

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : SEALED INDICTMENT

- v. - : S1 10 Cr. 799

TAZA GUL ALIZAI, :  
a/k/a "Haji Gul," :  
a/k/a "Haji Alizai," :

Defendant. :

- - - - -x

COUNT ONE

NARCO-TERRORISM CONSPIRACY

The Grand Jury charges:

THE TALIBAN

1. The Taliban is a radical religious movement that ruled over much of Afghanistan beginning in the mid-1990s. While in power, the Taliban imposed on Afghanistan a totalitarian form of government, based on a strict version of Islamic religious law known as Sha'ria. Among other things, the Taliban imposed severe limits on ordinary Afghans. Women were permitted to work, if at all, only in a very narrow range of occupations, and girls were formally forbidden from attending school. Televisions, audio cassettes, and use of the Internet were banned, as was the possession of photographs. Prisoners were often tortured; religious police carried out public killings as punishment for, among other things, adultery; and conversion from Islam to other religions was punishable by death.

2. The Taliban was driven from power in late 2001, during the course of a United States-led invasion of Afghanistan. The United States and its allies invaded Afghanistan because the Taliban was and had been sheltering the senior leadership of Al Qaeda, an international terrorist organization. Since being removed from power in 2001, the Taliban has operated as a violent insurgent organization – bent on driving the United States and its allies from Afghanistan, and re-imposing Taliban rule. To further its goals, the Taliban has resorted to armed violence: car bombings; suicide strikes; rocket attacks; kidnappings; and murder. One of the Taliban's preferred – and most deadly – tactics is the widespread use of improvised explosive devices ("IEDs"); in 2009 alone, there were more than 7,000 IED attacks in Afghanistan. Many of these IEDs have been planted by the sides of roads – designed to be remotely triggered, and to explode when Americans pass by. Indeed, Americans in Afghanistan have been a primary focus of the Taliban's violence; substantial numbers of American soldiers and civilians have been killed in Afghanistan since 2001 by the Taliban – and, on a number of occasions, the Taliban has publicly claimed credit for such killings.

THE DEFENDANT

3. TAZA GUL ALIZAI, a/k/a "Haji Gul," a/k/a "Haji Alizai," the defendant, lives and operates in Afghanistan. As

alleged herein, TAZA GUL sold assault rifles and heroin to a confidential source (the "CS"), who purported to be a broker of weapons and narcotics and who represented that the weapons and the profits from the sale of the narcotics would ultimately be given to the Taliban. In truth, the CS was working for the United States Drug Enforcement Administration.

#### STATUTORY ALLEGATIONS

4. The allegations set forth in Paragraphs 1 through 3 above are incorporated by reference as if set forth fully herein.

5. From at least in or about 2008, up to and including at least in or about 2010, TAZA GUL ALIZAI, a/k/a "Haji Gul," a/k/a "Haji Alizai," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate Title 21, United States Code, Section 960a.

6. It was a part and an object of said conspiracy that TAZA GUL ALIZAI, a/k/a "Haji Gul," a/k/a "Haji Alizai," the defendant, and others known and unknown, would and did engage in conduct occurring in and affecting foreign commerce that would be punishable under Title 21, United States Code, Section 841(a), if committed within the jurisdiction of the United States, to wit, the manufacture, distribution, and possession with intent to

manufacture and distribute, of one kilogram and more of a substance containing a detectable amount of heroin, knowing and intending to provide, directly and indirectly, something of pecuniary value to a person and organization that has engaged and engages in terrorist activity and terrorism, to wit, the Taliban and its members, operatives and associates, having knowledge that said persons and organization have engaged in and engage in terrorism and terrorist activity, which activity violates the criminal laws of the United States, occurs in and affects foreign commerce, and causes and is designed to cause death and serious bodily injury to nationals of the United States while the nationals are outside the United States, in violation of Title 21, United States Code, Section 960a.

Overt Acts

7. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. In or about May 2008, in the vicinity of Kandahar, Afghanistan, TAZA GUL ALIZAI, a/k/a "Haji Gul," a/k/a "Haji Alizai," the defendant, sold approximately five kilograms of heroin to the CS.

b. On or about April 22, 2010, in the vicinity of Kandahar, Afghanistan, TAZA GUL met the CS, who was posing as an associate of members of the Taliban that were based in India, and

discussed the sale to the CS of ten kilograms of heroin and ten AK-47 automatic assault rifles, and the ultimate destinations for the heroin, including the United States.

c. On or about April 22, 2010, later in the day, in the vicinity of Kandahar, Afghanistan, TAZA GUL met the CS and received approximately \$17,500, as partial payment for the heroin and weapons referenced above in subparagraph (b). In the meeting, TAZA GUL and the CS discussed, among other things, the fact that the profits from the sale of the heroin abroad were to be paid to the Taliban and that the heroin was destined for the United States.

