

Attachment A

SUMMARY OF THE EXPECTED TESTIMONY
OF EVAN KOHLMANN

Expert Report I – U.S. v. Daniel Patrick Boyd et al.

Evan F. Kohlmann

April 2011

My full name is Evan Francois Kohlmann. I am a private International Terrorism Consultant who specializes in tracking Al-Qaida and other contemporary terrorist movements. I hold a degree in International Politics from the Edmund A. Walsh School of Foreign Service (Georgetown University), and a Juris Doctor (professional law degree) from the University of Pennsylvania Law School. I am also the recipient of a certificate in Islamic studies from the Prince Alwaleed bin Talal Center for Muslim-Christian Understanding (CMCU) at Georgetown University. I currently work as an investigator with the NEFA Foundation and as an on-air analyst for NBC News in the United States. I also run an Internet website Globalterroralert.com that provides information to the general public relating to international terrorism. I am author of the book Al-Qaida's Jihad in Europe: the Afghan-Bosnian Network (Berg/Oxford International Press, London, 2004) which has been used as a teaching text in graduate-level terrorism courses offered at such educational institutions as Harvard University's Kennedy School of Government, Princeton University, and the Johns Hopkins School of Advanced International Studies (SAIS).

As part of my research beginning in approximately 1997, I have traveled overseas to interview known terrorist recruiters and organizers (such as Abu Hamza al-Masri) and to attend underground conferences and rallies; I have reviewed thousands of open source documents; and, I have amassed one of the largest digital collections of terrorist multimedia and propaganda in the world. The open source documents in my collection include sworn legal affidavits, original court exhibits, video and audio recordings, text communiqués, eyewitness testimonies, and archived Internet websites. I have testified on eleven occasions as an expert witness in jurisdictions beyond the United States—including the United Kingdom, Denmark, Australia, and Bosnia-Herzegovina. I have testified twice as an expert witness in U.S. civil cases, Gates v. Syrian Arab Republic and Amduso v. Sudan before the U.S. District Court for the District of Columbia. I have additionally testified as an approved expert witness in United States federal and military courts in seventeen criminal cases; including:

- United States v. Sabri Benkhala (Eastern District of Virginia, 2004)
- United States v. Ali Timimi (Eastern District of Virginia, 2005)
- United States v. Uzair Paracha (Southern District of New York, 2005)
- United States v. Ali Asad Chandia (Eastern District of Virginia, 2006)
- United States v. Yassin Aref (Northern District of New York, 2006)
- United States v. Sabri Benkhala (Eastern District of Virginia, 2007)
- United States v. Rafiq Sabir (Southern District of New York, 2007)
- United States v. Emadeddine Muntasser (District of Massachusetts, 2007)

- United States v. Hassan Abu Jihaad (District of Connecticut, 2008)
- United States v. Mohammed Amawi et al. (Northern District of Ohio, 2008)
- United States v. Salim Hamdan (Guantanamo Bay Military Commissions, 2008)
- United States v. Ali Hamza al-Bahlul (Guantanamo Bay Military Commissions, 2008)
- United States v. Mohamed Shnewer et al. (District of New Jersey, 2008)
- United States v. Oussama Kassir (Southern District of New York, 2009)
- United States v. Syed Haris Ahmed (Northern District of Georgia, 2009)
- United States v. Ehsanul Sadequee (Northern District of Georgia, 2009)
- United States v. Pete Seda et al. (District of Oregon, 2010)

In United States v. Uzair Paracha, Federal District Judge Sidney Stein held a Daubert hearing on my qualifications as an expert witness and issued a ruling concluding: “Evan Kohlmann has sufficient education, training, and knowledge to be qualified as an expert, and... Kohlmann’s methodology—that is, his process of gathering sources, including a variety of original and secondary sources, cross-checking sources against each other, and subjecting his opinions and conclusions to peer review—is sufficiently reliable to meet the standards for admissibility of expert testimony set by the Federal Rules of Evidence.”

Likewise, in United States v. Hassan Abu Jihaad, Federal District Judge Mark Kravitz held a Daubert hearing on my qualifications as an expert witness and issued a ruling concluding, “Mr. Kohlmann is certainly qualified to provide expert testimony... Mr. Kohlmann is qualified by means of his education, training, background, and experience to testify as an expert on terrorism... Mr. Kohlmann has conducted first-hand interviews of several leaders of terrorist organizations and has reviewed reams of information about al Qaeda... and the other subjects on which he will offer testimony. Indeed... it is apparent that these subjects are Mr. Kohlmann’s life work, and he has, therefore, acquired a considerable amount of information and documentation on these subjects... Mr. Kohlmann’s work receives a considerable amount of peer review from academic scholars and others, and by all accounts, Mr. Kohlmann’s work is well regarded.”

Similarly, during United States v. Syed Haris Ahmed, Federal District Judge William S. Duffey Jr. held a Daubert hearing on my qualifications as an expert witness, and noted in his published ruling, “Kohlmann has developed an understanding of terrorist organization structures, operations, and membership, allowing him to speak with authority about Al-Qaeda in Iraq, Lashkar-e-Taiba, and Jaish-e-Mohammed. His research and experience have provided him a base of understanding far greater, and far more sophisticated, than of the Court or of jurors... A person lacking Kohlmann’s advanced knowledge of JeM and LeT essentially would not be able to recognize the information on Khan’s hard drive as information that might link a person to JeM or LeT.”

Most recently, on February 4, 2011, the U.S. 2nd Circuit Court of Appeals issued a formal ruling regarding the admissibility of my testimony during United States v. Rafiq Sabir (2007): “Kohlmann has, in fact, been qualified as an expert on al Qaeda and terrorism in a number of federal prosecutions... Kohlmann’s proposed expert testimony had a considerable factual basis... We conclude that the district court acted well within

its discretion in concluding that Kohlmann's testimony satisfied the enumerated requirements of Rule 702... Such testimony was plainly relevant to mens rea."

In April 2010, I was asked by the U.S. Attorney's Office for the Eastern District of North Carolina to review evidence gathered during the criminal investigation in the above-entitled case, United States v. Daniel Patrick Boyd, et al., including (but not limited to): the contents of computer hard disks, DVD/CD data discs, and other digital media seized from various suspects; weapons, and combat gear possessed by the defendants; records of travel and Internet use by the defendants; reports from an FBI confidential source; and, FBI FD-302 summaries of interviews with defendant Daniel Boyd (a.k.a. "Saifullah"). I was thereupon further requested to produce a comprehensive report based upon my skills, training, knowledge, and experience offering an expert assessment of the significance of those materials.

