

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

Alexandria Division

UNITED STATES OF AMERICA	)	CRIMINAL NO. 1:09CR339
	)	
v.	)	Count 1: 18 U.S.C. Section 371
	)	(Conspiracy)
ROHULLAH FAROOQI LODIN	)	
(Counts 1 and 2)	)	Count 2: 18 U.S.C. Section 201(b)(1)
and	)	(Bribery)
HASHMATULLAH FAROOQI,	)	
(Counts 1 and 2)	)	
	)	
Defendants.	)	
	)	

**INDICTMENT**

2009 Term-at Alexandria

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

**INTRODUCTION**

1. The United States Army in Afghanistan was responsible for the Commander's Emergency Response Program ("CERP"), which enabled U.S. Army commanders in Afghanistan to use U.S. monies to fund humanitarian relief and reconstruction projects in Afghanistan, including road construction projects. The U.S. Army was a constituent agency of the U.S. Department of Defense.

2. In 2009, the Regional Contracting Center-Shank located at Forward Operating Base Shank, Afghanistan, solicited bids under Contract No. W90YVD-09-C-RP02, Project No.

206130706, from contractors to design and build a road in Logar Province, Afghanistan (hereinafter the “Logar Road Contract”). The Logar Road Contract was to be funded from the CERP.

3. The Regional Contracting Center received numerous bids on the Logar Road Contract, including \$18 million bids each from National General Construction Company (“NGCC”) and Hamed Lais Group (“Hamed Lais”), both general contracting firms in Afghanistan.

4. The defendant, ROHULLAH FAROOQI LODIN (“LODIN”), was the CEO of Hamed Lais and Finance Director of NGCC.

5. The defendant, HASHMATULLAH FAROOQI (“FAROOQI”), was the General Manager of Hamed Lais and a partner of NGCC.

6. A U.S. Army Captain assigned to Logar Province was the public official (hereinafter the “Army Captain”) responsible for managing the CERP in Logar Province and the Logar Road Contract.

7. The acts referred to in this indictment were committed in Afghanistan, outside the jurisdiction of any particular state or district of the United States. On or about June 4, 2009, defendants LODIN and FAROOQI were first brought and arrested within the Eastern District of Virginia; therefore, pursuant to Title 18, United States Code, Section 3238, the United States District Court for the Eastern District of Virginia is a proper venue for the trial of the offenses alleged in this indictment.

8. The above introductory allegations are realleged and incorporated in each count of this Indictment as if fully set forth in each count.

COUNT 1

(Conspiracy)

9. Between in or about April 2009, through on or about May 31, 2009, defendants ROHULLAH FAROOQI LODIN and HASHMATULLAH FAROOQI knowingly conspired and agreed with each other and with others known and unknown to the grand jury: (1) to defraud the United States; and (2) to commit an offense against the United States, namely, to knowingly and corruptly offer and promise a thing of value to a public official with intent to influence an official act and to influence the public official to commit and aid in committing a fraud on the United States, in violation of 18 U.S.C. Sections 201(b)(1)(A) and (B).

PURPOSE OF THE CONSPIRACY

10. It was the purpose of the conspiracy for defendants LODIN and FAROOQI to unjustly enrich themselves financially by offering money to a government contracting official in return for obtaining the award of the Logar Road Contract and other favors to assist and advance the defendants' business interests in Logar Province, Afghanistan.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants sought to accomplish the purpose of the conspiracy included, among other things:

11. An official of the Afghan government in Logar Province asked a representative of the U.S. Army to meet with defendants LODIN and FAROOQI to discuss their business interests in projects funded by the CERP in Logar Province.

12. Subsequently, defendants LODIN and FAROOQI met with the Army Captain responsible for CERP projects at the U.S. Army Forward Operating Base Shank in Afghanistan on

at least four separate occasions in pursuit of the Logar Road Contract and other business opportunities with the U.S. Army.

13. Defendants LODIN and FAROOQI told the Army Captain that they represented two Afghan construction companies, Hamed Lais and NGCC, which were interested in securing the Logar Road Contract.

14. Defendants LODIN and FAROOQI told the Army Captain that they had political connections and that, to facilitate the award of the Logar Road Contract to Hamed Lais and NGCC, LODIN and FAROOQI would arrange for the blacklisting of lower priced bidders currently ranked ahead of their bid.

