

FEBRUARY 2002 TERM - AT ALEXANDRIA

INDICTMENT

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

Al Qaeda and Usama Bin Laden

1. At all relevant times from in or about 1989 until the date of the filing of this Indictment, al Qaeda was an international terrorist group dedicated to opposing non-Islamic governments with force and violence. The group was founded by Usama Bin Laden and others. Bin Laden declared a jihad, or holy war, against the United States and its citizens, which he carried out through al Qaeda and its affiliated organizations. Among other activities, Usama Bin Laden and al Qaeda sponsored, managed, and/or financially supported training camps in Afghanistan, which camps were used to instruct members and associates of al Qaeda and its affiliated terrorist groups in the use of firearms, explosives, chemical weapons, and other weapons of mass destruction. Beginning in or about 1996, Usama Bin Laden and others operated al Qaeda from their headquarters in Afghanistan, and forged close relations with the Taliban in Afghanistan. On October 8, 1999, al Qaeda was designated by the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act, and was redesignated as such on or about October 5, 2001. In addition, the Secretary of State declared al Qaeda a "specially designated terrorist," pursuant to the International Emergency Economic Powers Act.

Harakat ul-Mujahideen (“HUM”)

2. At all relevant times from in or about 1994, until the date of the filing of this Indictment, Harakat ul-Mujahideen (“HUM”), formerly known as the Harakat al-Ansar, was a terrorist group dedicated to an extremist view of Islam that was based in Pakistan and which operated primarily in Kashmir. HUM ran terrorist training camps in, among other places, the Kashmiri region, and, beginning in approximately 1994, conducted terrorist operations against Indian troops and civilian targets in Kashmir. On October 8, 1997, HUM was designated by the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act.

The Taliban

3. Beginning around 1994, the Taliban, meaning “students of Islam,” emerged as Afghanistan’s dominant force. The Taliban were extremist religious leaders drawn from the country’s Pashtun ethnic majority, and were supported by Afghans as well as foreigners who traveled to Afghanistan. They practiced an extremist form of Islam, and believed in conducting jihad against those whom they believed threatened their form of Islam, including the United States. The Taliban’s supreme leader was Mullah Mohammed Omar, a cleric from near Kandahar. Occupying and controlling an increasing percentage of the country, the Taliban were opposed primarily by the Northern Alliance, a coalition of various non-Pashtun groups. In 1996, the Taliban took Kabul, and, in 1997, Pakistan recognized the Taliban as the governing body of Afghanistan.

4. In taking control of Afghanistan, the Taliban were aided and sustained by Bin Laden and al Qaeda, whose leadership was headquartered in Afghanistan after 1996. In exchange for

sanctuary and room to operate terrorist camps, Bin Laden provided the Taliban with money and fighters, and thereafter extended his influence. Within a short time, Bin Laden and the Taliban made Afghanistan a destination point and training center for thousands of young would-be terrorists from around the world.

5. In the ongoing civil war between the Taliban and the Northern Alliance, the Taliban continued to tighten its hold. By late 2001, the Northern Alliance controlled less than ten percent of Afghanistan, in the northeast corner of the country. Foreign-born, al Qaeda-trained fighters served with the Taliban on the front line.

National Emergency and Executive Order 13129

6. On July 4, 1999, President of the United States William J. Clinton declared a national emergency to deal with the threat posed by al Qaeda and the Taliban. Specifically, the President found that:

[T]he actions and policies of the Taliban in Afghanistan, in allowing territory under its control in Afghanistan to be used as a safe haven and base of operations for Usama bin Ladin and the Al-Qaida organization who have committed and threaten to continue to commit acts of violence against the United States and its nationals, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States.

In his Executive Order 13129, the President prohibited, among other things, the making or receiving of any contribution of funds, goods, or services to or for the benefit of the Taliban.

