

## Case 6: Khan and the Parachas

John Mueller

April 12, 2015

In his book, *Mastermind: The Many Faces of the 9/11 Architect, Khalid Shaikh Mohammed*, journalist Richard Minitier begins by listing his subject's admitted (or claimed) involvement with terrorist efforts in addition to 9/11. These include the 1993 World Trade Center and 2002 Bali bombings; plots on Heathrow airport, Big Ben, and the Panama Canal; plans to assassinate Bill Clinton, the Pope, and several prime ministers of Pakistan; two efforts to infiltrate agents into the United States; and the plan for a "second wave" of attacks by hijacked airliners on major U.S. landmarks to include the U.S. Bank Tower in Los Angeles, the Sears Tower in Chicago, the Plaza Bank Building in Seattle.<sup>1</sup>

Actually, Minitier does not do full service to his subject's bloviating. In addition, to the plots on Minitier's list, KSM declared himself to be the power behind the shoe bomber operation of 2001; an October 2002 attack in Kuwait; plots to attack oil tankers and U.S. naval ships in the Straits of Hormuz, the Straits of Gibraltar and the port of Singapore; plans to assassinate Jimmy Carter; a plot to blow up suspension bridges in New York City; a plan to destroy the Sears Tower in Chicago with burning fuel trucks; plans to "destroy" Canary Wharf in London; a planned attack on "many" nightclubs in Thailand; Barot's plot of 2004 targeting U.S. financial targets; a plan to destroy buildings in Eilat, Israel; plans to destroy U.S. embassies in Indonesia, Australia and Japan; plots to destroy Israeli embassies in India, Azerbaijan, Australia and the Philippines; surveying and financing an attack on an Israeli El-Al flight from Bangkok; sending several agents into Israel to survey "strategic targets" with the intention of attacking them; a suicide bombing of a hotel in Mombasa, Kenya; the attempt to shoot down an Israeli passenger jet leaving Mombasa airport in Kenya; plans to attack U.S. targets in South Korea; providing financial support for a plan to attack U.S., British and Jewish targets in Turkey; surveillance of U.S. nuclear power plants in order to attack them; a plot to attack NATO's headquarters in Europe; planning and surveillance in a 1995 plan (the "Bojinka plot") to bomb twelve passenger jets bound for the United States; plans to assassinate Pakistani President Pervez Musharraf; and an attempt to attack a U.S. oil company in Sumatra, Indonesia, that was "owned by the Jewish former Secretary of State Henry Kissinger." He also took pride in personally beheading the defenseless *Wall Street Journal* reporter Daniel Pearl.<sup>2</sup>

What is impressive is that, except for the Bali bombings, just about *all* of the ventures either failed or did not even begin to approach fruition. In addition, the role of the "mastermind" in the Bali case was simply to supply some money.<sup>3</sup> And KSM's role in the failed 1993 effort to bring down the World Trade Center

<sup>1</sup> Richard Minitier, *Mastermind: The Many Faces of the 9/11 Architect, Khalid Shaikh Mohammed* (New York: Sentinel, 2011), 2.

<sup>2</sup> Terry McDermott and Josh Meyer, *The Hunt for KSM: Inside the Pursuit and Takedown of the Real 9/11 Mastermind, Khalid Sheikh Mohammed* (New York: Little, Brown, 2012), 310-13.

<sup>3</sup> Minitier, *Mastermind*, 157. McDermott and Meyer, *Hunt for KSM*, 240.

was to wire \$660 to one of the conspirators.<sup>4</sup> Overall, as a terrorism planner, KSM's has a fertile mind but a feeble record at accomplishment. In this context, 9/11 clearly stands out as an aberration, not a harbinger.<sup>5</sup>

This case involving three men who had access to the United States can be taken to be typical of KSM's pre- and post-9/11 planning for terrorism directed at that country (or for that matter at other ones): grand schemes, little or no execution. Compared to many of the other schemes, however, it seems at least to have proceeded a bit beyond the vaporous idea phase.

In this case, Majid Khan, a Pakistani in his early 20's who had been granted asylum status and lived in Baltimore, Maryland, had come under KSM's sway on a visit to Pakistan in early 2002, had proven his devotion to the cause, and was familiarly referring to KSM as "uncle."<sup>6</sup> Learning that Khan had worked at a gas station, KSM came up with the bright idea that his young protege should return to the United States, form a cell, and blow up fuel tanks at several gas stations. Khan was sent off to learn about explosives, while a businessman friendly to al-Qaeda, Saifullah Paracha, who owned an international shipping business was tapped to help with smuggling in explosives from abroad. Potential members of Khan's cell were one of his brothers and a few African-American Muslims who were then training in Afghanistan.<sup>7</sup>

However, by that time Khan had foolishly overstayed his permitted time abroad and could not return unimpeded to the United States. Accordingly, he induced friends of his (in part with bribe money from KSM) to carry out business transactions in the United States in his name so that he could claim to he had been in the country all along after he somehow smuggled himself back illegally. The friends included Uzair Paracha, the son of Saifullah.

That was as far as the "plot" went. Alexander Hitchcock, an intern at the Cato Institute when he wrote this, points out that, although it at least went beyond the idea state, the plot was "foiled before it ever really began." When Khan and then KSM were arrested in 2003, "explosives had not been shipped or procured, specific targets had not been chosen, and other operatives had not been recruited or trained to use explosives."

Hitchcock also notes that, although it has long been claimed that the torture of KSM by the CIA led to important revelations about the Khan/Paracha plot, a 2014 report by the Senate Select Committee on Intelligence indicates that officials had the essence of that information before KSM was even arrested and that KSM only talked after he knew Khan had been captured. In general, the report suggests that "the vast majority of official statements regarding this case will not only have been proven wrong, but intentionally misleading."

<sup>4</sup> McDermott and Meyer, *Hunt for KSM*, 47.

<sup>5</sup> On this issue more generally, see also John Mueller and Mark G. Stewart, *Chasing Ghosts* (New York: Oxford University Press, forthcoming), ch. 4.

<sup>6</sup> McDermott and Meyer, *Hunt for KSM*, 186.

<sup>7</sup> JTF-GITMO Detainee Assessment of Majid Khan," June 13, 2008, projects.nytimes.com, 7-8.

## Case 6: Khan and the Parachas

Alexander Hitchcock

April 8, 2015

### 1. Overview

In 2002, Khalid Sheikh Mohammed, al-Qaeda's Chief of Operations, conceived the idea of targeting gas stations in the United States, a task to be carried out by Majid Khan, a young Pakistani who had been granted asylum in the United States and had lived in Baltimore. Khan was provided with explosives training. However, his visa had lapsed, and he needed to deceive Immigration and Naturalization Service so that he could reenter the United States. Uzair Paracha, a permanent resident of the United States and a savvy businessman, sought to convince INS that Khan was still in the United States by depositing money in Khan's bank account, calling INS regarding new travel documents, and setting up, and then requesting a change of address on, a post office box.

Khan was captured in Pakistan before he could get back into the United States. Had he successfully reentered the United States, he planned to gather intelligence on gas stations, to build an al-Qaeda cell in the United States, and to ship explosive materials into the United States through the shipping company owned by Uzair's father, Saifullah, an al-Qaeda associate. At the time of his arrest, Khan had not yet built a terror cell, procured explosives, or chosen specific targets.

Uzair Paracha, persuaded by a \$200,000 bribe to help Khan return to the United States, was arrested in Brooklyn, and charged with five counts of providing material support to terrorism. His father was arrested in Thailand.

All three men had spent significant portions of their lives in the United States. They were also educated and had high-paying jobs. Yet despite these factors, they were willing to aid al-Qaeda. They also posed a threat to the United States because they could enter the United States, and move within it, at will. The case has been used by the CIA as an example of how torture can be an effective interrogation method, a contention that has recently been challenged by a Senate committee.

