

## U.S. Charges Ex-Taliban Commander in Killing of 3 Soldiers in '08 Attack

The man, Haji Najibullah, was charged last year with kidnapping an American journalist and two Afghan nationals months after the deadly assault.

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On a June day in 2008, three U.S. soldiers and an Afghan interpreter were ambushed and killed when their Humvee convoy was hit during a combat patrol by mines and rocket-propelled grenades about 50 miles south of Kabul. At least one of the men was dragged off and dismembered, Afghan and Western officials said at the time.

More than 13 years after the brutal attack and about a month after America's two-decade war in Afghanistan ended, a man whom the federal authorities described as a former Taliban commander was charged on Thursday with four counts of murder in the killings as well as other terrorism-related crimes, including the downing of a U.S. military helicopter.

The man, Haji Najibullah, was already in federal custody after being charged last year with kidnapping an American journalist and two Afghan nationals who were taken hostage at gunpoint several months after the deadly roadside offensive.

"Haji Najibullah led a vicious band of Taliban insurgents who terrorized part of Afghanistan and attacked U.S. troops," Audrey Strauss, the U.S. attorney in Manhattan, said in a statement on Thursday announcing the unsealing of the new charges. She added that "neither time nor distance can weaken our resolve to hold terrorists accountable for their crimes."

Mr. Najibullah pleaded not guilty to the kidnapping charges last year. Mark B. Gombiner, his federal public defender, declined to comment on the new charges on Thursday. The circumstances of Mr. Najibullah's capture and arrest remained unclear. Last year, the authorities said only that he had been transferred to the United States from Ukraine.

The three soldiers who died in the 2008 attack — Sgt. First Class Matthew L. Hilton, 37, of Livonia, Mich.; Sgt. First Class Joseph A. McKay, 51, of Cambria Heights, Queens; and Specialist Mark C. Palmateer, 38, of Poughkeepsie, N.Y. — were members of the Army National Guard and among more than 2,400 service members killed in the Afghanistan conflict.

The interpreter, Muhammad Fahim, 21, was one of tens of thousands of Afghans who were killed in the war. He had been working with the Americans for three years when he died.

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Calls to relatives of Sergeant McKay and Specialist Palmateer were not immediately returned on Thursday.

The indictment unsealed on Thursday included scant details about the deadly attack. But in an article published several months after the incident, The New York Times reported that the men were in three Humvees near a village called Tangi heading east toward Logar Province when they came under assault.

With improvised explosive devices, small-arms fire and rocket-propelled grenades raining down, one of the vehicles struck a mine, an Afghan military official told The Times. But the convoy apparently kept moving, until a second Humvee hit a mine and caught fire, the Afghan official said. The flames were so fierce that the trees around the vehicle burned, too.

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The downing of the helicopter in Wardak Province that Mr. Najibullah was charged in came about four months after the roadside attack, according to the indictment. The Taliban claimed responsibility for shooting down the aircraft and falsely asserted that all those who were on board had been killed, when in reality no troops had died, the indictment said.

About two weeks after that, according to the federal prosecutors, Mr. Najibullah and others, who were armed with machine guns, abducted the American journalist and the Afghans. The hostages — David Rohde, a New York Times reporter; Tahir Ludin, an Afghan journalist; and their driver — were on a trip during which Mr. Rohde was to interview a Taliban commander in Logar Province.

The three men were held captive for seven months before Mr. Rohde and Mr. Ludin made a desperate nighttime escape from a Taliban compound in North Waziristan, in Pakistan's tribal areas, that included dropping down a high wall with a rope and making their way to a Pakistani militia post. The driver, Asadullah Mangal, managed to flee five weeks later.

Mr. Rohde has written that the commander he planned to interview was called Abu Tayeb, a name that the indictment unsealed on Thursday cited as one of several aliases used by Mr. Najibullah.

A news release issued by Ms. Strauss's office along with the 13-count indictment said that the maximum penalty for most of the crimes that Mr. Najibullah was charged with was life in prison.

Benjamin Weiser contributed reporting. Jack Begg contributed research.