Following a lengthy review of the evidence assembled by the U.S. Attorney's Office and the Federal Bureau of Investigation (FBI) in the present case, I have concluded that there is a high probability that the defendants fit the classic profile of contemporary violent extremists, and that there is a high probability of the existence of a "homegrown" terrorist network—one which is already in possession of resources which would be essential to a person or persons attempting to join a terrorist organization or preparing an act of terrorism. Based upon my analysis of the evidence, the defendants have been actively engaged in covert paramilitary training courses, the systematic viewing and sharing of hardcore Al-Qaida propaganda videos, stockpiling automatic weapons and sniper rifles, and recruiting other individuals with the goal of carrying out a terrorist attack—either inside American borders or alternatively targeting U.S. interests abroad.¹

I. THE TREND OF DECENTRALIZED TERRORISM / HOMEGROWN TERRORISM

For almost a decade between 1991 and 2001, Saudi exile Usama Bin Laden worked tirelessly to build the alliance of jihadi organizations that became known as Al-Qaida from its very foundations. Much of his efforts were often expended on consolidating leadership, training, and financial assets that had previously been divvied up amongst a variety of different sub-entities. According to founding Al-Qaida Shura Council member Mamdouh Mahmud Salim (a.k.a. Abu Hajar al-Iraqi), "Abu Abdullah [Bin Laden] had tendency to favor a policy of centralization... and felt obligated to assemble the Arabs in one location, train and prepare them to be a single mobilized fighting brigade."²

However, Bin Laden had apparently overestimated the importance of group centralization, neglecting the benefits afforded to him by Al-Qaida's loose, amalgamated infrastructure. Already by the late 1980s, those around Bin Laden warned him that their attempts to create strict administration and hierarchy within the mujahideen were ending

¹ It should be noted that while I have provided numerous citations from the evidence in the present case to support my analysis and conclusions, in the interests of brevity, I have refrained from citing every single piece of evidence that does support those same conclusions.

² Muhammad, Basil. Al-Ansarul'Arab fi Afghanistan. The Committee for Islamic Benevolence Publications; ©1991. Page 199.

in disaster. Mamdouh Salim—appointed by Bin Laden to assist him in the regimentation of the Arabs in Afghanistan—admitted in mujahideen memoirs, “we tried our best to correct the brothers, but I should admit that... I was mistaken about the task of management. I thought of people what I had read about them in books—if you were to say to someone, ‘Fear Allah’, then that’s fine, he would fear Allah! ...I believed that just like I could flip a switch to make a light turn on and off, I could also similarly handle people!”³

Bin Laden also failed to fully grasp how the relative “openness” of his movement and the perceived lack of hierarchy appealed to young jihadist recruits. In the world of Al-Qaida and the Arab-Afghan mujahideen, even the most junior of operatives could potentially gain high status within the organization by either demonstrating useful skills, or else by volunteering to sacrifice themselves on behalf of the mission. In other words, Al-Qaida offered an equal opportunity at fame and recognition to nearly any sympathetic soul willing to risk death or imprisonment. When agents from the U.S. Federal Bureau of Investigation (FBI) apprehended a junior Al-Qaida operative who helped build the suicide truck bombs used to attack two U.S. embassies in East Africa in 1998, he boasted of his own role in the plot and explained that he “was attracted to Usama Bin Ladin and the group Al Qaeda because it did not matter what nationality you were” and because Al Qaeda members did not explicitly follow “orders from a chain of command” in the same way as more traditional terrorist organizations.⁴

Faced with a resounding defeat on the peaks of Tora Bora on the Afghan-Pakistani border, a group of high-ranking Al-Qaida commanders decided to re-think the jihadi military campaign against the West. In 2002 and 2003, this shift in strategy became noticeable following a series of dramatic kamikaze bombing attacks targeting Westerners in a host of countries, from Indonesia to Morocco. Al-Qaida’s then-official website—the Al-Neda Center for Islamic Studies and Research—published a landmark book by an Al-Qaida leader in Saudi Arabia named Shaykh Yusuf al-Ayyiri acknowledging that these attacks marked a new phase in evolution for Al-Qaida. According to al-Ayyiri, “the Al-Qaida Organization has adopted a strategy in its war with the Americans based on expanding the battlefield and exhausting the enemy, who spread his interests over the globe, with successive and varied blows... Expanding the battlefield has invaluable benefits. The enemy, who needed to protect his country only, realized that he needed to protect his huge interests in every country. The more diversified and distant the areas in which operations take place, the more exhausting it becomes for the enemy, the more he needs to stretch his resources, and the more he becomes terrified.”⁵

In the wake of 9/11, prominent jihad recruiters in Europe who had previously encouraged others to travel to mujahideen training camps in Afghanistan, Bosnia-Herzegovina, and Chechnya began shifting the direction of their message—and placing emphasis on the individual nature and responsibility of jihad. At a conference in the

³ Muhammad, Basil. *Al-Ansaru l’Arab fi Afghanistan*. The Committee for Islamic Benevolence Publications; ©1991. Page 196.

⁴ Government Exhibit GX-6 (Interview of Mohammed Sadiq Odeh by FBI Agent John Anticev). *U.S. v. Usama Bin Laden, et al.* S(7) 98 Cr. 1023 (LBS). United States District Court, Southern District of New York.

⁵ Al-Neda Center for Islamic Studies and Research. “The Operation of 11 Rabi al-Awwal: The East Riyadh Operation and Our War With the United States and its Agents.” August 2003. Translated into English by the United States Foreign Broadcast Information Service (FBIS).

United Kingdom in October 2002, hook-handed Egyptian cleric Abu Hamza al-Masri admonished his audience, “We need to resist, we need to fight, even alone. And you can’t go now to learn in Afghanistan or Eritrea as before. Now, a war zone is a war zone. There is no need for camping, there is no facilities for camping... A lot of the skills you need for the frontline, you can learn from here... Where are you? What can you do in your area?”⁶ The leader of the Al-Muhajiroun movement in the U.K. Shaykh Omar Bakri Mohammed echoed these same comments and added, “the Ummah [should] know it is obligatory upon them to engage in... preparation and to engage in the jihad. And each one must find their own way. There is no need yourself to contact somebody here or there. You find your own way! Sincerely, you will get it. You do not want to put someone else in trouble. You, look for yourself! ...Seek it! You will get it!”⁷ According to a widely respected jihadi ideologue who goes by the pseudonym “Louis Atiyatullah”, the advantage of such a strategy is that “collective organized work is not affected by the loss of individuals, because individuals are easily replaced with others. The organization exists not on any individual; rather it operates as number of distributed responsibilities where the loss of individuals is redundant. This is one of the secrets of the effectiveness of Al-Qaida and their success in group operations.”⁸

Encouraged by multi-lingual terrorist propaganda and online instructional material, a flurry of would-be homegrown extremists have emerged across Europe and North America in bids to form their own autonomous local militant networks loosely styled on the philosophy of Al-Qaida. These cases have helped to establish a general objective profile of a prototypical “homegrown” terrorist network. Based upon my skills, education, training, and past experience in analyzing precisely such cases, the principle relevant factors as to whether a person or persons might fit the profile of a “homegrown” terrorist network include:

- The Formulation of Self-Selecting Schemes Aimed at Traveling Abroad to Join Foreign Terrorist Organizations, and/or Achieving Imminent Acts of Physical Violence;
- The Acquisition of Automatic Weapons and Sniper Rifles (Including Requisite Accessories Such As Sniper Scopes), Paramilitary Training Manuals, and the Establishment of Makeshift Training Camps;
- The Adoption of a Hardline Sectarian Religious Perspective, Often Identified With the “Salafi-Jihadi” or “Takfiri” School (Evidenced by the Possession And/Or Distribution of Extremist Ideological Materials);
- The Use of Coded Language and Attempts at Logistical Subterfuge (i.e. Attempts to Secret or Hide One’s Activities); and,
- The Deliberative Collection and Redistribution of Large Quantities of Terrorist Propaganda.