7. On June 30, 2000, the national emergency with respect to the Taliban was continued. One year later, the national emergency was again continued, pursuant to a finding by President of the United States George W. Bush that “[t]he Taliban continues to allow territory under its control in Afghanistan to be used as a safe haven and base of operations for Usama bin Laden

and the al-Qaida organization who have committed and threaten to continue to commit acts of violence against the United States and its nationals.”

Terrorist Acts of September 11, 2001

8. On or about September 11, 2001, in a coordinated attack against the United States, nineteen terrorists hijacked four commercial airplanes. They flew two of the planes into the World Trade Center towers in Manhattan, and one into the Pentagon in Virginia. The fourth plane crashed in Pennsylvania. Some 3000 persons died in the attacks; many others were injured, and there was enormous destruction of property.

The United States’s Military Response

9. In response to the September 11 attacks, President George W. Bush declared a national emergency. After the Taliban refused repeated demands by the United States to turn over Bin Laden, the United States and allied forces began retaliatory bombing of targets in Afghanistan on or about October 7, 2001. Beginning in or about October 2001, United States armed forces and other personnel entered the conflict. On or about November 9, 2001, the Northern Alliance forces claimed their first major victory, by capturing the strategic northern city of Mazar-e-Sharif, and setting off a chain of Taliban defeats. Taliban fighters afterwards fled Kabul and lost control of most major cities in Afghanistan.

Venue

10. On or about January 23, 2002, the defendant, JOHN PHILLIP WALKER LINDH, was first brought into the United States in the Eastern District of Virginia.

COUNT ONE
(Conspiracy to Murder United States Nationals)

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 10 the General Allegations of this Indictment.

2. From in or about May 2001 through in or about December 2001, outside the United States and outside the jurisdiction of any particular state and district, the defendant, JOHN PHILLIP WALKER LINDH, with others known and unknown to the Grand Jury, did engage in a conspiracy to kill nationals of the United States, including civilians and military personnel, by committing murder, as defined in Title 18, United States Code, Section 1111(a).

Manner and Means

3. It was a part of the conspiracy that members and associates of al Qaeda would commit terrorist acts and kill American citizens around the world.

4. It was a part of the conspiracy that members and associates of al Qaeda and the Taliban would violently oppose and kill American military personnel and other United States Government employees serving in Afghanistan after the September 11 attacks.

Overt Acts

In furtherance of the conspiracy and to effect the illegal object thereof, the defendant and his coconspirators performed overt acts, including, but not limited to the following:

5. In or about May or June 2001, after several weeks of training in a HUM military training camp in Pakistan, JOHN PHILLIP WALKER LINDH (hereafter "LINDH"), informed HUM officials that he wished to fight with the Taliban in Afghanistan.

6. In or about late May or June 2001, LINDH crossed from Pakistan into Afghanistan for the purpose of taking up arms with the Taliban.

7. In or about late May or June 2001, LINDH reported to the Dar ul-Anan Headquarters of the Mujahideen in Kabul, Afghanistan, which was used as a Taliban recruiting center. After presenting a letter of introduction from HUM, LINDH told personnel at that facility that he was an American and that he wanted to go to the front lines to fight.

8. In or about late May or June 2001, LINDH agreed to attend an al-Qaeda training camp for additional and extensive military training, knowing that America and its citizens were the enemies of Bin Laden and al-Qaeda and that a principal purpose of al-Qaeda was to fight and kill Americans.

9. In or about late May or June 2001, LINDH traveled to a Bin Laden guest house in Kandahar, Afghanistan, where he stayed for several days.

10. In or about June 2001, LINDH traveled to the al-Farooq training camp, an al Qaeda facility located several hours west of Kandahar, in Afghanistan. LINDH reported to the camp with a group of approximately twenty other trainees, mostly from Saudi Arabia.

11. In or about June and July 2001, LINDH remained at the al-Farooq camp and participated fully in its training activities, after having been told early in his stay at the camp that Bin Laden had sent forth some fifty people to carry out twenty suicide terrorist operations against the United States and Israel.

