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Three Brothers Sentenced to Life Prison Terms for Conspiring to Kill U.S. Soldiers

(More)

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CAMDEN – Three brothers who were convicted of plotting to kill members of the U.S. military during an armed attack on a military base were sentenced today to life prison terms, Acting United States Attorney Ralph J. Marra, Jr. announced.

U.S. District Judge Robert B. Kugler sentenced Dritan Duka and Shain Duka to prison terms of life plus an additional, consecutive 30 years. The third brother, Eljvir Duka, received a life prison term. There is no parole in the federal system.

Judge Kugler, who presided over a 12-week trial of the Dukas and two other co-defendants, also ordered the Dukas to pay \$125,000 in restitution to the Department of the Army for the costs of added security measures undertaken in response to the plot..

The final two defendants, Mohamad Ibrahim Shnewer and Serdar Tatar, are scheduled to be sentenced tomorrow by Judge Kugler.

“The hatred and contempt these young men hold for America and the rule of law was made abundantly clear during the investigation, at trial and even today as they spoke at their sentencings,” said Marra. “Not one word of contrition was heard from any of them, only more hatred and contempt. For their actions and their words, the sentences are appropriate to both protect the public from them and their deeply held, radical beliefs and to deter others who would act similarly.”

“The sentences handed down today against these defendants underscore the importance of vigilance,” said Special Agent in Charge Janice K. Fedarczyk, of the Philadelphia Division of the FBI. “We in law enforcement, at every level, must work together with the public to remain alert to, and responsive to, every threat to insure that terrorism threats do not become terrorist acts. Defeating terrorism remains the FBI's top priority.”

“These sentences are the culmination of an extensive federal, state and local law enforcement operation,” said David Kris, Assistant Attorney General for National Security. “While these defendants were not members of an international terrorist organization, their homegrown plot to murder U.S. military personnel was no less serious or potentially deadly.”

The case was tried by Deputy Assistant U.S. Attorney William E. Fitzpatrick and Assistant U.S. Attorney Michael A. Hammer, Jr., Chief of the U.S. Attorney’s Office Counter-Terrorism Unit.

The defendants’ arrests occurred on May 7, 2007, in Cherry Hill as Dritan and Shain Duka were meeting a confidential government witness to purchase four automatic M-16 rifles and three semi-automatic AK-47 rifles to be used in a future attack on military personnel. The other defendants were arrested at various locations at about the same time.

On Dec. 22, 2008, after 5½ days of deliberations, a jury convicted the three Duka brothers, Shnewer and Tatar on Count One of the seven-count Superseding Indictment that charged them with conspiracy to murder members of the U.S. military. The jury also convicted the Dukas and Shnewer of firearm offenses; including possession of machine guns. See below for conviction details on each of the defendants.

The evidence proved that one member of the group conducted surveillance at Fort Dix and Fort Monmouth in New Jersey, Dover Air Force Base in Delaware and the U.S. Coast Guard in Philadelphia. The co-conspirators obtained a detailed map of Fort Dix, where they hoped to use assault rifles to kill as many soldiers as possible, according to trial testimony and evidence.

During the trial, the jury viewed secretly recorded videotapes of the defendants performing small-arms training at a shooting range in the Pocono Mountains in Pennsylvania and watching training videos amongst themselves that included depictions of American soldiers being killed and of known foreign Islamic radicals urging jihad against the United States.

The defendants and the charges on which each was convicted are as follows:

- Mohamad Ibrahim Shnewer, 24, of Cherry Hill: conspiracy to murder members of the members of the U.S. military, and the attempted possession of AK-47 semi-automatic assault weapons to be used in the attack.
- Dritan Duka, 30 of Cherry Hill: conspiracy to murder members of the U.S. military; possession of machine guns; possession and attempted possession of machine guns in furtherance of a crime of violence; and two counts of possession of firearms by an illegal alien.
- Shain Duka, 28, of Cherry Hill: conspiracy to murder members of the U.S. military; possession of machine guns; possession and attempted possession of machine guns in furtherance of a crime of violence; and two counts of possession of firearms by an illegal alien.
- Eljvir Duka, 25, of Cherry Hill: conspiracy to murder members of the U.S. military, and possession of firearms by illegal aliens. The jury acquitted on one count of possession and attempted possession of machine guns in furtherance of a crime of violence.
- Serdar Tatar, 25, of Philadelphia: conspiracy to murder members of the U.S. military.

A sixth co-defendant, Agron Abdullahu, 26, of Buena Vista Township, Atlantic County, pleaded guilty before Judge Kugler on Oct. 31, 2007, to aiding and abetting the Duka brothers' illegal possession of weapons. Abdullahu was arrested on May 7, 2007, along with the defendants convicted today. On March 31, 2008, Judge Kugler sentenced Abdullahu to

20 months in federal prison.

In determining the sentences, Judge Kugler consulted the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The judge, however, was not bound by those guidelines in determining a sentence.

Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Marra credited the Special Agents of the FBI's Philadelphia Division and the FBI South Jersey Joint Terrorism Task Force, under the direction of Special Agent in Charge Fedarcyk, in Philadelphia, for investigation of the case.

Marra and Fedarcyk also thanked investigators with member agencies of the FBI South Jersey Joint Terrorism Task Force, which comprises ICE's Philadelphia Division, under the direction of Special Agent in Charge John P. Kelleghan, the Camden County Prosecutor's Office, under the direction of the Prosecutor Warren W. Faulk, NJ State Police, under the direction of Col. Joseph "Rick" Fuentes, Superintendent, and the Delaware River Port Authority Police, under the direction of Chief Dave McClintock, for their tireless efforts on the investigation.

Additionally, Marra and Fedarcyk would like to thank the following agencies for their assistance and support: the U.S. military services at Fort Dix, Fort Monmouth, Dover Air Force Base, the U.S. Coast Guard in Philadelphia and the Naval Criminal Investigative Service, along with the Cherry Hill Police Department, Mt. Laurel Police Department, Cherry Hill Fire Department, Camden County Sheriff's Department, Philadelphia Police Department, Pennsylvania State Police, the Burlington County Prosecutor's Office, and N.J. Homeland Security.

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Defense Counsel:

Eljvir Duka: Troy Archie, Esq., Camden

Shain Duka: Michael Riley, Esq., Moorestown

Dritan Duka: Michael Huff, Esq., Camden