15. Over the course of the meetings, defendants LODIN and FAROOQI offered and promised the Army Captain \$1 million if the Army Captain agreed to disqualify other bidders and influence the award of the Logar Road Contract to the defendants and their companies. Specifically, the defendants offered and promised, in the alternative, to: (1) wire the Army Captain \$1 million through Dubai or Bangkok to a bank account; (2) pay the Army Captain \$500,000 out of the first payment under the contract, and \$500,000 at the conclusion of the contract; and (3) pay the Army Captain \$200,000 in cash out of the \$1 million offer before the award of the contract.

#### OVERT ACTS

In furtherance of the conspiracy and to effect its purpose and objects, defendants LODIN and FAROOQI committed the following overt acts, among others:

16. On or about May 17, 2009, defendants LODIN and FAROOQI met with the Army Captain at Forward Operating Base Shank in Afghanistan, after an Afghan official in Logar

Province requested that officials of the U.S. Army meet with the defendants regarding their interest in doing work for the U.S. Army in Logar Province.

17. On or about May 21, 2009, defendants LODIN and FAROOQI met with the Army Captain at Forward Operating Base Shank in Afghanistan, and discussed how they would pay the Army Captain to influence the award of the Logar Road Contract.

18. On or about May 24, 2009, defendant LODIN sent the Army Captain an email requesting information about the status of the Logar Road Contract.

19. On or about May 27, 2009, defendants LODIN and FAROOQI met with the Army Captain at Forward Operating Base Shank in Afghanistan, and discussed how they would pay the Army Captain to influence the award of the Logar Road Contract.

20. On or about May 31, 2009, defendants LODIN and FAROOQI met with the Army Captain at Forward Operating Base Shank in Afghanistan, and discussed how they would pay the Army Captain to influence the award of the Logar Road Contract.

(In violation of Title 18, United States Code, Section 371)

COUNT 2

(Bribery)

21. On or about May 17, 2009, through on or about May 31, 2009, defendants LODIN and FAROOQI, in Afghanistan, knowingly and corruptly offered and promised a public official a thing of value with intent to influence an official act and to influence the public official to commit and aid in committing a fraud against the United States, namely, the defendants offered to pay the Army Captain \$1 million, if the Army Captain agreed to influence the award of the Logar Road Contract to defendants LODIN and FAROOQI and their companies.

(In violation of Title 18, United States Code, Sections 201(b)(1))(A) and (B))


A TRUE BILL.  
Pursuant to the E-Government Act,  
the original of this page has been filed  
under seal in the Clerk's Office.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
FOREPERSON

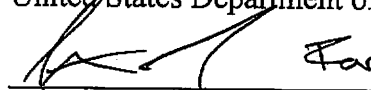
DANA J. BOENTE  
UNITED STATES ATTORNEY

By:

  
\_\_\_\_\_  
Steve A. Linick  
Counsel for the United States  
Special Assistant U.S. Attorney  
Va. Bar: 66136  
United States Attorney's Office  
2100 Jamieson Avenue  
Alexandria, Virginia 22314  
703-299-3773  
Fax: 202-353-1630  
Email: steve.linick@usdoj.gov

STEVEN A. TYRRELL  
CHIEF, FRAUD SECTION  
Criminal Division  
United States Department of Justice

By:

  
\_\_\_\_\_  
James Graham  
Trial Attorney

*For James Graham*

JS 45 (01/2008)

REDACTED

**Criminal Case Cover Sheet**

**U.S. District Court**

**Place of Offense:** Under Seal: Yes  No  **Judge Assigned:** LOG  
**City** Afghanistan **Superseding Indictment**  **Criminal Number:** 1:09CR 339  
**County/Parish** \_\_\_\_\_ **Same Defendant**  **New Defendant** \_\_\_\_\_  
**Magistrate Judge Case Number** 1:09MJ378 **Arraignment Date:** \_\_\_\_\_  
**Search Warrant Case Number** \_\_\_\_\_  
**R 20/R 40 from District of** \_\_\_\_\_  
**Related Case Name and No:** \_\_\_\_\_

**Defendant Information:**

**Juvenile --Yes  No  FBI #** \_\_\_\_\_  
**Defendant Name:** Rohullah Farooqi Lodin **Alias Name(s)** \_\_\_\_\_  
**Address:** ██████████ Irvine, CA 92614  
**Employment:** Contractor Afghanistan

**Birth date** ██████████ 1961 **SS#** ██████████ 8959 **Sex** M **Def Race** W **Nationality** Afghan/U.S. **Place of Birth** Kabul, Afghanistan  
**Height** 5'11" **Weight** 215 **Hair** Black **Eyes** Brown **Scars/Tattoos** \_\_\_\_\_  
**Interpreter:**  **No**  **Yes** **List language and/or dialect:** \_\_\_\_\_ **Automobile Description** \_\_\_\_\_