12. In or about June and July 2001, as part of his al Qaeda training, LINDH participated in terrorist training courses in, among other things, weapons, orienteering, navigation, explosives

and battlefield combat, which included the use of shoulder weapons, pistols, and rocket-propelled grenades, and the construction of Molotov cocktails.

13. In or about June or July 2001, LINDH met personally with Bin Laden, who thanked him and other trainees for taking part in jihad.

14. In or about June or July 2001, LINDH met with a senior al Qaeda official, Abu Mohammad Al-Masri, who asked LINDH whether he was interested in traveling outside Afghanistan to conduct operations against the United States and Israel. LINDH declined in favor of going to the front lines to fight.

15. In or about June or July 2001, LINDH swore allegiance to jihad.

16. In or about July or August 2001, after completing his training, LINDH traveled to Kabul, Afghanistan and was issued an AKM rifle, with a barrel suitable for long-range shooting.

17. In or about July or August 2001, LINDH carried the AKM rifle while he traveled, together with approximately 150 non-Afghani fighters, from Kabul to the front line in Takhar, in northeastern Afghanistan. There, LINDH's unit was placed under the command of Abdul Hady, an Iraqi.

18. In or about July 2001 to September, 2001, LINDH's group was divided into smaller groups, which rotated in one to two week shifts in the Takhar trenches, opposing Northern Alliance troops.

19. In or about July 2001 to November 2001, LINDH carried various weapons with him, including the AKM rifle, an RPK rifle he was issued after the AKM rifle malfunctioned, and at least two grenades.

20. After learning about the terrorist attacks against the United States on or about September 11, 2001, LINDH remained with his fighting group. LINDH did so despite having been told that Bin Laden had ordered the attacks, that additional terrorist attacks were planned, and that additional al Qaeda personnel were being sent from the training camps to the front lines to protect Bin Laden and defend against an anticipated military response from the United States.

21. From in or about October through early December 2001, LINDH remained with his fighting group after learning that United States military forces and United States nationals had become directly engaged in support of the Northern Alliance in its military conflict with Taliban and al Qaeda forces.

22. In or about November 2001, LINDH's fighting group retreated from Takhar to the area of Kunduz, Afghanistan, and ultimately surrendered to Northern Alliance troops. On or about November 24, 2001, LINDH and other captured fighters were trucked to Mazar-e Sharif, in Afghanistan, and then to the nearby Qala-i Janghi ("QIJ") prison compound.

23. On or about November 25, 2001, LINDH was interviewed in the QIJ compound by two Americans, CIA employee Johnny Micheal Spann and another United States Government employee, who were attempting to identify al Qaeda members among the prisoners.

24. On or about November 25, 2001, Taliban detainees in the QIJ compound attacked Spann and the other employee, overpowered the guards, and armed themselves. Spann was shot and killed in the violent attack. After being wounded, LINDH retreated with other detainees to a basement area of the QIJ compound. The bloody uprising took several days to suppress.

25. From on or about November 25, 2001 though on or about December 1, 2001, LINDH

remained in the basement area of QIJ with other Taliban and al Qaeda fighters until their recapture.

(In violation of 18 U.S.C. § 2332(b)(2).)

COUNT TWO

(Conspiracy to Provide Material Support & Resources to HUM)

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 10 of the General Allegations and paragraphs 5 through 25 of Count One of this Indictment.

2. From in or about May 2001 through in or about June 2001, the defendant, JOHN PHILLIP WALKER LINDH, subject to the jurisdiction of the United States, but outside of the jurisdiction of any particular state or district, with other persons known and unknown to the Grand Jury, did knowingly conspire to knowingly provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), to a foreign terrorist organization, namely Harakat ul-Mujahideen (“HUM”).

(In violation of 18 U.S.C. § 2339B.)

COUNT THREE

(Providing Material Support & Resources to HUM)

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 10 of the General Allegations and paragraphs 5 through 25 of Count One of this Indictment.