⁶ Speech given at “Iraq Today Mecca Tomorrow.” National Conference held in Leicester, United Kingdom; organized by Al-Muhajiroun, P.O. Box 349 London N9 7RR. October 27, 2002.

⁷ Speech given at “Iraq Today Mecca Tomorrow.” National Conference held in Leicester, United Kingdom; organized by Al-Muhajiroun, P.O. Box 349 London N9 7RR. October 27, 2002.

⁸ Atiyatullah, Louis. “The Badr Al-Riyadh Tape: A Well Organized Al-Qaida’s Media Strategy Revealed.” The Global Islamic Media Centre (GIM). 2004. Page 2.

II. THE FORMULATION OF SELF-SELECTING SCHEMES AIMED AT TRAVELING ABROAD TO JOIN FOREIGN TERRORIST ORGANIZATIONS, AND/OR ACHIEVING IMMINENT ACTS OF PHYSICAL VIOLENCE

Though traditional terrorist organizations tended to be fairly hierarchical—meaning that any orders to carry out an attack would come from top leaders of the group—“homegrown” networks function in a much different and more complex fashion. Without the benefit of advice or guidance from above, “homegrown” violent extremists must devise their own schemes and plans. Among jihadi-style extremists, these self-selecting schemes revolve around two chief goals: traveling abroad to actively locate and join a foreign terrorist organization, and/or independently carrying out a random terrorist attack at home which is philosophically in line with the principles and methodology of a foreign terrorist organization.

In the present case, there is quite a substantial degree of evidence indicating planning on the part of the defendants to achieve one or both of these goals. Defendant Daniel Boyd was an outspoken supporter of violent extremist movements overseas, and insisted in one e-mail message provided to me by the U.S. Attorney’s Office, “I swear in front of Almighty Allah, that we have no worth under the sun if we do not pick up arms and fight for the Sake of Allah. In fact, we are NOT BELIEVERS if we don’t.”⁹ Boyd appears to have had a personal preference for traveling to join a foreign jihadi movement, as opposed to carrying out homegrown terrorist activity within U.S. borders: “he does not want to do any harm in America because it is his country.”¹⁰ According to a report from an FBI confidential informant in the present case, “Boyd commented that it would be better off to join the mujahideen over there than here because we can do more there at the front lines.” Boyd engaged other defendants in discussions regarding which conflict zone would be most ideal for American paramilitary volunteers, including Anes Subasic and Ziyad Yaghi. The informant indicated that a range of possible destinations were suggested, including Bosnia-Herzegovina, Kosovo, Yemen, Somalia, the Gaza Strip, and Afghanistan.¹¹ According to the informant, “Boyd talked about Afghanistan and how he is always thinking about it.”¹²

In this regard, the U.S. Attorney’s Office has provided me with copies of an e-mail exchange between defendants Daniel Boyd and Hysen Sherifi from early January 2009.¹³ In his initial message, Boyd wrote to Sherifi while the latter was in Kosovo and asked him to provide “as many answers as you can to many questions we have regarding possibly moving to your area of the world... We are seriously considering relocating, and want your opinion about Kosovo or the surrounding area... Does anyone there follow Allah’s Shariah?” Tellingly, Boyd followed this up with another urgent inquiry: “Can we have weapons?”¹⁴

⁹ \Evidence\CD – Documents\2009.pdf. Page 21.

¹⁰ \Evidence\CD – Documents\2006.pdf. Pages 1-2

¹¹ \Evidence\CD – Documents\2009.pdf. Page 4057.

¹² \Evidence\CD – Documents\2008.pdf. Page 2482.

¹³ \Evidence\CD – Documents\2009.pdf. Page 1.

¹⁴ \Evidence\CD – Documents\2008.pdf. Page 3129.

Computer media seized from the residence of defendant Daniel Boyd contain multiple copies of what appears to be a draft-email-in-progress saved as an HTML webpage. The e-mail, allegedly written by defendant Boyd, explains:

“By the Grace & Permission of Almighty Allah, we have open paths to some of the ‘theatres’ of Jihad presently active today. Brothers are traversing said paths daily, Al Hamdu Lillah. We have studied your site and its content for some time, and feel that you are genuine in your efforts for The Sake of Allah. Allah truly Knows Best who is and who isn’t sincerely working for His Sake. We ask you simply...can we forward on-the-ground statements/pictures/videos to your group securely? Will you at least accept our invitation to work together, Fi Sabil Illah, and scrutinize our efforts in the hopes of ultimately bonding a working relationship where we can forward our info from the field to your wide audience?”¹⁵

According to analysis by FBI computer analysts, the above e-mail message—recovered from a computer folder “C:\ Documents and Settings\Daniel Boyd\Local Settings\Temp\”—“appears to be Boyd authored; based on searches in drive free space email may have been directed to askjus@jihadunspun.net.”¹⁶

The U.S. Attorney’s Office has provided me with a copy of another e-mail message that defendant Daniel Boyd addressed to himself with the subject line “refine for review.” Attached to the message was a document offering “words of advice to the brethren leaving for Jihad... If you have made the decision to walk this noble path, that is the path of Hijrah and Jihad, now that you have embraced a life of hardship and trials... I wish to let you know a little of what is needed as a provision for survival and the paths for salvation in this unwelcoming, harsh but honorable life you have embraced.”¹⁷ Among other things, the text emphasized, “when you meet (in fight Jihad in Allah’s Cause), those who disbelieve smite at their necks till when you have killed and wounded many of them, then bind a bond firm (on them i.e. take them captives).”¹⁸

However, the evidence recovered in the present case strongly suggests that Daniel Boyd was not the only one with an active interest in violent extremism who engaged in manifest planning to travel abroad to join a foreign terrorist organization. According to records provided to me by the U.S. Attorney’s Office, on January 31, 2001, an FBI confidential informant met with defendant Hysen Sherifi at a mosque in Gjilani, Kosovo. According to the informant, “they see two female soldiers downtown and Sherifi tells the CHS that he could kill them both by slitting one’s throat and shooting the other one. He tells the CHS that the best thing to slaughter for the sake of allah is kafr. Sherifi tells the CHS that they’re looking for chauffers in Afghanistan to drive Mr. TNT around and says that he wants to die Shahid (martyr) as a suicide bomber in Afghanistan.”¹⁹

In subsequent interviews with the FBI, defendant Daniel Boyd has acknowledged that conversations with Hysen Sherifi “regarding jihad progressed quickly... Sherifi

¹⁵ \Evidence\cd 7\13 Garage 1B90 C\ EML25[407635].HTM

¹⁶ \Evidence\cd 7\13 Garage 1B90 C\ Path to Jihad[4].htm. Note: Jihad Unspun (JUS) is a now-defunct Internet website which was dedicated to making jihadi propaganda available to English-speaking extremists living in Western countries—primarily the United States.