On July 20, 2006, Uzair Paracha was convicted on all five counts and sentenced to thirty years in prison. To this day, Saifullah Paracha and Majid Khan remain at Guantánamo Bay. Majid Khan was tried for war crimes, pled guilty, and was sentenced to 19 years. As of March 2015, Saifullah Paracha has yet to be charged.

### 2. Nature of the adversary

Majid Shoukat Khan was born on February 28, 1980 in Pakistan.<sup>1</sup> He successfully claimed political asylum and moved to Baltimore, Maryland in 1996.<sup>2</sup> As part of his asylum agreement, he was prohibited from traveling outside of the United States without prior permission from the United States government.<sup>3</sup> There is no indication of any prior criminal record or of mental instability.

---

<sup>1</sup> "JTF-GTMO Detainee Assessment of Majid Khan," June 13, 2008, [projects.nytimes.com](http://projects.nytimes.com), 1.

<sup>2</sup> Department of Defense, "Detainee Biographies," [defense.gov](http://defense.gov), [www.fas.org/irp/news/2006/09/detaineebios.pdf](http://www.fas.org/irp/news/2006/09/detaineebios.pdf).

<sup>3</sup> "Asylum," [immihelp.com](http://immihelp.com), [www.immihelp.com/gc/asylum.html](http://www.immihelp.com/gc/asylum.html)

He graduated from Owings Mills High School in 1999, while working at his father's gas station.<sup>4</sup> Teachers from Owings Mills described him as generally amicable and a good student. Margarita Ugarte-Caffyn, chairwoman of the English as a Second Language program, said, "He always seemed like such a nice young man."<sup>5</sup> Khan was also highly successful. After graduation, he began working at the Maryland Office of Planning as a database administrator.<sup>6</sup> In March 2001, he switched jobs and began working at Electronic Data Systems in Tyson's Corner, for a salary of \$70,000 per year.<sup>7</sup> Judging by his education and job history, Khan appeared to have assimilated into American society. However, there seems to have been a spiritual void in his life. In 1999, he began "attending conferences hosted by Tablighi Jamaat, an international movement that seeks to bring Muslims closer to Islam."<sup>8</sup> He also began teaching database administration at the Islamic Society of Baltimore and helped run Friday prayers.<sup>9</sup>

In October 2001, Khan filed a request with the Immigration and Nationalization Service asking to travel abroad so he could be married in Dubai and to go on a pilgrimage to Saudi Arabia. Instead, he traveled to Karachi, Pakistan, where he met with Khalid Sheikh Mohammed, al-Qaeda's head of operations, in February of 2002. He also married Rabia Yaqoob before returning to Baltimore in March of 2002. On December 24, 2002, Khan and his wife, under orders from KSM, traveled to Thailand where Khan gave a large sum of money to al-Qaeda affiliate Jemaah Islamiyah.<sup>10</sup>

Khan then returned to Pakistan, where he worked on his gas station plot and, since his visa had expired, asked Uzair Paracha, whom Khan met when he visited the Karachi office where Uzair was working, to help him enter the U.S. illegally.<sup>11</sup> He was arrested in Pakistan and was eventually transferred to Guantánamo Bay.<sup>12</sup>

Saifullah Paracha, 65 years old when he was apprehended, was born in Mongwal Village in the Sargodha district of Pakistan.<sup>13</sup> He studied physics at a university in Karachi before moving to the United States in 1971.<sup>14</sup> While in the United States, he studied computer science at New York Institute of Technology and lived in Queens.<sup>15</sup> He married his wife Farhat Parachain in 1979, two years after she immigrated to the United States.<sup>16</sup> He became a permanent resident of the United States in 1980.<sup>17</sup> There is no evidence of any prior criminal offenses or of mental instability.

---

<sup>4</sup> Matthew Hay Brown, "From Owings Mills High School to a cell at Guantanamo," baltimoresun.com, March 3, 2012.

<sup>5</sup> Brown, "From Owings Mills High School to a cell at Guantanamo."

<sup>6</sup> Brown, "From Owings Mills High School to a cell at Guantanamo."

<sup>7</sup> Brown, "From Owings Mills High School to a cell at Guantanamo."

<sup>8</sup> Brown, "From Owings Mills High School to a cell at Guantanamo."

<sup>9</sup> Brown, "From Owings Mills High School to a cell at Guantanamo."

<sup>10</sup> Brown, "From Owings Mills High School to a cell at Guantanamo."

<sup>11</sup> Janelle Miller, "Criminal Complaint against Uzair Paracha," investigativeproject.org, August 8, 2003, 2.

<sup>12</sup> Brown, "From Owings Mills High School to a cell at Guantanamo."

<sup>13</sup> "JTF-GTMO Detainee Assessment of Saifullah Paracha," projects.nytimes.com, 1.

<sup>14</sup> "Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari," scotusblog.com, July 3, 2007, a22.

<sup>15</sup> "Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari," a22.

<sup>16</sup> "Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari," a22.

<sup>17</sup> "Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari," a22.

During his time in the United States, Saifullah became a highly successful businessman. He started off working in the computer department of Market Data Retrieval, Inc. in 1974, and eventually became something of a serial entrepreneur.<sup>18</sup> He established and bought multiple companies including Globe Travel Service Ltd., Sana Travel Inc., Third World Broadcasting, and International Merchandise (Pvt.).<sup>19</sup> In addition to numerous business ties to the United States, Saifullah also has a strong familial tie to the United States. Four of his siblings and numerous nieces and nephews, all live in the United States. One nephew even remarked that, “in terms of family connections, Saifullah Paracha is as much or more American than Pakistani.”<sup>20</sup> Despite these ties, Paracha returned to Pakistan and established an export-import business in 1986, which acted as a buying agent in Pakistan for retailers like Wal-Mart.<sup>21</sup> In addition, he ran a television production company that specialized in programming meant to reduce religious animosity.<sup>22</sup>

Saifullah and his wife continued to periodically visit the United States from 1986 onwards; however, his behavior and travel plans began to change in the 1990’s.<sup>23</sup> For instance, he built a hospital in Pakistan’s Northwest Frontier Province, near the border with Afghanistan, and visited Afghanistan twice in the late 1990’s.<sup>24</sup> His wife stated that he became more philanthropic and religious with time.<sup>25</sup>

The Department of Defense’s Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay (referred to here as “the Board”), believes more sinister motives were at play. In a memo dated November 14, 2005, it states that during 1999 and 2000, Saifullah met with Osama bin Laden to offer him the use of his studios. Saifullah originally met with KSM, who was so impressed that he arranged for Saifullah to meet with Bin Laden.<sup>26</sup> Saifullah also gave money to Taliban commander Mullah Omar, agreed to use his textile business to ship explosives into the United States, and housed members of al-Qaeda in properties he owned in Karachi.<sup>27</sup>

Uzair Paracha, a Pakistani citizen who has lawful permanent residence in the United States, was born in Pakistan on January 7, 1980.<sup>28</sup> His parents, Saifullah and Farhat Paracha, were both native Pakistanis who attended graduate school in New York City.<sup>29</sup> His father had even started a small travel agency in New York and founded a lucrative export business between Karachi and New York.<sup>30</sup> Uzair frequently traveled to the United States. He first journeyed to the United States when he was three weeks old

---

<sup>18</sup> “Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari,” a22.

<sup>19</sup> “Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari,” a22.

<sup>20</sup> “Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari,” 2.

<sup>21</sup> “Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari,” 2.

<sup>22</sup> “Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari,” 3.

<sup>23</sup> David Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots,” nytimes.com, August 18, 2003.

