "Abu Harith," RANDALL TODD ROYER used the name "Abu Fatima" and "Abu Hamza," MASOUD AHMAD KHAN used the name "Abu Ibrahim," MOHAMMED AATIQUÉ used the name "Abu Omar," KHWAJA MAHMOOD HASAN used the name "Abu Qatama," and YONG KI KWON used the name "Abu Ubaydah."

14. It was further part of the conspiracy that certain of the defendants and their conspirators obtained visas in the United States for travel to Pakistan and other countries by providing false information about the purpose of their visit to Pakistan and those other countries.

15. It was further part of the conspiracy that certain of the defendants and their conspirators traveled to Pakistan and other countries to engage in *jihad* and die *shaheed*.