¹⁷ \Evidence\CD – Documents\2008.pdf. Page 23.

¹⁸ \Evidence\CD – Documents\2008.pdf. Page 52.

¹⁹ \Evidence\CD – Documents\2009.pdf. Page 2022.

already believed jihad was obligatory, so according to Boyd, ‘all options were discussed.’ By this, Boyd meant that they discussed various options for jihad.”²⁰ According to Boyd, “it was very clear that Boyd could speak about anything with Sherifi, even to the point of putting plans for jihad into action. If Boyd had a specific plan for Sherifi to get to jihad, Sherifi would have dropped everything and gone.”²¹ The previously-referenced confidential informant had a similar impression regarding Sherifi’s ultimate intentions. The informant told FBI agents that “Sherifi said that Yemen would be a good place to go fight if he could get there” and, furthermore, that “Sherifi said that going to Turkey was an option for jihad. Sherifi explained that from Turkey one can go to Syria, Chechnya, Iraq or Afghanistan.”²² Sherifi began to grow so frustrated with his lack of success in joining a violent extremist organization that he allegedly commented to the confidential informant “that he would just get a vest and blow himself up. Sherifi said that the brothers keep telling him to hold off on traveling and be patient with jihad because something is going to happen here, meaning Kosovo.”²³

The U.S. Attorney’s Office has provided me with a copy of an e-mail message sent by defendant Hysen Sherifi to defendant Daniel Boyd on November 25, 2008.²⁴ In the brief message, Sherifi coyly enthused (without further explanation) “I have good news!”²⁵ During a subsequent interview with FBI agents, Boyd was asked about the meaning of the e-mail. Boyd explained that he “understood this meant Sherifi had found a way for jihad.”²⁶ Boyd further acknowledged that he “knew Sherifi had a plan of action regarding Syria and jihad.”²⁷

“When Sherifi left for Kosovo in 2008, he had the intention to get his house in order there so he could move on to engage in jihad. Boyd stated that Sherifi was ready to act. He was ready to get to a front line somewhere... Sherifi’s ultimate intention was to get to jihad, probably in Iraq because of its proximity to Syria.”²⁸

Boyd indicated that, much like himself, defendant Anes Subasic had already gained previous experience serving in an overseas paramilitary extremist movement. According to Boyd, Subasic boasted to his associates that he had served with “the mujahideen who fought against Serbia in the Bosnian conflict. Subasic showed Boyd videos of mujahideen soldiers from an internet link... Subasic also pointed out specific individuals in the video that he claimed to know personally... Subasic told Boyd many

²⁰ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23044 thru 23059.pdf. Page 3.

²¹ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23079 thru 23106.pdf. Page 2.

²² \Evidence\CD – Documents\2009.pdf. Pages 3131, 3362.

²³ \Evidence\CD – Documents\2009.pdf. Page 3363.

²⁴ \Evidence\CD – Documents\2008.pdf. Page 3125.

²⁵ \Evidence\CD – Documents\2008.pdf. Page 3125.

²⁶ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 18.

²⁷ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 19.

²⁸ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23079 thru 23106.pdf. Page 2.

stories of the fighting in Bosnia... Subasic told Boyd about the Arab emir who led the mujahideen fighters there.”²⁹

Daniel Boyd also admitted that defendant Anes Subasic had expressed a strong interest in personally participating in violent jihadi activity:

“Boyd stated that Subasic believes if you are not engaged in jihad, trying to get to jihad, or preaching jihad, you are a sinner... Subasic asks Boyd why they are only talking about the obligation to engage in jihad and not moving forward with doing... Subasic again speaks of not wasting time just talking about an obligation to engage in jihad, but instead do.”³⁰

Boyd recalled another conversation with Subasic “where Subasic responded, ‘I’m for it. Let’s do something.’ Subasic said that he can find a few other brothers... Boyd stated Subasic was indicating for Boyd to put a plan on the table and we’ll do it.”³¹

A recorded conversation between Boyd and defendant Subasic offers much the same impression. Subasic complained to Boyd of how difficult it is to engage in violent extremist activism in the United States without being snared by strict federal counter-terrorism laws. Subasic noted, “Yeah, sometimes, if you say the word that will not make too much, and you will know that you will end up in the prison for years... Some brothers... they need somebody just to say, Go out there. This is the phone number... You will be secure... You know? And now, even phone number, it’s ten years prison sentence.”³² Nonetheless, despite the looming legal penalties, Subasic insisted, “We have to do what we have to do. And if prison it is, Alhamdulillah.”³³ Daniel Boyd told FBI agents that he had discussed with defendant Subasic the prospect of sending his own two sons to join Subasic in Bosnia-Herzegovina. According to Boyd, “Subasic talked about a like-minded individual by the name of FNU Imamovich in Bosnia. Boyd stated that... Subasic knew that Boyd was intending to get the two boys to Imamovich, get them to the Muslim enclave to live with like-minded Muslims, and then to go and travel for jihad.”³⁴

In interviews with the FBI, Daniel Boyd likewise acknowledged that defendant Ziyad Yaghi was also passionate about personally taking part in a violent jihad. In fact, according to Boyd, “Yaghi seemed urgent to get somewhere for jihad.”³⁵ After the two men first met, Boyd acknowledged that Yaghi began “asking about the fighting overseas and what should be done about it. Boyd did not discourage Yaghi from traveling overseas and engaging in jihad. Boyd’s intention was to communicate to Yaghi that he

²⁹ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23060 thru 23078.pdf. Page 8.

³⁰ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23060 thru 23078.pdf. Pages 4-5.

³¹ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 11.

³² Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23044 thru 23059.pdf. Pages 8, 10.

³³ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23044 thru 23059.pdf. Page 12.

³⁴ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 11.