2. In or about May and June 2001, the defendant, JOHN PHILLIP WALKER LINDH, subject to the jurisdiction of the United States, but outside of the jurisdiction of any particular state or district, did knowingly provide and attempt to provide material support and resources, as

that term is defined in 18 U.S.C. § 2339A(b), to a foreign terrorist organization, namely Harakat ul-Mujahideen (“HUM”).

(In violation of 18 U.S.C. §§ 2339B and 2.)

COUNT FOUR

(Conspiracy to Provide Material Support & Resources to al Qaeda)

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 10 of the General Allegations and paragraphs 5 through 25 of Count One of this Indictment.

2. From in or about May 2001 through in or about December 2001, the defendant, JOHN PHILLIP WALKER LINDH, subject to the jurisdiction of the United States, but outside of the jurisdiction of any particular state or district, with others known and unknown to the Grand Jury, did knowingly conspire to knowingly provide material support and resources, as that term is defined in 18 U.S.C. §2339A(b), to a foreign terrorist organization, namely al Qaeda.

(In violation of 18 U.S.C. § 2339B.)

COUNT FIVE

(Providing Material Support & Resources to al Qaeda)

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 10 of the General Allegations and paragraphs 5 through 25 of Count One of this Indictment.

2. From in or about May 2001 through in or about December 2001, the defendant, JOHN PHILLIP WALKER LINDH, subject to the jurisdiction of the United States, but outside of the jurisdiction of any particular state or district, did knowingly provide and attempt to provide material support and resources, as that term is defined in 18 U.S.C. §2339A(b), to a foreign terrorist organization, namely al Qaeda.

(In violation of 18 U.S.C. §§ 2339B and 2.)

COUNT SIX

(Conspiracy to Contribute Services to al Qaeda)

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 10 of the General Allegations and paragraphs 5 through 25 of Count One of this Indictment.

2. From in or about May 2001 through in or about December 2001, outside of the jurisdiction of any particular state or district, the defendant, JOHN PHILLIP WALKER LINDH, being a United States person, did willfully violate a regulation issued under Chapter 35 of Title 50, United States Code, in that LINDH, with others known and unknown to the Grand Jury, did conspire to willfully and unlawfully make a contribution of services to and for the benefit of al Qaeda, a specially designated terrorist.

(In violation of 31 C.F.R. §§ 595.205 & 595.204, and 50 U.S.C. § 1705(b).)

COUNT SEVEN

(Contributing Services to al Qaeda)

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 10 of the General Allegations and paragraphs 5 through 25 of Count One of this Indictment.

2. From in or about May 2001 through in or about December 2001, outside of the jurisdiction of any particular state or district, the defendant, JOHN PHILLIP WALKER LINDH, being a United States person, did willfully violate a regulation issued under Chapter 35 of Title 50, United States Code, in that LINDH did willfully and unlawfully make and attempt to make a contribution of services to and for the benefit of al Qaeda, a specially designated terrorist.

(In violation of 31 C.F.R. §§ 595.204 & 595.205, 50 U.S.C. § 1705(b), and 18 U.S.C. § 2.)

COUNT EIGHT

(Conspiracy to Supply Services to the Taliban)

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 10 of the General Allegations and paragraphs 5 through 25 of Count One of this Indictment.

2. From in or about May 2001 through in or about December 2001, outside of the jurisdiction of any particular state or district, the defendant, JOHN PHILLIP WALKER LINDH, being a United States person, did willfully violate a regulation issued under Chapter 35 of Title 50, United States Code, in that LINDH, with others known and unknown to the Grand Jury, did conspire to willfully and unlawfully supply services to the Taliban, to the territory of Afghanistan controlled by the Taliban, and to persons whose property and interests in property were blocked pursuant to Title 31, Code of Federal Regulations, Section 545.201.

(In violation of 31 C.F.R. §§ 545.206(b) & 545.204, and 50 U.S.C. § 1705(b).)

COUNT NINE

(Supplying Services to the Taliban)

1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 10 of the General Allegations and paragraphs 5 through 25 of Count One of this Indictment.