<sup>24</sup> Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

<sup>25</sup> Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

<sup>26</sup> Nirupama Subramanian, “Pakistan Pushed For Release of Alleged Bin Laden Associate From Guantanamo,” thehindu.com, May 5, 2011.

<sup>27</sup> “JTF-GTMO Detainee Assessment of Saifullah Paracha,” 2.

<sup>28</sup> Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

<sup>29</sup> Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

<sup>30</sup> Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

and even attended Rainbow Montessori preschool in Queens.<sup>31</sup> There is no indication of a prior criminal record or of mental instability.

Uzair grew up predominately in Karachi, Pakistan. His family lived in a two-story house located in the Defense Housing Authority area, a wealthy part of Karachi.<sup>32</sup> He attended the B.V.S. Parsi High School, a highly respected private institution, and studied business administration at the Institute of Business Management, a prestigious university attended by the city's elite.<sup>33</sup> While in college Uzair interned at several advertising and trading firms in Karachi, and traveled to New York every summer to manage a gas station.<sup>34</sup> Upon graduation in 2002, he went to work at his father's clothing company, International Merchandise Group, with offices in the United States and Pakistan.<sup>35</sup>

Due to his family's wealth, his extensive education, and the frequency of which he traveled, Uzair's life was remarkably different from many of his contemporaries. One college friend said that, "I would describe him as everybody would, as an American. He had thoughts like an American, not a Pakistani."<sup>36</sup> According to his mother, he wore western clothing, loved American music, drove a Japanese-built car, and stayed up late watching American television on cable.<sup>37</sup> One of his college professors said that, "He was not very religious," and his friends describe him as "very confident."<sup>38</sup> He performed charity work, acted in and directed school plays, and often socialized with women.<sup>39</sup> In many respects, Uzair Paracha lived a life comparable to that of a middle-class American teenager or young adult.

### 3. Motivations

There is little indication that a common motive existed between the three men. Majid Khan possessed a clear religious motivation. He radicalized after high school and demonstrated that he was willing to become a martyr by following KSM's instructions, in January of 2002, to record a martyr video, strap explosives to his chest, and wait for several hours at a Mosque where Pakistani President Musharraf was rumored to be visiting.<sup>40</sup> Musharraf never appeared; however, KSM was impressed and arranged for Khan to attend a bomb making training camp.<sup>41</sup> Khan's motives were clear: to wage jihad against the United States of America in accordance with the instructions of KSM and radical Islam.

One factor that definitely influenced both of the Parachas was money. Saifullah Paracha did not aid al-Qaeda for free, but instead required bribe money.<sup>42</sup> Furthermore, he often referred to his dealings with al-Qaeda as merely business transactions.<sup>43</sup>

---

<sup>31</sup> Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

<sup>32</sup> Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

<sup>33</sup> Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

<sup>34</sup> Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

<sup>35</sup> Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

<sup>36</sup> Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

<sup>37</sup> Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

<sup>38</sup> Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

<sup>39</sup> Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

<sup>40</sup> Brown, "From Owings Mills High School to a cell at Guantanamo."

<sup>41</sup> Brown, "From Owings Mills High School to a cell at Guantanamo."

<sup>42</sup> "JTF-GTMO Detainee Assessment of Saifullah Paracha," 6.

<sup>43</sup> "JTF-GTMO Detainee Assessment of Saifullah Paracha," 7.

Although it is possible that he was solely motivated by money, a multitude of evidence suggests otherwise. He was not merely a passive facilitator, or someone who only did what they were told for the sake of profit. Instead, it appears that he originally sought out Osama bin Laden in order to offer him the use of his studios and production facilities.<sup>44</sup> In addition to smuggling materials into the United States and donating safe houses and other facilities, Paracha also attempted to persuade al-Qaeda leadership to authorize devastating attacks by suggesting the procurement of biological weapons from China and nuclear and radioactive materials, and he also volunteered to help smuggle these destructive weapons into the United States.<sup>45</sup> While money and financial success were clearly important to him, the evidence suggests that he fully supported al-Qaeda's violent ideology.

It is unclear what extent Uzair's father convinced Uzair to participate in the plot. Uzair claimed to have been influenced by money—specifically, by a \$200,000 dollar investment that Khan planned to make in International Merchandise Group where Uzair worked. Uzair knew from the beginning that the money came from al-Qaeda, but stated that he was afraid that the money would not have been invested if he had refused to help Khan return to the United States.<sup>46</sup> It is unclear what portion of this investment, if any, would have directly benefitted Uzair Paracha and not the company. Instead, Uzair could have been motivated by a desire to benefit his father's company. Furthermore, Uzair's father told the Board that he was unsure if Uzair knew about the plan.<sup>47</sup> Despite these factors and despite Uzair's affinity for American culture, I still believe Uzair was primarily motivated, not by his father, but by a desire to harm the United States. Although there is no evidence that he would have directly participated in a violent attack, he knew that the money belonged to al-Qaeda, and would therefore be used against the United States. Additionally, the Board indicates that it believes Saifullah Paracha was "hiding some of his son's extremist activities."<sup>48</sup> Similarly to his father, Uzair may have been motivated by money and unwilling to directly participate in violent acts; however, also like his father, he probably had sinister ulterior motives.

#### 4. Goals

It is difficult to attribute goals to Khan beyond the completion of the plot because he had demonstrated his willingness to sacrifice himself for Islam. There can be no doubt about his desire to carry out KSM's orders and, if necessary, to die in the process.

Saifullah Paracha had far more elaborate goals. Although he was tasked with an auxiliary role in Khan's plot, he was an extremely valuable asset for al-Qaeda. His knowledge of international shipping, his contacts, his business acumen, and his wealth rendered him invaluable. So valuable in fact, that he personally met with Osama bin Laden twice.<sup>49</sup> His stated desire to facilitate bigger and more lethal attacks indicates that he had larger goals than simply providing al-Qaeda with safe houses and broadcast

---

<sup>44</sup> "Summary of Combatant Status Review Board Tribunals for Saifullah Paracha," [projects.nytimes.com](http://projects.nytimes.com), 1.

<sup>45</sup> "JTF-GTMO Detainee Assessment of Saifullah Paracha," 6.

<sup>46</sup> Janelle Miller, "Criminal Complaint against Uzair Paracha," 2.

<sup>47</sup> "JTF-GTMO Detainee Assessment of Saifullah Paracha," 5.

<sup>48</sup> "JTF-GTMO Detainee Assessment of Saifullah Paracha," 10.

<sup>49</sup> "JTF-GTMO Detainee Assessment of Saifullah Paracha," 2.

equipment. For example, he had discussed the possibility of shipping biological and nuclear materials into the United States with members of al-Qaeda.<sup>50</sup> It is plausible that, by successfully smuggling these explosives into the United States, Saifullah Paracha was aiming to build credibility with al-Qaeda leadership so that they would allow him to plan and carry out larger attacks.

If Saifullah is to be believed that Uzair had no knowledge of the plot to bomb gas stations in Maryland, then his goals may not have aligned with those of Khan and Saifullah Paracha. However, this would not mean that Uzair was completely ignorant of what he was doing. Documents compiled by the Board indicate that Uzair knew that both his father and Khan were members of al-Qaeda, and he admits that al-Qaeda wanted him to keep the money liquid so that they could access it on short notice.<sup>51</sup> This means that Uzair had not simply agreed to a one-time exchange with al-Qaeda, but to multiple dealings. This suggests that he may have been willing to play a supporting role similar to his father's. It is more likely that Uzair's goal was to cultivate relationships with members of al-Qaeda so that he could one day play such a role in exchange for continued payouts, just like his father.