³⁵ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 34.

should participate in jihad.³⁶ Yaghi allegedly had a particular interest in two trips that Boyd made to Israel with his sons in 2006 and 2007. Defendant Boyd has admitted to the FBI that even during the first trip in March 2006, “jihad was always in the back of his mind... he wanted to see what his options were going forward.”³⁷

When Boyd began planning a return voyage in the spring of 2007, he recalled that defendant Yaghi approached him and inquired about his previous trip “and if there were any good brothers there. Boyd understood this to mean that Yaghi wants to go in and fight somewhere and can Boyd help him get somewhere.”³⁸ When Yaghi eventually asked Boyd if he and Omar Hassan could come along, “Boyd understood that Yaghi and Hassan’s purpose for travel was jihad, and that he entered into a conspiracy with them by purchasing tickets and setting up a ride for them in Israel.”³⁹ However, when the men attempted to board a flight to Israel, Israeli authorities refused to allow them entry into the country. Stuck mid-way at an airport in Germany, Yaghi decided that he and Hassan would travel on to Jordan instead of Israel. Daniel Boyd later told FBI agents “that because Yaghi was planning to travel to Jordan, he must have intended to ultimately go to Iraq to fight.”⁴⁰ Boyd has confessed to previously advising Yaghi a year earlier (in 2006) to visit the Abu Bakr (Al-Shuhada) Mosque in Zarqa, Jordan because “Boyd knew that they speak stronger rhetoric in this mosque, and therefore thought Yaghi could go there and meet like-minded people who could help him get to jihad.”⁴¹

According to Daniel Boyd, Ziyad Yaghi’s unwavering intention to travel overseas to participate in violent extremist activity was hardly a secret among his friends, family, or associates in North Carolina. Boyd has acknowledged attending a meeting held at the Islamic Center of Raleigh (IAR) just prior to Yaghi’s departure to Jordan: “Boyd stated that everyone present at that meeting knew that Yaghi was going to travel to try and get to the battlefield somewhere... Boyd believes Yaghi’s entire peer group knew the purpose of Yaghi’s travel was for jihad.”⁴² Even local Muslims in Raleigh who had nothing to do with the Jordan trip began “directly” asking Boyd if he had “sent Yaghi over to Iraq... There were people in the Muslim community who were saying that Boyd sent Yaghi to Iraq for jihad.”⁴³ Daniel Boyd also recalled learning from his wife (who remained home in North Carolina) that Yaghi and Omar Hassan had allegedly left a “we’re gonna kill ourselves video” with their parents before leaving. According to Boyd,

³⁶ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 6.

³⁷ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 5.

³⁸ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 6.

³⁹ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23034 thru 23041.pdf. Page 4.

⁴⁰ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 34.

⁴¹ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 6.

⁴² Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Pages 6, 37.

⁴³ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 37.

the parents of both young men “were accusing Boyd of being responsible for the boys trying to travel and do this.”⁴⁴

In conversations with the FBI, Boyd explained that he had spoken directly with Yaghi’s uncle in Jordan, who—upon discovering Yaghi and Hassan’s true mission—attempted to dissuade the two from pursuing violent extremism and sought to “get their heads straight”: “Boyd understood, based on the uncle’s comments, that Yaghi and Hassan had admitted their intentions to the uncle, and the uncle tried to talk them out of jihad.”⁴⁵ Separately, an apparent e-mail message to Omar Hassan from his father was recovered from computer media seized from defendant Ziyad Yaghi.⁴⁶ In the message, Hassan’s father pleads with him to immediately return home and suggests that the family is aware of his real purpose in traveling to the Middle East. The older Hassan wrote to his son, “Omar, as I told you that we found out you didn’t get an entry visa to Palestine, I also found out that Ziyad’s name is on the wanted list in Jordan. If he goes to Jordan, he is going to be arrested right away. Please do not tell him I told you this, but try your best to convince him not to go there.”⁴⁷

Daniel Boyd has likewise admitted to the FBI that defendant Jude Kenan Mohammed repeatedly expressed a desire and intention to join the Pakistani Taliban. In fact, Boyd has described Mohammed as already “set on a plan of action.”⁴⁸ In discussions with Boyd, Mohammed allegedly “asked Boyd specifically about the Pashtun Taliban. He asked Boyd if they were fighting for the sake of Allah... It was clear to Boyd that Jude was ready to travel for jihad.”⁴⁹ According to Boyd, Jude eventually announced to him “that he intended to go back to Waziristan. Jude told Boyd that he had to go back for his family, stating that they lived there for a thousand years, and now they were being pushed out by the Pakistani army. Jude told Boyd he had to go help them... according to Boyd, it was clear that Jude was dead set on going.”⁵⁰ A computer seized from defendant Jude Kenan Mohammed contains at least 114 saved maps of Pakistan and surrounding territories.⁵¹ The maps specifically cover areas in which armed conflicts are currently taking place, including Waziristan, the Pakistani Tribal Belt, and disputed regions of Azad Kashmir.

In preparation for the trip overseas, defendant Mohammed requested Daniel Boyd to provide him with contacts in Pakistan “to help him cross the border.”⁵² Based on these lengthy conversations, Boyd now acknowledges that he “understood that Jude was planning to travel to Pakistan to join the fight... Boyd knew this trip would be an attempt

⁴⁴ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 8.

⁴⁵ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23034 thru 23041.pdf. Page 6.

⁴⁶ \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU\My_email_to_Omar_1.jpg.

⁴⁷ \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU\My_email_to_Omar_1.jpg.

⁴⁸ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 23.

⁴⁹ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 22.

⁵⁰ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Pages 12-13.

⁵¹ \Evidence\Jude Computer Pakistan\Jude Pakistan Disk 1 of 4\ mt[1][57630].jpg - mt[30][57974].jpg

⁵² Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Pages 12-13.

to join the mujahideen.”⁵³ Like Ziyad Yaghi, defendant Jude Kenan Mohammed made no secret of his immediate intention to travel overseas and join a violent extremist movement to his friends and associates. Daniel Boyd has told the FBI that he grew concerned after being told by his son Dylan that Jude was “talking openly with Ziyad Yaghi... about his plans.”⁵⁴

However, though it is true that most of the evidence in the present case concerns jihadi missions in foreign countries, it does not appear that the defendants’ intentions were expressly limited in that regard. Even defendant Daniel Boyd—who impressed upon an FBI confidential informant his preference to participate in a violent jihad outside U.S. borders—has since admitted to the FBI that his intention was that “if they cannot make jihad somewhere else, then they could do it in the United States.”⁵⁵ Prior to his arrest, Boyd told an FBI confidential informant about “fighting positions under his deck and pool that he and his sons only know about.”⁵⁶ He also described to the informant a “recent trip to the Washington D.C. area”:

“Boyd told the CHS... he visited a military base he lived on when he was a boy. Boyd told the CHS that the base has a town inside it. Boyd and his family were let on the base by the guard when he told the guard he was going into town. Boyd went and saw where the officers and their families lived. Boyd saw women jogging and families playing. Boyd told the CHS it would be easy to get all of them. If Boyd would give Sherifi a truck of explosives, he would do it. Boyd went on to say that they, Sherifi, Zak, Noah, Salahuddin and the CHS could kidnap a general or kill them and get away with it. Boyd told the CHS that when he got home he got on the internet to Google Earth and pulled up maps and satellite photos of the base. The maps and photos were so good you could put some brothers in there who had never seen it before and they could easily find their way by the images. Boyd said they could do it if he can’t leave the country.”⁵⁷