d. On or about April 29, 2010, in the vicinity of Kandahar, Afghanistan, a co-conspirator not named as a defendant herein ("CC-1") met the CS and discussed the delivery of the heroin and weapons referenced above in subparagraph (b). They also discussed payments to the Taliban. In the meeting, the CS told CC-1 that the weapons were destined for the Taliban, and CC-1 explained to the CS that the heroin laboratories in Afghanistan were under Taliban protection. The CS also told CC-1 that the heroin sold to the CS was destined for the United States.

e. On or about May 4, 2010, in the vicinity of Kandahar, Afghanistan, CC-1 met the CS and delivered six AK-47s to the CS.

f. On or about May 4, 2010, later in the day, in

the vicinity of Kandahar, Afghanistan, CC-1 met the CS. The CS gave CC-1 an additional \$13,500 as payment for the heroin and weapons referenced above in subparagraph (b), and CC-1 provided approximately ten kilograms of heroin to the CS.

(Title 21, United States Code, Sections 963 and 960a(a), (b) (1), (b) (2), (b) (3) & (b) (5).)

COUNT TWO

(Narco-Terrorism)

The Grand Jury further charges:

8. The allegations set forth in Paragraphs 1 through 3, and 7 above are incorporated by reference as if set forth fully herein.

9. From at least in or about 2008, up to and including at least in or about 2010, TAZA GUL ALIZAI, a/k/a "Haji Gul," a/k/a "Haji Alizai," the defendant, who will be first brought to and arrested in the Southern District of New York, intentionally and knowingly did engage in conduct that would be punishable under Section 841(a) of Title 21, United States Code, if committed within the jurisdiction of the United States, to wit, the manufacture, distribution, and possession with intent to manufacture and distribute, of one kilogram and more of a substance containing a detectable amount of heroin, knowing and intending to provide, directly and indirectly, something of pecuniary value to a person and organization that has engaged and engages in terrorist activity and terrorism, to wit, the Taliban

and its members, operatives and associates, having knowledge that said persons and organizations have engaged in and engage in terrorism and terrorist activity, which activity violates the criminal laws of the United States, occurs in and affects foreign commerce, and causes and is designed to cause death and serious bodily injury to nationals of the United States while the nationals are outside of the United States.

(Title 21, United States Code, Sections 960a(a), (b) (1), (b) (2), (b) (3) & (b) (5), and Title 18, United States Code, Section 2.)

COUNT THREE

(Narcotics Importation Conspiracy)

The Grand Jury further charges:

10. From in or about 2008 up to and including at least in or about June 2010, in the Southern District of New York and elsewhere, TAZA GUL ALIZAI, a/k/a "Haji Gul," a/k/a "Haji Alizai," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

11. It was a part and an object of said conspiracy that TAZA GUL ALIZAI, a/k/a "Haji Gul," a/k/a "Haji Alizai," the defendant, and others known and unknown, would and did distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, knowing

and intending that such substance would be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States, in violation of Sections 812, 959(a), 960(a)(3) and 960(b)(1)(A) of Title 21, United States Code.

Overt Acts

12. In furtherance of the conspiracy and to effect the illegal object thereof, TAZA GUL ALIZAI, a/k/a "Haji Gul," a/k/a "Haji Alizai," the defendant, and others known and unknown, committed the overt acts set forth in Count One of this Indictment, which are fully incorporated by reference herein.

(Title 21, United States Code, Section 963.)



COUNT FOUR

(Narcotics Importation)

The Grand Jury further charges:

13. From in or about 2008 up to and including at least in or about June 2010, in the Southern District of New York and elsewhere, TAZA GUL ALIZAI, a/k/a "Haji Gul," a/k/a "Haji Alizai," the defendant, did distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, knowing and intending that such substance would be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

(Title 21, United States Code, Sections 812, 959(a),  
960(a)(3), 960(b)(1)(A), and Title 18,  
United States Code, Section 2.)

FORFEITURE ALLEGATION

14. As a result of committing the controlled substance offenses alleged in Counts One through Four of this Indictment, TAZA GUL ALIZAI, a/k/a "Haji Gul," a/k/a "Haji Alizai," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting and derived from any proceeds that the defendant obtained directly and indirectly as a result of the said violations and any and all property used and intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One through Four of this Indictment, including but not limited to, a sum of money representing the amount of proceeds obtained as a result of these offenses.

Substitute Assets Provision

15. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

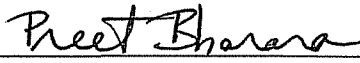
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value;  
or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Sections 853(p) and 970, to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 853, 960a, and 970.)

  
FOREPERSON

  
PREET BHARARA  
United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

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Defendant.

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INDICTMENT


S1 10 Cr. 799

(Title 21, United States Code, Sections  
959, 960, 963 and 960a, and Title 18,  
United States Code, Section 2)

PREET BHARARA  
United States Attorney.

A TRUE BILL

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Foreperson.

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