2. From in or about May 2001 through in or about December 2001, outside of the jurisdiction of any particular state or district, the defendant, JOHN PHILLIP WALKER LINDH, being a United States person, did willfully violate a regulation issued under Chapter 35 of Title 50, United States Code, in that LINDH did willfully and unlawfully supply and attempt to supply services to the Taliban, to the territory of Afghanistan controlled by the Taliban, and to persons

whose property and interests in property were blocked pursuant to Title 31, Code of Federal Regulations, Section 545.201.

(In violation of 31 C.F.R. §§ 545.204 & 545.206(a), 50 U.S.C. § 1705(b), and 18 U.S.C. § 2.)

COUNT TEN

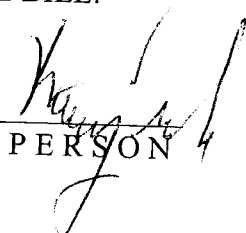
(Using, Carrying & Possessing Firearms and Destructive Devices During Crimes of Violence)

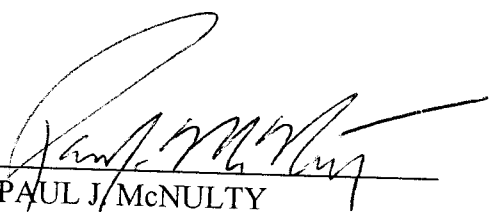
1. The Grand Jury realleges and incorporates by reference paragraphs 1 through 10 of the General Allegations and paragraphs 5 through 25 of Count One of this Indictment.
2. Between in or about May 2001 through in or about December 2001, outside of the jurisdiction of any particular state or district, the defendant, JOHN PHILLIP WALKER LINDH, did knowingly use, carry, and possess firearms, namely, an AKM rifle, an RPK rifle, and at least two grenades that were destructive devices under Title 18, United States Code, Section 924(c)(1)(B)(ii), during, in relation to, and in furtherance of crimes of violence for which the defendant may be prosecuted in a court of the United States, namely, Conspiracy to Murder United States Nationals as charged in Count One of this Indictment, Conspiracy to Provide Material Support and Resources to al Qaeda as charged in Count Four of this Indictment, Providing Material Support and Resources to al Qaeda as charged in Count Five of this Indictment, Conspiracy to Contribute Services to al Qaeda as charged in Count Six of this Indictment, Contributing Services to al Qaeda as charged in Count Seven of this Indictment, Conspiracy to Supply Services to the Taliban as charged in Count Eight of this Indictment, and


Supplying Services to the Taliban as charged in Count Nine of this Indictment, all of which Counts are incorporated herein by reference.

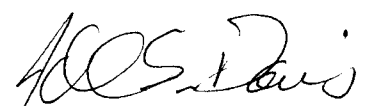
(In violation of 18 U.S.C. §§ 924(c)(1)(A), 924(c)(1)(B)(ii), and 2.)

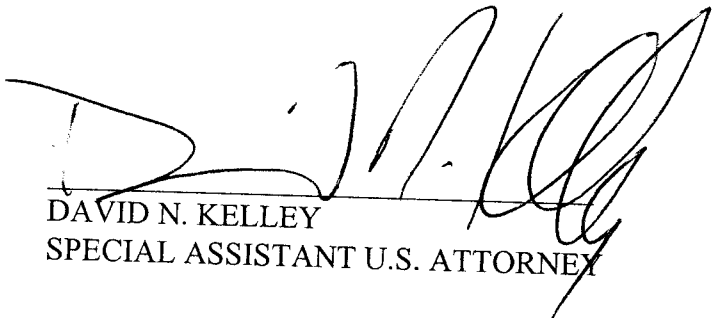
A TRUE BILL:


FOREPERSON


PAUL J. McNULTY
UNITED STATES ATTORNEY


RANDY I. BELLOWS
ASSISTANT U.S. ATTORNEY


JOHN S. DAVIS
ASSISTANT U.S. ATTORNEY


DAVID N. KELLEY
SPECIAL ASSISTANT U.S. ATTORNEY