**Location Status:**

**Arrest Date** June 4, 2009  
 **Already in Federal Custody as of** June 4, 2009 **in** Alexandria Jail  
 **Already in State Custody**  **On Pretrial Release**  **Not in Custody**  
 **Arrest Warrant Requested**  **Fugitive**  **Summons Requested**  
 **Arrest Warrant Pending**  **Detention Sought**  **Bond** \_\_\_\_\_

**Defense Counsel Information:**

**Name:** G. Allen Dale  **Court Appointed**  **Counsel conflicted out:** \_\_\_\_\_  
Law Office of G. Allen Dale  
601 Pennsylvania Ave., NW  
North Building, Suite 900  
**Address:** Washington, DC 20004  **Retained** \_\_\_\_\_  
**Telephone:** 202-638-2900  **Public Defender**  **Federal Public Defender's Office conflicted out:** \_\_\_\_\_

**U.S. Attorney Information:**

**AUSA** Steve Linick **Telephone No:** ██████████ **Bar #** VA 66136


**Complainant Agency, Address & Phone Number or Person & Title:**

SA Katherine Freeburg, FBI, 9325 Discovery Blvd., Manassas, VA 20109; ██████████

**U.S.C. Citations:**

	<u>Code/Section</u>	<u>Description of Offense Charged</u>	<u>Count(s)</u>	<u>Capital/Felony/Misd/Petty</u>
Set 1	<u>18 U.S.C. § 371</u>	<u>Conspiracy</u>	<u>1</u>	<u>Felony</u>
Set 2	<u>18 U.S.C. § 201(b)(1)</u>	<u>Bribery of Army Official</u>	<u>2</u>	<u>Felony</u>
Set 3	_____	_____	_____	_____

(May be continued on reverse)

**Date:** 7/24/09 **Signature of AUSA:** 

JS 45 (01/2008)

REDACTED

**Criminal Case Cover Sheet**

**U.S. District Court**

**Place of Offense:** Afghanistan **Under Seal:** Yes  No  **Judge Assigned:** LOG  
**City** Afghanistan **Superseding Indictment**  **Criminal Number:** 1:09CR 33A  
**County/Parish** \_\_\_\_\_ **Same Defendant**  **New Defendant**   
**Magistrate Judge Case Number** 1:09MJ378 **Arraignment Date:** \_\_\_\_\_  
**Search Warrant Case Number** \_\_\_\_\_  
**R 20/R 40 from District of** \_\_\_\_\_  
**Related Case Name and No:** \_\_\_\_\_

**Defendant Information:**

**Juvenile --Yes**  **No**  **FBI #** \_\_\_\_\_  
**Defendant Name:** Hashmatullah Farooqi **Alias Name(s)** \_\_\_\_\_  
**Address:** ██████████ New York, NY 11767  
**Employment:** Contractor Afghanistan  
**Birth date** 1971 **SS#** ██████████ 0513 **Sex** M **Def Race** W **Nationality** Afghan/U.S. **Place of Birth** Afghanistan  
**Height** 5'8" **Weight** \_\_\_\_\_ **Hair** \_\_\_\_\_ **Eyes** \_\_\_\_\_ **Scars/Tattoos** \_\_\_\_\_  
**Interpreter:**  **No**  **Yes** **List language and/or dialect:** \_\_\_\_\_ **Automobile Description** \_\_\_\_\_

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**Defense Counsel Information:**

**Name:** Danny Onorato  **Court Appointed**  **Counsel conflicted out:** \_\_\_\_\_  
Schertler & Onorato, LLP  
601 Pennsylvania Ave.,  
North Building, 9<sup>th</sup> Floor  
**Address:** Washington, DC 20004  **Retained** \_\_\_\_\_  
**Telephone:** (202) 628-4199  **Public Defender**  **Federal Public Defender's Office conflicted out:** \_\_\_\_\_

**U.S. Attorney Information:**

**AUSA** Steve Linick **Telephone No:** ██████████ **Bar #** VA 66136

**Complainant Agency, Address & Phone Number or Person & Title:**

**SA** Katherine Freeburg, FBI, 9325 Discovery Blvd., Manassas, VA 20109; ██████████

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Set 3	_____	_____	_____	_____

(May be continued on reverse)

**Date:** 7/24/09 **Signature of AUSA:** 