The U.S. Attorney’s Office has provided me with over a dozen Google Earth map images of the Quantico Marine Corps Base that were allegedly viewed by Daniel Boyd.⁵⁸

When later asked by FBI agents to explain his plan to target the Quantico base, Boyd at first attempted to dismiss it as “crap.”⁵⁹ Yet, Boyd eventually admitted to the agents that the notion first arose after defendant Hysen Sherifi “mentioned that he could get on a military base at any time. Boyd took this idea and ran with it. Boyd stated that he told the others that he knew of a military base, referring to Quantico. He told them he’s been there and he knows how easy it would be to take it.”⁶⁰ Boyd acknowledged further conversations with Sherifi “where he told Sherifi that if he could not travel then

⁵³ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 23.

⁵⁴ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 24.

⁵⁵ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 20.

⁵⁶ \Evidence\CD – Documents\2007.pdf. Page 378.

⁵⁷ \Evidence\CD – Documents\2009.pdf. Page 5923.

⁵⁸ \Evidence\CD - SBU 8342 - SBU 8449\SBU 8342 - 8449.pdf. Pages 59-103.

⁵⁹ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 14.

⁶⁰ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 14.

he should make jihad on them right here... Boyd stated that he was referring to conducting jihad in the United States.”⁶¹ The reason that Boyd engaged Sherifi in these discussions was because he was confident that Sherifi “could load a truck full of explosives and drive it into a base and kill himself and a bunch of other people. According to Boyd, Sherifi thought suicide missions were totally okay in Islam, and he believed in that.”⁶²

III. THE ACQUISITION OF AUTOMATIC WEAPONS AND SNIPER RIFLES (INCLUDING REQUISITE ACCESSORIES SUCH AS SNIPER SCOPES), PARAMILITARY TRAINING MANUALS, AND THE ESTABLISHMENT OF MAKESHIFT TRAINING CAMPS

One of the key questions in cases involving homegrown terrorist networks is not merely whether defendants possessed an intent to participate in violent extremist activity, but moreover, whether they actually had sufficient means to carry out those intentions. In fact, the defendants in the present case appear to have had exactly the means they were in need of: a disturbing arsenal of assault weapons, sniper rifles, handguns, and more. Defendant Daniel Boyd has since explained to FBI agents that “the idea about being prepared and having guns are part of the jihad mind-set. Boyd stated that he was living each day training and preparing for jihad.”⁶³ In a conversation recorded by authorities prior to his arrest, Boyd boasted of how much money he was spending on acquiring guns and ammunition. According to Boyd, even his wife began questioning him on what the purpose of all this equipment would be:

“I will go do some small job, you know? It’s not affecting the house. I will make three, four hundred dollar, three four thousand, even. And she say, where that money? I say, I, I had to spend it. You know? ...then few days later in the mail comes some bullets... She said, Danny, how many bullets you need?”⁶⁴

The U.S. Attorney’s Office has provided me with copies of e-mails recovered from computer media seized from defendant Daniel Boyd. The messages concern the purchase of a wide variety of firearms accessories and ammunition, including bullets for a .357 “Magnum”⁶⁵, a 9mm handgun⁶⁶, and an AK-47 “Kalashnikov” assault rifle.⁶⁷

Yet Daniel Boyd was not the only defendant in the present case engaging in such activity. In particular, I have been provided with a wealth of evidence suggesting that defendant Anes Subasic was also actively attempting to acquire an arsenal of weapons. I have received copies of e-mail messages sent by Subasic between 2007 and 2009 in

⁶¹ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 9.

⁶² Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 8.

⁶³ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 14.

⁶⁴ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23079 thru 23106.pdf. Page 15.

⁶⁵ \Evidence\cd 1\2 Boyd laptop A 1B126 C\ Message0110[162087].html

⁶⁶ \Evidence\cd 1\2 Boyd laptop A 1B126 C\ Message0061[162038].html

⁶⁷ \Evidence\cd 1\2 Boyd laptop A 1B126 C\ Message0105[162082].html

which Subasic arranges for estimates and purchases of various equipment, including (among other things) a rifle stock⁶⁸, “bolt action savage rifles”⁶⁹, 9mm “incendiary ammo”⁷⁰, 20 rounds of 7.62 steel core AP ammunition⁷¹, and magazines for an AK-74 assault rifle.⁷² Boyd later admitted to FBI agents that Subasic had discussed with him “a website he used to purchase ammunition. Subasic told Boyd that he purchased all of his ammunition on-line, to include armor piercing ammunition.”⁷³

Notably, defendant Subasic also purchased a “super sniper” 30mm rifle scope and a “super sniper kill-flash anti-reflection device.”⁷⁴ It is not entirely clear what purpose these last two items would be used for, aside from killing other human beings. According to Daniel Boyd, Subasic “claimed to have received sniper training” and acknowledged owning a “Serbian-made sniper rifle.”⁷⁵

“Subasic expressed knowledge... about firearms and ammunition... Boyd believed Subasic to be credible based on Boyd’s own knowledge of weapons... Subasic knew how to handle these weapons, and he appeared to be very familiar with them. Boyd showed Subasic assault rifle type guns, and Subasic was comfortable and confident handling them.”⁷⁶

Like Anes Subasic, defendant Hysen Sherifi also demonstrated an ease and sense of familiarity around automatic weapons. Daniel Boyd told FBI agents that he believed “Sherifi already knew how to operate an AK-47.”⁷⁷ When Boyd wrote to Sherifi and asked him whether weapons training would be possible in Kosovo, Sherifi explained, “Weapons that are allowed are shotguns, m48 sniper rifle, and what we call it here, a 10 is a semi-automatic rifle has 5 bullets excluding one in the barrel, total 6... Cost are cheap. Any weapons here are easy to find, whatever you like, in Kosovo you can find... We have Yugoslavian, Russian, some which are allowed. Specially when open up the farm you can carry about 10 legally.”⁷⁸ Meanwhile, defendant Hysen Sherifi also reportedly told an FBI confidential informant “that the brothers are looking to buy lots of weapons (all kinds) and tells the CHS that he can donate money to that cause to support them.”⁷⁹

Daniel Boyd has also admitted to the FBI engaging in various discussions with defendant Ziyad Yaghi on the importance of “always being armed” as “part of being

⁶⁸ \Evidence\CD – Documents\2007.pdf. Page 22.

⁶⁹ \Evidence\CD – Documents\2007.pdf. Page 34.

⁷⁰ \Evidence\CD – Documents\2007.pdf. Page 168.

