

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

UNITED STATES OF AMERICA)
)
) Crim. No. 02-37A
)
JOHN LINDH)

STATEMENT OF FACTS

The United States of America, by Paul J. McNulty, United States Attorney, and Randy I. Bellows, David N. Kelley, and John S. Davis, Assistant United States Attorneys, and the defendant, John Lindh, by counsel, James J. Brosnahan, George C. Harris, Tony West, Raj Chatterjee, and William B. Cummings, hereby stipulate and agree that the following facts are true and correct and that the Government would so prove at trial by proof beyond a reasonable doubt.

1. The defendant, John Lindh, is and at all relevant times was a United States citizen.
2. 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. 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.
3. 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 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.”
4. In or about late May or June 2001, the defendant crossed from Pakistan into Afghanistan for the purpose of taking up arms with the Taliban against the Northern Alliance.

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

6. In or about late May or June 2001, the defendant agreed to attend a training camp for additional and extensive military training. In or about June 2001, the defendant traveled to the al-Farooq training camp, a facility associated with Usama Bin Laden, located several hours west of Kandahar, in Afghanistan. In or about June and July 2001, the defendant remained at the al-Farooq camp and participated fully in its training activities, including courses in weapons, orienteering, navigation, explosives and battlefield combat.

7. Having sworn allegiance to jihad, in or about July or August 2001, after completing his training, the defendant traveled to Kabul, Afghanistan to assist the Taliban. In or about July or August 2001, the defendant carried an AKM rifle issued by the Taliban while he traveled, together with approximately 150 non-Afghani fighters, from Kabul to the front line in Takhar, in northeastern Afghanistan. Between about September and November, 2001, the defendant's fighting group was divided into smaller groups, and rotated in one to two week shifts in the Takhar trenches, opposing Northern Alliance troops.

8. In or about July 2001 to November 2001, during the commission of a felony which may be prosecuted in a court of the United States, namely, Supplying Services to the Taliban as charged in Count Nine of the Indictment, the defendant knowingly carried with him an AKM rifle and two grenades.

9. The defendant's supplying services to the Taliban, by fighting in support of the Taliban, constituted a felony that involved, or was intended to promote, a federal crime of terrorism within the meaning of U.S.S.G. § 3A1.4, in that the Taliban's control of Afghanistan, and the activities of those individuals fighting in support of the Taliban, provided protection and sanctuary to al Qaeda, a designated foreign terrorist organization.

11. The defendant continued in the service of the Taliban through November 2001.

12. From in or about July 2001 through in or about November 2001, outside of the jurisdiction of any particular state or district, the defendant, being a United States person, willfully violated a regulation issued under Chapter 35 of Title 50, United States Code, in that the defendant willfully and unlawfully supplied and attempted to supply services to the Taliban, and to the territory of Afghanistan controlled by the Taliban.

13. On or about January 23, 2002, the defendant was first brought into the United States in the Eastern District of Virginia.

Respectfully submitted,

Paul J. McNulty
United States Attorney

By: _____

Randy I. Bellows
David N. Kelley
John S. Davis
Assistant United States Attorneys

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, John Lindh, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

John Lindh

We are counsel for the defendant. We have carefully reviewed the above Statement of Facts with him. To our knowledge, his decision to stipulate to these facts is an informed and voluntary one.

James J. Brosnahan
George C. Harris
Tony West
Raj Chatterjee
William B. Cummings

Attorneys for John Lindh