

U.S. DISTRICT COURT
FILED
JAN 6 2005
S. D. OF N. Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA :

SEALED INDICTMENT

- v. - :

05 Cr.

BASHIR NOORZAI,
a/k/a "Haji Bashir Noorzai," :

05 CRIM. 19

Defendant.

-----X

COUNT ONE

The Grand Jury charges:

1. From in or about 1990, up to and including in or about 2004, in the Southern District of New York and elsewhere, BASHIR NOORZAI, a/k/a "Haji Bashir Noorzai," the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of said conspiracy that BASHIR NOORZAI, a/k/a "Haji Bashir Noorzai," the defendant, and others known and unknown, would and did distribute a controlled substance, to wit, one kilogram or more of a substance containing a detectable amount of heroin, intending and knowing that such substance would be imported into the United States from a place outside thereof, in violation of Sections 959, 960(a)(3) and 960(b)(1)(A) of Title 21, United States Code.

Means And Methods Of The Narcotics Conspiracy

3. Among the means and methods by which BASHIR NOORZAI, a/k/a "Haji Bashir Noorzai," the defendant, and his co-conspirators would and did carry out the narcotics conspiracy were the following:

a. Since in or about 1990, BASHIR NOORZAI, a/k/a "Haji Bashir Noorzai," the defendant, led an international heroin-trafficking organization (the "Noorzai Organization") responsible for manufacturing and transporting hundreds of kilograms of heroin in Afghanistan and Pakistan. The Noorzai Organization then arranged for the heroin to be imported into the United States and other countries and sold for tens of millions of dollars.

b. During the course of the conspiracy, BASHIR NOORZAI, a/k/a "Haji Bashir Noorzai," the defendant, controlled opium fields in Afghanistan where poppies were grown and harvested to generate opium. After the opium was harvested, NOORZAI used laboratories in Afghanistan and Pakistan to process the opium into heroin. NOORZAI and his co-conspirators then arranged to transport the heroin from Afghanistan into the United States and other countries.

c. At all times relevant to this Indictment, BASHIR NOORZAI, a/k/a "Haji Bashir Noorzai," the defendant, was closely aligned with the Taliban in Afghanistan. During the

course of the conspiracy, the Noorzai Organization provided demolitions, weaponry, and manpower to the Taliban in Afghanistan. In exchange for its support, the Taliban provided the Noorzai Organization with protection for its opium crops, heroin laboratories, drug-transportation routes, and members and associates.

OVERT ACTS

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about 1990, BASHIR NOORZAI, a/k/a "Haji Bashir Noorzai," the defendant, met with other co-conspirators not named as defendants herein in Karachi, Pakistan and offered to provide quantities of heroin for distribution in New York.

b. In or about 1997, Taliban authorities in Afghanistan seized a truckload of morphine base that was owned by BASHIR NOORZAI, a/k/a "Haji Bashir Noorzai," the defendant. Shortly thereafter, Taliban authorities returned the seized morphine base to NOORZAI with personal apologies from Mullah Mohammad Omar, the leader of the Taliban.

c. In or about 1997, BASHIR NOORZAI, a/k/a "Haji Bashir Noorzai," the defendant, imported approximately 57 kilograms of heroin from Afghanistan and Pakistan into New York.

d. In or about 2000, BASHIR NOORZAI, a/k/a "Haji Bashir Noorzai," the defendant, spoke with another co-conspirator not named as a defendant herein in Pakistan about importing 500 kilograms of heroin into the United States and Europe.

e. In or about 2001, members and associates of the Noorzai Organization met in Pakistan and discussed methods of transporting heroin into the United States.

f. In or about 2004, BASHIR NOORZAI, a/k/a "Haji Bashir Noorzai," the defendant, owned land in Afghanistan where opium poppies were grown.

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

FORFEITURE ALLEGATION

5. As a result of committing one or more of the controlled substance offenses alleged in Count One of this Indictment, BASHIR NOORZAI, a/k/a "Haji Bashir Noorzai," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting and derived from any proceeds that the said defendant obtained directly and indirectly as a result of the said violation 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 violation alleged in Count One of this Indictment including, but not limited to, the following: a sum of money equal to approximately

\$50 million in United States Currency, representing the amount of proceeds obtained as a result of the controlled substance offenses for which the defendant is liable.

Substitute Assets Provision

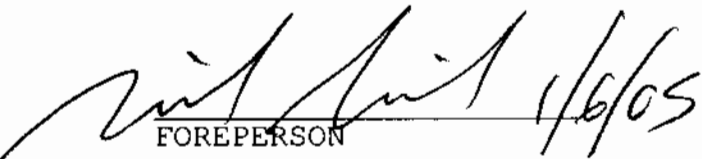
6. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

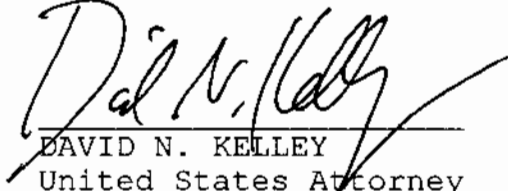
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

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

forfeitable property.

(Title 21, United States Code, Sections 963 and 853.)


FOREPERSON


DAVID N. KELLEY
United States Attorney

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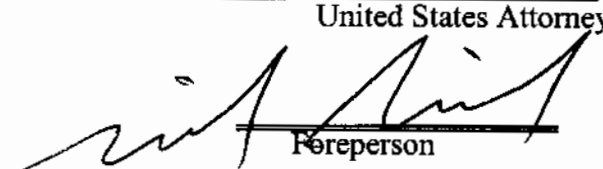
Defendant.

SEALED INDICTMENT

05 Cr.

21 U.S.C. §963

DAVID N. KELLEY
United States Attorney.


Representative

1/6/05

Post 11-1-87
11/6/05 Filed Ind.
Ellis, J.