

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

Alexandria Division

UNITED STATES OF AMERICA            )  
  )  
  )                    NO. 1-11cr561  
  )  
v.    )  
  )  
SYED GHULAM NABI FAI,                )

GOVERNMENT’S MOTION FOR  
REDUCTION IN SENTENCE PURSUANT TO RULE 35

The United States of America moves this Honorable Court, pursuant to Rule 35(b), Fed.R.Crim.P., to reduce the defendant's sentence, based on his substantial assistance in the investigation or prosecution of other persons. In support of this motion, the government states as follows:

Factual Background

For more than 20 years, Syed Ghulam Nabi Fai operated the Kashmiri American Council (“KAC”) as a front for the Pakistani intelligence service known as the Inter-Services Intelligence Directorate (“ISI”). During the decades that Fai operated the KAC at the instructions of - - and with funding from - - the ISI, Fai acted as an agent of Pakistani Intelligence through lobbying Members of Congress and officials in the Administration and executive agencies, hosting conferences, and generally promoting Pakistan’s political agenda regarding Kashmir throughout the United States.

Fai never publicly disclosed his relationship to the ISI because doing so would have undercut his effectiveness in spreading the ISI’s message in Washington, D.C. and around the country. For example, in March 2010, the United States Department of Justice notified him that

he was required to register if he was an agent of Pakistan. He replied with a denial that the KAC had any ties to Pakistan or the ISI.

Every year that Fai operated the KAC with funding from the ISI, he was required to disclose to the Internal Revenue Service that the ISI was a source of KAC's funds, but he never did so. Fai's deception of the IRS enabled various "Straw Donors" to lower their taxes by asserting charitable deductions for monies that they transferred to Fai and the KAC even though they were reimbursed for such transfers by Zaheer Ahmad in Pakistan.

In March 2012, Fai was scheduled to 24 months in prison. He is scheduled to be released in March 2014.

#### Substantial Assistance

We move for a reduction in Fai's sentence even though no convictions or guilty pleas have yet resulted from his cooperation. In essence, the information that Fai provided regarding the scheme to route money from the ISI to the KAC through straw donors has substantially assisted in the prosecution of other cases that have not been completed.

Over the course of many hours of debriefings, Fai provided truthful and helpful information with respect to some areas of inquiry, including the financing of the KAC by the ISI, and the use of straw donors by Zaheer Ahmad to arrange the transfer of ISI money to the KAC. At least in part as a result of Fai's information, one of the straw donors signed an agreement on November 4, 2013, to plead guilty to a tax conspiracy involving asserting deductions for transfers to the KAC that were reimbursed by Ahmad in Pakistan. That plea agreement has yet to be entered in Court.

Further, at least in part as a result of Fai's information, indictments were returned in this district on November 7, 2013, against Abdul Akif, Saeed Bajwa, Javed Rehmat, and another individual who has yet to be arrested. While these defendants likely could be convicted without Fai's testimony, he is expected to be available to provide helpful testimony in each case. None of these individuals is likely to go to trial before Fai's sentence to imprisonment ends. Lest Fai receive no benefit from the cooperation that he did provide pursuant to his plea agreement, we move the Court to reduce his sentence now even though his cooperation is not complete.

For the foregoing reasons, the United States moves this Court to reduce the defendant's sentence of 24 months in prison by approximately 15 percent, to 20 months in prison.

Respectfully submitted,

Dana J. Boente  
Acting United States Attorney

By:

\_\_\_\_\_  
Gordon D. Kromberg  
Assistant United States Attorney  
Virginia Bar No. 33676  
Attorney for the United States  
2100 Jamieson Avenue  
Alexandria, VA 22314  
(703) 299-3700  
(703) 837.8242 (fax)  
[gordon.kromberg@usdoj.gov](mailto:gordon.kromberg@usdoj.gov)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true copy of the foregoing GOVERNMENT'S MOTION FOR REDUCTION IN SENTENCE PURSUANT TO RULE 35 to be filed by ECF this 15th day of November 2013, which will send a copy of such filing (NEF) to the following:

Nina Ginsberg  
DIMUROGINSBERG, P.C.  
Suite 610  
1101 King Street  
Alexandria, VA 22314

/s/

Gordon D. Kromberg  
Assistant United States Attorney  
Virginia Bar No. 33676  
Attorney for the United States  
2100 Jamieson Avenue  
Alexandria, VA 22314  
(703) 299-3700  
(703) 837.8242 (fax)  
[gordon.kromberg@usdoj.gov](mailto:gordon.kromberg@usdoj.gov)