## 5. Plans for violence

Court documents reveal that KSM, al-Qaeda's Chief of Operations, desired to attack infrastructure such as gas stations and reservoirs in the United States.<sup>52</sup> After learning that Khan had worked at a gas station, KSM selected Khan to carry out the plot and provided him with explosives training.<sup>53</sup>

However, because Khan's visa had expired, he needed to deceive the Immigration and Naturalization Service so that he could reenter the United States. He enlisted Aafia Siddiqui, an associate of KSM, to set up a post office box in Maryland under his name.<sup>54</sup> After he had submitted a request to INS for an "asylum travel document," Khan tasked Uzair Paracha to convince INS that Khan was still in the United States by depositing money in Khan's bank account, calling INS regarding the travel documents, and creating, and then requesting a change of address for, a post office box.<sup>55</sup>

Khan was captured before he could get back into the United States.<sup>56</sup> Had he successfully reentered, he had further plans to locate gas stations, to build an al-Qaeda cell in the United States, and to ship explosive materials into the United States via Saifullah Paracha's shipping company.<sup>57</sup>

Both Khan and Saifullah were highly motivated al-Qaida operatives. However, had the authorities not intervened when they did it is still unlikely that the attack would have been carried out and would have succeeded. None of the preparations had even begun, and terrorists' success with setting off bombs in the United States has been very limited.

---

<sup>50</sup> "JTF-GTMO Detainee Assessment of Saifullah Paracha," 6.

<sup>51</sup> "Combatant Status Review Tribunal Summaries of Majid Khan," [projects.nytimes.com](http://projects.nytimes.com), 2.

<sup>52</sup> "JTF-GTMO Detainee Assessment of Majid Khan," 2.

<sup>53</sup> Matthew Hay Brown, "From Owings Mills High School to a cell at Guantanamo," 2.

<sup>54</sup> "JTF-GTMO Detainee Assessment of Majid Khan," 3.

<sup>55</sup> "JTF-GTMO Detainee Assessment of Majid Khan," 4.

<sup>56</sup> "JTF-GTMO Detainee Assessment of Majid Khan," 4.

<sup>57</sup> "JTF-GTMO Detainee Assessment of Majid Khan," 9.

It is however worth noting that their plan was realistic and it is at least possible that it could have worked. Considering that the families of both Khan and of Uzair Paracha owned gas stations, Khan and his recruits would have had ample ability to practice and train. The group also had technical expertise due to the bomb making training Khan had received from al-Qaeda and to Saifullah's proficiency in international shipping. Additionally, gas stations are soft targets that are often unprotected. For these reasons, if the conspirators had not been caught during their preparations the attack could have worked. If it had there is no guarantee that the explosives would have worked, similar to what happened during the attempted Times Square bombing, and if they had worked the attack might still not have been very damaging. A small handful of gas stations are hardly vital to the United States.

KSM was detained on March 1, 2003 by Pakistani security forces and the CIA, and this may have been the first sign that the plot was beginning to unravel.<sup>58</sup> Prior to the release of the report on torture from the Senate Select Intelligence Committee in 2014, the prevailing wisdom was that information gleaned from the interrogation of KSM led to the capture of Majid Khan.<sup>59</sup> However, the report argues that the capture of Khan was entirely unrelated.<sup>60</sup> Regardless, in less than a week, the authorities had managed to capture both the man who ordered the attack and the person responsible for its execution.

The plot was thus foiled before it ever really began. At the time of Khan's arrest, explosives had not been shipped or procured, specific targets had not been chosen, and other operatives had not been recruited or trained to use explosives. Without additional manpower it would have been impossible to target multiple gas stations simultaneously, as Khan wanted.<sup>61</sup> This means that in order to conduct the attack, Khan would have first needed to successfully enter the United States and live quietly while assembling and training a cell. The assessment performed by the Board indicates that Khan planned to use Adnan Gulshair el Shukrijumah, Zuhayb, his brother, and two to three unknown African-American Muslim converts who were training in Afghanistan.<sup>62</sup> Khan's brother and family was arrested in Karachi, but were released one month later. Adnan, was killed in 2014 by Pakistani Security forces in South Waziristan.<sup>63</sup>

Khan tipped the authorities to the other people involved in the plot during his interrogation.<sup>64</sup> The FBI played a critical role in foiling the plot by apprehending both Parachas. It arrested Uzair in New York City on March 28, 2003, and Saifullah was captured in an airport in Thailand in July.<sup>65</sup> Authorities had been monitoring Saifullah since April of 2002, and he was captured after the FBI alerted authorities in Thailand of his presence.<sup>66</sup> He was later transferred into U.S. custody and sent to Guantánamo Bay.

---

<sup>58</sup> Senate Select Committee on Intelligence, "Committee Study of the CIA's Detention and Interrogation Program: Executive Summary," December 3, 2014, 81.

<sup>59</sup> Senate Select Committee on Intelligence, "Committee Study," 336.

<sup>60</sup> Senate Select Committee on Intelligence, "Committee Study," 334.

<sup>61</sup> "JTF-GTMO Detainee Assessment of Majid Khan," 10.

<sup>62</sup> "JTF-GTMO Detainee Assessment of Majid Khan," 8.

<sup>63</sup> Sophia Saifi, "Pakistan's Army Kills al Qaeda Commander Who Grew Up In U.S.," *cnn.com*, December 8, 2014.

<sup>64</sup> Senate Select Committee on Intelligence, "Committee Study," 355.

<sup>65</sup> Phil Hirschorn, "Lawyer: Detained Pakistani to Face Terrorism Charges," August 6, 2003.

<sup>66</sup> Senate Select Committee on Intelligence, "Committee Study," 354.

Due to the location of capture and varying residency statuses among the conspirators, each has a unique outcome. Uzair is a lawful permanent resident who was captured in the United States and was indicted in U.S. District Court in the Southern District of New York.<sup>67</sup> He was charged with five counts of providing material support to a foreign terrorist organization, was convicted on all charges on July 20, 2006, and was sentenced to 30 years in federal prison.<sup>68</sup> He is currently the only conspirator to have faced trial in civilian court.

As mentioned earlier, both Majid Khan and Saifullah Paracha are currently being detained in Guantánamo Bay. Both have alleged that the CIA had detained them at unknown locations before transferring them to Guantanamo Bay. After being detained and interrogated, both men underwent hearings to determine if the U.S. government could classify them as enemy combatants and thus try them by a military commission instead of by civilian courts.<sup>69</sup> In 2006, both men were judged to be enemy combatants as defined by the Military Commissions Act of 2006.<sup>70</sup> Khan was charged with various war crimes. In 2014, Khan struck a plea deal and agreed to fully cooperate against other detainees, and his sentencing was delayed for four years. If at the end of this period authorities judge him to have fully cooperated, he will be sentenced to 19 years and receive credit for time already served. If he is not judged to have fully cooperated, he will be sentenced to 25 years. It is worth noting that Army Colonel James Pohl, who presided over Khan's case, says there is no legal authority prohibiting the United States from detaining Khan past the length of his sentence. Saifullah Paracha has not yet been charged.<sup>71</sup>

## 7. Connections

Several networks impacted the three conspirators. The two most prominent are al-Qaeda, a network of international Islamic terrorists, and family networks that drew in Majid Khan and Uzair Paracha.

Although it is possible that all three of these individuals could have separately radicalized without al-Qaeda, the plot would not exist had it not been for al-Qaeda. Al-Qaeda was responsible for conceiving the plot, recruiting and training operatives, financing the operation, and putting the conspirators in touch with one another. Uzair Paracha also stated that the money given to him by Khan, presumably used to finance the upcoming operation, belonged to al-Qaeda.<sup>72</sup> Additionally, Khan was relying on individuals he had met through al-Qaeda, such as Aafia Siddiqui, to provide valuable support. This plot could not have taken shape in this form without the expertise, resources, and contacts provided by the al-Qaeda network.