⁷¹ \Evidence\CD – Documents\2007.pdf. Page 183.

⁷² \Evidence\CD – Documents\2009.pdf. Page 5297.

⁷³ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23060 thru 23078.pdf. Pages 7-8.

⁷⁴ \Evidence\CD – Documents\2007.pdf. Pages 41-42.

⁷⁵ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23060 thru 23078.pdf. Pages 7-8.

⁷⁶ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23060 thru 23078.pdf. Page 8.

⁷⁷ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 9.

⁷⁸ \Evidence\CD – Documents\2009.pdf. Page 31.

⁷⁹ \Evidence\CD – Documents\2009.pdf. Page 3914.

prepared for jihad.”⁸⁰ Boyd recalled one incident in particular when he met with Yaghi inside a vehicle in the parking lot of a bookstore in North Carolina. According to Boyd, “Yaghi lifted up the center console in the vehicle and showed Boyd a rifle. Yaghi partially lifted the rifle from the console and said, ‘for training.’... The training was understood to mean weapons training in preparation for jihad.”⁸¹

Setting aside actual weapons and ammunition themselves, authorities also discovered significant instructional materials in the possession of defendants Ziyad Yaghi and Anes Subasic that would allow them to properly use and modify automatic weapons, sniper rifles, and even a grenade launcher. Computer media seized from Yaghi contained dozens of such documents—including at least two copies of a U.S. Army “Operator’s Manual for M16 and M16A1”⁸²; at least two copies of a U.S. Army manual on “Fm 3 22 68 Machine Guns”⁸³; at least two copies of a U.S. Army manual on the operation of a 40mm M203 Grenade Launcher⁸⁴; at least two copies of a manual on how to build an “improvised 7.62-mm SVD Dragunov Sniper Rifle”⁸⁵; at least two copies of the U.S. Army Ranger Handbook⁸⁶; at least two copies of a “snipers guide” to evading “airborne infrared detection devices”⁸⁷; a U.S. Army manual on “FM 23-10 Sniper Training”⁸⁸; a U.S. Army “Counter Sniper Guide”⁸⁹; at least two copies of a U.S. Navy “Seal Sniper Training” manual⁹⁰; and, at least two copies of a U.S. Marine Corps “Sniper Manual.”⁹¹

⁸⁰ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 35.

⁸¹ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23034 thru 23041.pdf. Page 5.

⁸² \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ (Ebook) - Field Manual - US Army - TM 9-1005-249-10 - Operator's Manual for M16 and M16A1.pdf; \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ (Ebook) - Field Manual - US Army - TM 9-1005-249-10 - Operator's Manual for M16 and M16A1.pdf

⁸³ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ Military Us Army Fm 3 22 68 Machine Guns.pdf; \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU\ Military Us Army Fm 3 22 68 Machine Guns.pdf

⁸⁴ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ Ebook_US_ARMY_FM_23-31_40mm_Grenade_Launcher_M203.zip; \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ Ebook_US_ARMY_FM_23-31_40mm_Grenade_Launcher_M203.zip

⁸⁵ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ Firearms - Combat Survival Weapons Improvised 7.62-mm SVD Dragunov Sniper Rifle.. .pdf; \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ Firearms - Combat Survival Weapons Improvised 7.62-mm SVD Dragunov Sniper Rifle.. .pdf

⁸⁶ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ Military - US Army Ranger Handbook.pdf; \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU\ Military - US Army Ranger Handbook.pdf

⁸⁷ \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ (Ebook) - Survival - Learn How To Hide From Airborne Infared Detection Devices, Snipers Guide.doc; \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ (Ebook) - Survival - Learn How To Hide From Airborne Infared Detection Devices, Snipers Guide.doc

⁸⁸ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ (ebook) - US ARMY FM 23-10 Sniper Training.zip

⁸⁹ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ (Ebook) Paladin Press-US Army Counter Sniper Guide.pdf

⁹⁰ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ Ebook - Us Navy Seal Sniper Training.pdf; \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ Ebook - Us Navy Seal Sniper Training.pdf

Likewise, files recovered from a computer seized from defendant Anes Subasic also suggest a persistent interest in snipers and sniper rifles. The computer contains at least four different manuals on “sniper training”, “sniper weapons of the world”, and “sniper weapon systems.”⁹² One such sniper manual on Subasic’s computer is alone at least nine chapters long.⁹³ The U.S. Attorney’s Office has also provided me with a copy of an e-mail exchange involving defendant Subasic, in which Subasic ordered an additional U.S. army “sniper training” manual in paperback from Amazon.com.⁹⁴ Additionally, Subasic’s computer was found to contain an 18-page article from the journal Small Arms Review on the detailed proper operation of an RPG-7 rocket-propelled grenade launcher.⁹⁵

More disturbing is the evidence of manuals found on the defendants’ computer media on how to build improvised explosive devices, booby-traps, and even chemical weapons. In conversations with an FBI confidential informant, defendant Hysen Sherifi acknowledged that “he tried to learn from the internet how to make bombs, but the sites he was using charged money and he could not afford it.”⁹⁶ While Sherifi may have himself encountered problems in downloading bomb-making manuals, this evidently did not apply to defendant Ziyad Yaghi—whose computer media was found to contain a library of such instructional documents. Yaghi’s files included at least two copies of a U.S. Army field manual on “Mines and Boobytraps”⁹⁷; at least two copies of a book on “Viet Cong Boobytraps”⁹⁸; at least two copies of “Ragnar’s Guide to Homemade Grenade Launchers”⁹⁹; at least two copies of “The Proper Anarchists Cookbook”¹⁰⁰; at least two additional copies of “The Anarchists Cookbook v. 2000”¹⁰¹; multiple copies of a three-part manual on “Improvised Weapons”¹⁰²; at least two copies of a manual on

⁹¹ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ US Marine Corps Sniper Manual FMFM 1-3B.pdf; \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU\ US Marine Corps Sniper Manual FMFM 1-3B.pdf

⁹² \Evidence\Subasic Computer\Subasic 1 of 10

⁹³ \Evidence\Subasic Computer\Subasic 1 of 10\ ch1[303793].pdf - ch9[303823].pdf

⁹⁴ \Evidence\CD – Documents\2007.pdf. Page 28.

⁹⁵ \Evidence\Subasic Computer\Subasic 1 of 10\ RPGDec06[189905].pdf

⁹⁶ \Evidence\CD – Documents\2009.pdf. Page 3363.