---

<sup>67</sup> Janelle Miller, "Criminal Complaint against Uzair Paracha," 1.

<sup>68</sup> U.S. Attorney's Office, "Pakistani Man Convicted of Providing Material Support to al-Qaeda Sentenced to 30 Years in Federal Prison," July 20, 2006.

<sup>69</sup> "JTF-GTMO Detainee Assessment of Majid Khan" and "JTF-GTMO Detainee Assessment of Saifullah Paracha."

<sup>70</sup> "JTF-GTMO Detainee Assessment of Majid Khan" and "JTF-GTMO Detainee Assessment of Saifullah Paracha."

<sup>71</sup> Peter Finn, "Guantanamo Detainee Majid Khan pleads guilty, promises cooperation," *washingtonpost.com*, February 29, 2012.

<sup>72</sup> Janelle Miller, "Criminal Complaint against Uzair Paracha," 2.

Family networks also played an instrumental role in the formation of this plot. Beyond the obvious connection that Saifullah and Uzair Paracha share as father and son, it is important to note the role Majid Khan's extended family, which lives in Pakistan, and his Pakistani heritage, played in his radicalization. Khan first came to the United States in 1996, at the age of 16. Reports indicate that he began to radicalize after graduating from high school after his mother had died.<sup>73</sup>

After her death, a rift appears to have developed between Khan and his father. In a statement prepared for Khan's Combatant Status Review Tribunal, his father indicated that, "the Detainee recently began to be influenced by anti-American thoughts and became extremely religious in his behavior." The Detainee's father believed the Detainee had come under the influence of family members in Karachi, Pakistan, who discussed anti-American feelings.<sup>74</sup> These extended family members are believed to be members of al-Qaeda.<sup>75</sup> Khan may have begun to radicalize as a result of his mother's death and his experiences after 9/11, but his Pakistani heritage and extended family gave him a sense of belonging and drew him in further. Thus family networks in conjunction with al-Qaeda played an important role in the radicalization of Majid Khan and the recruitment of Uzair Paracha.

## **8. Relation to the Muslim community**

Factors such as mosque attendance and the Muslim community had a varying influence on each conspirator. For example, both Saifullah Paracha and Majid Khan have been described as religious; whereas Uzair Paracha's managerial accounting professor described him as "not very religious."<sup>76</sup> Friends and family painted a similar picture, describing Uzair as someone who "tried to avoid having to go to prayers" and as a "secular, Western-minded young man."<sup>77</sup> Based on these descriptions, it is unlikely that he was influenced by Mosque attendance. Furthermore, it is also unlikely that his connection to the Muslim community influenced events as well because he was well assimilated into American culture. Friends and family have described him as a "cheerful and energetic guy who enjoyed spending money on clothes and trendy haircuts."<sup>78</sup> He also enjoyed hip-hop, socialized with girls, and wore baggy pants.<sup>79</sup> In many cultural respects, Uzair Paracha had more in common with typical Americans than members of the Muslim community.

Unlike his son, Saifullah Paracha is unquestionably religious. The real question is whether or not he subscribed to radical Islam. His wife describes him as someone who "didn't have radical religious or political beliefs."<sup>80</sup> Saifullah corroborates this story saying that his dealings with al-Qaeda were strictly business related.<sup>81</sup> Furthermore, his Jewish-American business partner wrote that "He very clearly knew I was Jewish. We had friendly talks on religion and he never has shown any animosity at

---

<sup>73</sup> "Majid Khan Stipulation of The Facts," [washingtonpost.com](http://washingtonpost.com), February 29, 2012, 3.

<sup>74</sup> "Combatant Status Review Tribunal Summaries of Majid Khan," 2.

<sup>75</sup> "Combatant Status Review Tribunal Summaries of Majid Khan," 2.

<sup>76</sup> Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

<sup>77</sup> "Uzair Paracha Wasn't A Radical, Say Friends," [archives.dailytimes.com](http://archives.dailytimes.com), August 24, 2003.

<sup>78</sup> Daily Times, "Uzair Paracha Wasn't a Radical, Say Friends," August 24, 2003.

<sup>79</sup> Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

<sup>80</sup> Daily Times, "Uzair Paracha Wasn't a Radical, Say Friends."

<sup>81</sup> "JTF-GTMO Detainee Assessment of Saifullah Paracha," 7.

all to Jewish people or to America. The opposite—he spoke very highly of America.”<sup>82</sup> These statements indicate that he did not follow a radical version of Islam; however, they might not tell the whole story. His wife indicated in an interview that he grew more religious in the 1990’s as he grew older.<sup>83</sup> During this time he visited Taliban-controlled Afghanistan twice and met with Osama bin Laden.<sup>84</sup> Furthermore, Saifullah described Osama bin Laden as a prophet.<sup>85</sup> He also offered to help translate extremist materials into Urdu.<sup>86</sup> At the very least, his associations with Osama bin Laden, KSM, and other radicals indicate that he was sympathetic to radical Islam. It is also distinctly possible that he fully subscribed to it.

It is clear that mosque attendance and Majid Khan’s perception of the Muslim community directly impacted his radicalization and the plot itself. Randall Blake, who was Chief of the National Counterterrorism Center’s al-Qaeda group, argued before Congress that Khan was radicalized during his extended time in Pakistan.<sup>87</sup> In Pakistan, Khan was directly exposed to extremists such as KSM and those in his extended family. However, this testimony fails to take into account the role that groups such as Tablighi Jamaat played. In the Stipulation of Facts signed by Khan, he indicates that he began to consider Jihad and started attending conferences hosted by Tablighi Jamaat after the death of his mother in April 2001.<sup>88</sup> Tablighi Jamaat is a secretive nonviolent organization whose mission is to bring existing Muslims closer to the faith.<sup>89</sup> Although the group is nonviolent, they are viewed as a recruiting ground for al-Qaeda and other extremist organizations; prominent fighters such as Abu Zubair al Haili, Kafeel Ahmed, Mohammed Sadique Khan, and others have all been associated with the movement.<sup>90</sup> While attending these meetings, Khan met with Abdul Raufi, a former Muhajadeen fighter, who discussed his time waging jihad against the Soviet Union.<sup>91</sup> Khan states that he became willing to use violent methods after he witnessed a hijacked airliner strike the Pentagon on September 11, 2001.<sup>92</sup> After 9/11 he began to correspond with Mullah Omar over email and began planning his trip to Pakistan.<sup>93</sup> The fact that Khan attended Tablighi Jamaat meetings does not solely explain his radicalization; however, he appears to have gradually radicalized over a number of years and his time spent at these meetings appears to have been formative.

## 9. Depiction by the authorities

---

<sup>82</sup> Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

<sup>83</sup> Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

<sup>84</sup> Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

<sup>85</sup> Richard Serrano, “Guantanamo Bay Prisoner Sues U.S. To Get a Bible,” *latimes.com*, November 22, 2005.

<sup>86</sup> “Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari,” 5.

<sup>87</sup> Randall Blake, former chief, National Counterterrorism Center’s al-Qaeda Group, Testimony before the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment of the House of Representatives Committee on Homeland Security, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., September 20, 2006, 8, [https://www.fas.org/irp/congress/2006\\_hr/radical.pdf](https://www.fas.org/irp/congress/2006_hr/radical.pdf).

<sup>88</sup> “Majid Khan Stipulation of the Facts,” 3.

<sup>89</sup> Jenny Taylor, “What is the Tablighi Jamaat,” *theguardian.com*, September 8, 2009.

<sup>90</sup> Ashwaq Masoodi, “Inside the Tablighi Jamaat,” *livemint.com*, September 16, 2013.

<sup>91</sup> Ashwaq Masoodi, “Inside the Tablighi Jamaat.”

<sup>92</sup> “Majid Khan Stipulation of the Facts,” 3-4.

<sup>93</sup> “Majid Khan Stipulation of the Facts,” 5.

Until September 2006, there were very few official statements regarding the plot. When Uzair Paracha went on trial in the summer of 2006, the FBI and Courts released standard statements regarding his arrest, trial, and sentencing. In these statements, Majid Khan and Saifullah Paracha were referenced, but no direct statements were made regarding either man. In September, the Bush Administration announced that a group of 14 “high-value detainees” was being transferred to Guantánamo Bay, among whom was Majid Khan.<sup>94</sup> This was the first time the U.S. Government had acknowledged his existence outside of court documents. A Department of Defense spokesman had previously acknowledged the existence of Saifullah Paracha in 2003, but only after he had written a letter to his wife and an attorney had filed a petition in U.S. courts on his behalf.<sup>95</sup> Although these statements were strictly factual in nature and appear to show the U.S. government taking a measured approach to dealing with the press, they actually show the government to be secretive and alarmist. For example, by refusing to acknowledge Khan’s capture and detention for three years, the United States tried to obscure the fact that it engaged in torture. Additionally, by refusing to acknowledge the capture of Saifullah Paracha and Majid Khan for so long and by refusing to produce them at Uzair’s trial on the grounds of national security, the United States suggested that these men pose an existential threat to the United States even while behind bars.

Outside the mostly factual statements made regarding the fate of each of these men, many official statements have been made that use this case as a justification for the use of torture, or enhanced interrogation. Specifically, the CIA has long maintained that it was information gleaned from KSM that led to the capture of Majid Khan, and that information from Khan led to the capture of Saifullah and Uzair Paracha.<sup>96</sup> For example, a “widely disseminated CIA Intelligence Assessment, entitled “Detainee Reporting Pivotal for the War Against Al-Qa’ida,” states that “KSM’s revelation in March 2003 that he was plotting with Sayfal-Rahman Pamcha—who also used the name Saifullah al-Rahman Paracha—to smuggle explosives into the United States for a planned attack in New York prompted the FBI to investigate Paracha’s business ties in the United States.”<sup>97</sup>

The report on torture released by the Senate Committee on Intelligence in 2014 disputes these claims. If the report is accurate, the vast majority of official statements regarding this case will not only have been proven wrong, but intentionally misleading.

In my judgment, it appears that the CIA intentionally misled the media and members of Congress about the capture of Majid Khan. The Senate Committee’s report goes beyond merely establishing that members of the CIA had information about Khan available prior to the capture of KSM. Instead, the report details instances where the CIA provided information regarding Khan to other agencies such as the FBI, monitored Khan’s email activity, and encouraged Pakistani security forces to apprehend Khan.

---

<sup>94</sup> Richard Willing, “High-Value Detainees Among Transfers to Gitmo,” [usatoday30.usatoday.com](http://usatoday30.usatoday.com), September 7, 2006.

<sup>95</sup> Frank Davies, “Detainee Named in Arms Plot; Investigators Say The Man Urged al-Qaeda Operatives To Get Nuclear Weapons for Use Against U.S. Troops,” [philly.com](http://philly.com), February 11, 2005.

<sup>96</sup> Senate Select Committee on Intelligence, “Committee Study,” 354.

<sup>97</sup> Senate Select Committee on Intelligence, “Committee Study,” 354.

Additionally, the report indicates that KSM talked about Khan for the first time after he was shown photographs of Khan being captured.

The CIA's misinformation is incredibly troubling for the health of America's constitutional republic. One of the chief duties of Congress is oversight of federal agencies, something that is necessary to ensure that agencies are effective and efficient and are operating within the law and in accordance with the values of the American people. It is impossible for Congress to effectively oversee an agency that by necessity is shrouded in secrecy if the agency lies to Congress. By misleading members of Congress, the CIA put itself above the law and showed disregard for the Constitution and citizens that it is charged to protect.

### **10. Coverage by the media**

The media played an important role by investigating and challenging the government's secrecy. For example, a 2010 lawsuit filed by the *Miami Herald* prompted the Obama Administration to release the list of detainees slated for indefinite detention in 2013, a list that included Saifullah Paracha.<sup>98</sup> In addition, the *New York Times* has launched a special project called "The Guantanamo Docket," which contains legal documents and hearing transcripts for every detainee. It also contains a detailed history of the prison. Efforts such as these are vital in order to keep the public informed about the actions of the United States Government. Many components of this case such as the torture of KSM and Majid Khan, the indefinite detention of Saifullah Paracha, the refusal of the U.S. government to allow Uzair Paracha to call detainees as witnesses, and the use of special military tribunals for some but not all of those involved in the plot are hard to reconcile with the U.S. Constitution. Without the media, the general public would not be as informed as it is today.

### **11. Policing costs**

Depending on the value of the intelligence provided by KSM there are two cost scenarios for the investigation. If the intelligence gained from the interrogation of KSM was instrumental in the capture of Majid Khan, it was an incredibly expensive investigation. KSM was placed on the FBI's list of Most Wanted Terrorists on October 10, 2001, because of his role in the planning of 9/11.<sup>99</sup> Additionally, he was originally indicted on terrorism charges in 1996 following a failed attempt to detonate explosives aboard a number of planes.<sup>100</sup> By the time of his capture, he had been on the run from U.S. law enforcement and the intelligence community for almost a decade. It might seem odd to include many of these costs due to his peripheral involvement and considering that the plot was not conceived until 2002; however, if as the CIA maintains that he led them to Majid Khan then the plot would have been far more likely to have succeeded if he had not been captured.

If the 2014 report on torture of the Senate Select Committee on Intelligence is correct, and the capture of KSM was not relevant to the arrest of Majid Khan,<sup>101</sup> the

---

<sup>98</sup> Kevin Liptak, "U.S. Releases Names of 'indefinite detainees' at Guantanamo," [politicalticket.blogs.cnn.com](http://politicalticket.blogs.cnn.com), June 17, 2013.

<sup>99</sup> CNN Library, "Khalid Sheikh Mohammed Fast Facts," [cnn.com](http://cnn.com), December 30, 2014.

<sup>100</sup> CNN Library, "Khalid Sheikh Mohammed Fast Facts."

<sup>101</sup> Senate Select Committee on Intelligence, "Committee Study," 334.

investigation would still be costly, but it would also be relatively efficient. According to the report, the FBI's Baltimore Field Office opened a full field international terrorism investigation of Khan's email address on February 10, 2003, in response to a tip received from the CIA.<sup>102</sup> In order to monitor Khan's email address, the FBI would have been required to obtain a warrant for electronic surveillance under the Foreign Intelligence and Surveillance Act (FISA). Khan was eventually located in Karachi and captured by Pakistani security forces less than a month later on March 5.<sup>103</sup> He then provided information that led to the arrest of Uzair Paracha less than a month later on March 28.<sup>104</sup> Although the CIA had been collecting information on Saifullah Paracha for over a year, he was not arrested until July 5, 2003.<sup>105</sup> The FBI in conjunction with the CIA spent six months in total before each suspect was arrested.

Although the suspects were apprehended in a matter of months, the case is still ongoing because Saifullah Paracha has not yet been charged with any crimes. The costs associated with the arrest prosecution of Uzair Paracha are evident. Only one FBI agent, Janelle Miller, is listed on the criminal complaint. There were two Assistant U.S. Attorneys assigned to the prosecution: Karl Metzner and Eric B. Bruce. Uzair was convicted on November 23, 2005, following a two week jury trial and was sentenced to 30 years in prison on July 20, 2006.<sup>106</sup> It is more difficult to discern the costs of prosecuting both Majid Khan and Saifullah Paracha because they both spent time detained by foreign governments, at CIA black sites, and spent time at Guantánamo Bay while their prosecutions were delayed. After being captured in 2003, Khan and Saifullah Paracha were transferred to Guantánamo Bay on in September of 2006 and 2004, respectively.<sup>107</sup> In the period between their arrests and transfers, they were each interrogated by the CIA and possibly other agencies. In January 2010, the Guantanamo Review Task Force recommended that both men be prosecuted on war crimes.<sup>108</sup> Khan was charged with various war crimes in February of 2012.<sup>109</sup> He entered a plea deal that same month and was sentenced to 19 years.<sup>110</sup> Saifullah Paracha has not yet been charged with any crimes.

Due to the various national security concerns and to the complications that arise from trying the three suspects in two different court systems, all three cases were fraught with legal issues. For example, Uzair's defense attorney requested that KSM and Majid Khan be available to testify during Uzair's trial, a request that was denied.<sup>111</sup> For the most part, these difficulties did not have a major impact on the cost of prosecuting these individuals; however, Khan's status as the only legal resident of the United States being detained proved to be costly. In October of 2006, Khan partnered

---

<sup>102</sup> Senate Select Committee on Intelligence, "Committee Study," 335.

<sup>103</sup> Senate Select Committee on Intelligence, "Committee Study," 336.

<sup>104</sup> Senate Select Committee on Intelligence, "Committee Study," 355.

<sup>105</sup> Senate Select Committee on Intelligence, "Committee Study," 354-357.

<sup>106</sup> U.S. Attorney's Office, "Pakistani Man Convicted of Providing Material Support to al-Qaeda Sentenced to 30 Years in Federal Prison."

<sup>107</sup> "JTF-GTMO Detainee Assessment of Majid Khan" and "JTF-GTMO Detainee Assessment of Saifullah Paracha."

<sup>108</sup> "JTF-GTMO Detainee Assessment of Majid Khan" and "JTF-GTMO Detainee Assessment of Saifullah Paracha."

<sup>109</sup> Peter Finn, "Guantanamo Detainee Majid Khan Pleads Guilty, Promises Cooperation."

<sup>110</sup> Peter Finn, "Guantanamo Detainee Majid Khan Pleads Guilty, Promises Cooperation."

<sup>111</sup> Julia Preston, "Man Helped Qaeda Figure, Jury Finds Here," nytimes.com, November 24, 2005.

with the Center for Constitutional Rights (CCR)<sup>112</sup> to challenge his detention and sparked a number of legal battles. First, the Justice Department was forced to argue that Khan should not have access to a lawyer.<sup>113</sup> In 2007, a federal appeals court was forced to rule that Guantánamo detainees did not have access to the civilian court system, after the CCR petitioned for a change of venue.<sup>114</sup> Finally, the CCR unsuccessfully petitioned for habeas corpus. Although none of these efforts were successful they would have cost a great deal of money to resolve.

## 12. Relevance of the internet

The internet played an important, but not vital, role in the plot because it allowed the conspirators to communicate. However, it was not necessarily used in a savvy manner.

According to reports, Majid Khan used the email address BobDesi@hotmail.com to communicate with his fellow conspirators.<sup>115</sup> Long-distance communication would have been necessary because Khan was in Pakistan while Uzair and Saifullah Paracha frequently traveled between the United States and Pakistan. However, it is worth noting that the internet was not the only means used by the conspirators to communicate. For example, Khan and Uzair frequently communicated via phone to discuss the status of Khan's travel documents, and Khan instructed Uzair Paracha to use the internet to request information from INS regarding Khan's travel documents in person at an ice-cream shop in Karachi.<sup>116</sup> Requesting information was one of the actions taken to disguise the fact Khan was outside of the United States. For these reasons, it is difficult to say that the internet played a vital role in this strategy.

The internet was also used to gather information; however, it does not seem that the plot was far enough along that any substantial reconnaissance efforts were being made. For example, Khan admitted to researching poisons that could be used in reservoirs, but nothing related to the attack aimed at gas stations.<sup>117</sup> Khan tried unsuccessfully to obtain a gas station operations manual from his brother. Considering that many manuals are available online, it is probable that Khan would have eventually used the internet to obtain a manual and do other research.

Although the internet did not play a pivotal role in the plot itself, Khan's internet footprint greatly aided authorities as they sought to capture him. Khan displayed a relative degree of sophistication when he used a fake name in his email address, but he revealed his identity when he used the address to create a personal website under his real name, and the FBI was able to link the website to the email address through public open source information.<sup>118</sup> This discovery allowed the FBI to begin monitoring Khan's internet activities and location in February of 2003, shortly before he was captured.<sup>119</sup>

---

<sup>112</sup> Center for Constitutional Rights, "Khan v. Obama/Khan v. Gates," ccrjustice.org.

<sup>113</sup> Center for Constitutional Rights, "Khan v. Obama/Khan v. Gates," ccrjustice.org.

<sup>114</sup> Center for Constitutional Rights, "Khan v. Obama/Khan v. Gates," ccrjustice.org.

<sup>115</sup> Senate Select Committee on Intelligence, "Committee Study," 335.

<sup>116</sup> Janelle Miller, "Criminal Complaint against Uzair Paracha," 2-3.

<sup>117</sup> "JTF-GTMO Detainee Assessment of Majid Khan," 2.

<sup>118</sup> Senate Select Committee on Intelligence, "Committee Study," 335.

<sup>119</sup> Senate Select Committee on Intelligence, "Committee Study," 335.

Additionally, the FBI was able to track down the \$200,000 by electronically searching a database in Belgium.<sup>120</sup>

The Internet can be a powerful tool that terrorists can use to communicate and gain information. In this case, however, it was used sparsely and ineffectually. Indeed, it seems mostly to have benefited the authorities.

### **13. Are we safer?**

The United States is undoubtedly safer as a result of these arrests. Saifullah and Uzair Paracha and Majid Khan all possessed a key attribute: the ability to legally reside, work, and travel in the United States. Saifullah Paracha and Majid Khan were also eager al-Qaeda operatives who wanted to attack the United States. Their prior history shows that they would have attempted an attack. For example, in December of 2002, Khan delivered money to an al-Qaeda affiliate named Jemaah Islamiyah, which was used to build the truck bomb that struck the J.W. Marriot hotel in Jakarta.<sup>121</sup> He had also previously demonstrated that he was willing to sacrifice himself for al-Qaeda. Although it is unlikely that Saifullah Paracha would have been willing to sacrifice himself, he had proved willing to support al-Qaeda in other ways. He had donated video production facilities, erected hospitals on the border of Afghanistan and Pakistan during the height of the war in Afghanistan, and laundered vast sums of money. Considering the pair's intentions and potential skills, America is safer now that they are in custody.

However, it is important not to overstate the increase in security. The plot was barely developed, and the United States was under no imminent threat. Furthermore, the attack may not have succeeded: Khan may have been unable to build effective explosives or they may have encountered other setbacks.

It is more difficult to determine if the United States is significantly safer because of the arrest of Uzair Paracha. He was definitely a threat to the United States who was willing to support al-Qaeda by laundering money and through other nonviolent means. However, it is questionable whether he would have committed violent acts or directly supported an attack. Additionally, it is possible that Uzair would not have associated with al-Qaeda if his father had not been involved or was behind bars. Unlike Khan and Saifullah, who were experienced al-Qaeda operatives, Uzair had no previous ties to al-Qaeda and was adjusted to life in the United States. If his primary motivation was to obtain money for his business, it is possible that he was a mere facilitator, that did not necessarily have more deadly ambitions like his father and that he would not have committed violence. The United States is slightly safer as a result of his arrest because he had demonstrated his willingness to aid al-Qaeda. However, he was a minor player at best.

### **14. Conclusions**

There are two main takeaways from this case. First, it demonstrates that successful individuals can be radicalized and can turn to terrorism. Uzair, Saifullah, and Majid all had well paying jobs and supportive families. Khan and Uzair even lived and

---

<sup>120</sup> Barclay Walsh, "Bank Data is Sifted by U.S. in Secret to Block Terror," *nytimes.com*, June 23, 2006.

<sup>121</sup> Matthew Hay Brown, "From Owings Mills High School to a cell at Guantanamo."

worked primarily in the United States. Recently President Barack Obama and others have argued that individuals turn to groups such as the Islamic State due to a lack of opportunity. For example, in a recent op-ed in the *Los Angeles Times*, he writes, “Efforts to counter violent extremism will only succeed if citizens can address legitimate grievances through the democratic process and express themselves through strong civil societies. Those efforts must be matched by economic, educational and entrepreneurial development so people have hope for a life of dignity.”<sup>122</sup> A State Department spokeswoman Marie Harf recently argued on MSNBC’s “Hardball” that, “We need to go after the root causes that leads people to join these groups, whether it’s lack of opportunity for jobs.”<sup>123</sup> While these arguments might not be entirely wrong, this case shows that there are reasons that educated, wealthy, and successful individuals turn to terrorism. Indeed, a recent study by the New America Foundation assessing the background of 250 U.S. based militants since 9/11 found that, “They are on average middle class, reasonably well-educated family men with kids. They are, in short, ordinary Americans.”<sup>124</sup> The first step in thwarting domestic terrorism is to accurately characterize the enemy.

Second, is that the United States does not have a uniform policy regarding how to deal with captured individuals who are accused of terrorism. Khan and the Parachas were all conspirators in the same plot. They played different roles, but worked together. Yet Uzair Paracha was tried in the U.S. court system whereas Saifullah and Majid Khan were sent to Guantánamo Bay. In the U.S. court system Uzair was afforded all the rights of a U.S. citizen, could not be tortured, and was prosecuted like any other criminal. However Khan and Saifullah, were secretly detained for years, denied constitutional rights such as the ability to file habeas corpus petitions, were forbidden from testifying at Uzair’s trial, and tortured. They would not have been treated this way had they been captured inside the United States. Considering that both Khan and Saifullah were whisked around the globe to CIA prisons and eventually to Guantanamo Bay, location appears to be a largely arbitrary factor. A uniform counterterrorism policy would maximize respect for constitutional rights and treat all alleged terrorists the same, to ensure that they are prohibited from carrying out violent acts in the most efficient manner possible.

---

<sup>122</sup> Barack Obama, “Our Fight Against Violent Extremism,” *latimes.com*, February 17, 2015.

<sup>123</sup> Fox News, “State Department Spokesman Floats Jobs As Answer to ISIS,” *foxnews.com*, February 17, 2015.

<sup>124</sup> Peter Bergen, “Jihadi John: The Bourgeois Terrorist,” *CNN*, February 27, 2015.

### Links to sources

<http://www.nytimes.com/2003/08/18/international/asia/18STAN.html>  
<http://projects.nytimes.com/guantanamo/detainees/1094-saifullah-paracha>  
[http://www.investigativeproject.org/documents/case\\_docs/243.pdf](http://www.investigativeproject.org/documents/case_docs/243.pdf) (Indictment)  
[http://www.investigativeproject.org/documents/case\\_docs/242.pdf](http://www.investigativeproject.org/documents/case_docs/242.pdf) (Complaint)  
[http://www.investigativeproject.org/documents/case\\_docs/244.pdf](http://www.investigativeproject.org/documents/case_docs/244.pdf) (Sentencing)  
<http://query.nytimes.com/gst/fullpage.html?res=9A0CE0D81631F937A15752C1A9639C8B63>  
[http://www.nytimes.com/2006/06/23/washington/23intel.html?\\_r=0](http://www.nytimes.com/2006/06/23/washington/23intel.html?_r=0) (NYT)  
<http://projects.nytimes.com/guantanamo/detainees/10020-majid-khan>  
<http://www.scotusblog.com/movabletype/archives/Paracha%20petition%20208-7-07.pdf>  
<http://www.defense.gov/news/ISN10020.pdf#1>  
<http://www.fas.org/irp/news/2006/09/detaineebios.pdf>  
<http://www.immihelp.com/gc/asylum.html>  
[http://articles.baltimoresun.com/2012-03-03/news/bs-md-majid-khan-bio-20120303\\_1\\_gas-station-guantanamo-bay-jihad-jane/2](http://articles.baltimoresun.com/2012-03-03/news/bs-md-majid-khan-bio-20120303_1_gas-station-guantanamo-bay-jihad-jane/2)  
<http://www.intelligence.senate.gov/study2014/executive-summary.pdf>  
<http://archives.dailytimes.com.pk/national/24-Aug-2003/uzair-paracha-wasn-t-a-radical-say-friends>  
<http://articles.latimes.com/2005/nov/22/nation/na-bible22>  
[https://www.fas.org/irp/congress/2006\\_hr/radical.pdf](https://www.fas.org/irp/congress/2006_hr/radical.pdf)  
[https://archive.org/stream/321741-stipulation-of-facts-signed-by-majid-khan/321741-stipulation-of-facts-signed-by-majid-khan\\_djvu.txt](https://archive.org/stream/321741-stipulation-of-facts-signed-by-majid-khan/321741-stipulation-of-facts-signed-by-majid-khan_djvu.txt)  
<http://www.livemint.com/Politics/nYJVwDC71MtF8ZIDNGxAvI/Inside-the-Tablighi-Jamaat.html>  
<http://www.theguardian.com/commentisfree/belief/2009/sep/08/religion-islam-tablighi-jamaat>  
<https://www.documentcloud.org/documents/292885-isn-10020-majid-khan-sworn-charges-02142012.html>  
<http://www.washingtonpost.com/wp-srv/world/documents/majid-khan-pre-trial-agreement.html>  
<http://www.lexisnexis.com.proxyau.wrlc.org/lnacui2api/api/version1/getDocCui?lni=4821-XCB0-007C-61HY&csi=270944,270077,11059,8411&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>  
<http://politicalticker.blogs.cnn.com/2013/06/17/u-s-releases-names-of-indefinite-detainees-at-guantanamo/>  
[http://usatoday30.usatoday.com/news/washington/2006-09-06-terror-list\\_x.htm](http://usatoday30.usatoday.com/news/washington/2006-09-06-terror-list_x.htm)  
<http://www.lexisnexis.com.proxyau.wrlc.org/lnacui2api/api/version1/getDocCui?lni=4H27-SJ40-0190-X305&csi=270944,270077,11059,8411&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>  
<http://www.latimes.com/opinion/op-ed/la-oe-obama-terrorism-conference-20150218-story.html>  
<http://www.foxnews.com/politics/2015/02/17/state-department-spokeswoman-floats-jobs-as-answer-to-isis/>  
<http://www.cnn.com/2003/LAW/08/04/alqaeda.suspect/>  
<http://www.cnn.com/2015/02/19/opinion/bergen-terrorism-root-causes/>  
<http://www.thehindu.com/news/international/pakistan-pushed-for-release-of-alleged-bin-laden-associate-from-guantanamo/article1991268.ece>  
<http://www.theblaze.com/stories/2012/02/29/guantanamo-detainee-majid-khan-cuts-deal-pleads-guilty-to-murder-al-qaeda-terror-plot/>