⁹⁷ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ (Ebook) - Field Manual - US Army - FM 12-43 - Mines And Boobytraps.pdf; \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ (Ebook) - Field Manual - US Army - FM 12-43 - Mines And Boobytraps.pdf

⁹⁸ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\[Combat Survival Weapons Improvised] Kurt Saxon - Viet Cong Boobytraps.pdf; \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\[Combat Survival Weapons Improvised] Kurt Saxon - Viet Cong Boobytraps.pdf

⁹⁹ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\[Combat Survival Weapons Improvised] Benson, Ragnar -- Homemade Grenade Launchers (Part 1).pdf; \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\[Combat Survival Weapons Improvised] Benson, Ragnar -- Homemade Grenade Launchers (Part 1).pdf

¹⁰⁰ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ The proper anarchists cookbook.pdf; \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU\ The proper anarchists cookbook.pdf

¹⁰¹ \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ Anarchists Cookbook ebook v2000.pdf; \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ Anarchists Cookbook ebook v2000.pdf

¹⁰² \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ Armas Improvisadas Parte III.pdf; \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ Armas Improvisadas Parte III.pdf; \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\

“how to make poisons, toxins, and chemical weapons”¹⁰³; at least two copies of a U.S. Army manual on “explosives and demolitions”¹⁰⁴; at least two copies of a manual titled “The Assassin’s Handbook”¹⁰⁵; and an instructional book titled “Hit Man.”¹⁰⁶

One of the more noteworthy files found on computer media seized from defendant Ziyad Yaghi is an Adobe PDF document labeled “Al Qaeda Terrorist Manual.”¹⁰⁷ This particular document consists of selected excerpts taken from a popular Al-Qaida training manual seized by British police in Manchester during a search of a known Al-Qaida member’s residence—which was later translated into English and introduced as evidence in 2001 during the trial of United States v. Usama Bin Laden et al. in the Southern District of New York.¹⁰⁸ The manual opens with an open call to those interested in joining Al-Qaida:

“To those champions who avowed the truth day and night... And wrote with their blood and sufferings these phrases... The confrontation that we are calling for with the apostate regimes does not know Socratic debates, Platonic ideals, nor Aristotelian diplomacy. But it knows the dialogue of bullets, the ideals of assassination, bombing, and destruction, and the diplomacy of the cannon and machine-gun... Islamic governments have never and will never be established through peaceful solutions and cooperative councils. They are established as they [always] have been by pen and gun, by word and bullet, by tongue and teeth.”¹⁰⁹

Throughout the manual, there are detailed blueprints for “missions required of the military organization” including “gathering information about the enemy, the land, the installations, and the neighbors”; “kidnapping enemy personnel”; “assassinating enemy personnel as well as foreign tourists”; “blasting and destroying the places of amusement, immorality, and sin”; “blasting and destroying the embassies and attacking vital economic centers”; and, “blasting and destroying bridges leading into and out of the

Armas Improvisadas Parte I e II.pdf; \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ Armas Improvisadas Parte I e II.pdf

¹⁰³ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\Ebook - How To Make Poisons, Toxins, Chemical Weapons.zip; \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\Ebook - How To Make Poisons, Toxins, Chemical Weapons.zip

¹⁰⁴ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\us army explosives and demolitions manual.pdf; \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU\us army explosives and demolitions manual.pdf

¹⁰⁵ \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\(\ebook) - Military - Assassin's Handbook.pdf; \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\(\ebook) - Military - Assassin's Handbook.pdf

¹⁰⁶ \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ ebook - Hit Man - Written by Rex Feral[128244].doc

¹⁰⁷ \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ Al Qaeda Terrorist Manual[128234].pdf; \Evidence\CD - Yaghi HP Additional Files\1 of 4\Survival and War Folder\Military Training\ Al Qaeda Terrorist Manual.pdf

¹⁰⁸ International Islamic Front Against Jews and Crusaders. “Declaration of Jihad Against the Country’s Tyrants – Military Series.” United States v. Usama bin Laden, et al. S(7) 98 Cr. 1023 (LBS). United States District Court, Southern District of New York. Government Exhibit 1677-T.

¹⁰⁹ International Islamic Front Against Jews and Crusaders. “Declaration of Jihad Against the Country’s Tyrants – Military Series.” United States v. Usama bin Laden, et al. S(7) 98 Cr. 1023 (LBS). United States District Court, Southern District of New York. Government Exhibit 1677-T.

cities.”¹¹⁰ The manual even features instructions on how to purchase and transport weapons and on the use of particular poisons.¹¹¹

In order to be prepped for interrogation by law enforcement, the Al-Qaida manual offers a list of possible sample questions that a captured operative should be able to provide deceptive responses to, including: “Why are you going to Pakistan?”; “How did you get the travel money?”; “Who got you the visa to Pakistan?”; “Are you a Jihad fighter?”; “Whom did you visit in your group, and for how long?”; “Who assigned you to go to Afghanistan?”; “Whom will you contact in your country?”; “What are the tasks and missions that you intend to execute in your country?”; and “Who else trained with you in Afghanistan?”¹¹²

In the present case, there is also a substantial amount of evidence indicating that the defendants were engaged in paramilitary training—including setting up their own makeshift temporary training camps in the mountains of North Carolina. To help formulate the curriculum for these training sessions, defendant Daniel Boyd drew on his past “first hand” experiences practicing “guerilla warfare tactics” at “Al Qa’ida training camps” during the early 1990s, including the notorious former Jawhar and Sada camps along the Afghan-Pakistani border.¹¹³ In early 2008, Boyd began planning a “camping trip” with other defendants in the present case. Boyd allegedly approached a confidential FBI informant and notified him “that in the spring they would go to the mountains to train.”¹¹⁴ In subsequent interviews with the FBI, Boyd has admitted that “it would have been his modus operandi to have expressed to the individuals that went along on the camping trip that the purpose of the trip was to prepare for jihad.”¹¹⁵ Conversations between Boyd and defendant Anes Subasic suggest that, indeed, other defendants in the present case were fully aware of the purpose of the “camping trip.” Subasic was recorded as he emphasized to Boyd, “It’s good for the young kids like you said, to teach, to teach whoever, not just young guys who would like to learn how to cross the borders, how to navigate through night.”¹¹⁶

Nor were the training camps restricted to North Carolina. After traveling back to the Balkans, defendant Hysen Sherifi met with an FBI confidential informant at a mosque in Gjilani, Kosovo in January 2009. Sherifi asked the informant if he could “stay out overnight and go hiking by the border of Kosovo and Serbia approximately 20km from

¹¹⁰ International Islamic Front Against Jews and Crusaders. “Declaration of Jihad Against the Country’s Tyrants – Military Series.” United States v. Usama bin Laden, et al. S(7) 98 Cr. 1023 (LBS). United States District Court, Southern District of New York. Government Exhibit 1677-T.

¹¹¹ International Islamic Front Against Jews and Crusaders. “Declaration of Jihad Against the Country’s Tyrants – Military Series.” United States v. Usama bin Laden, et al. S(7) 98 Cr. 1023 (LBS). United States District Court, Southern District of New York. Government Exhibit 1677-T.

¹¹² International Islamic Front Against Jews and Crusaders. “Declaration of Jihad Against the Country’s Tyrants – Military Series.” United States v. Usama bin Laden, et al. S(7) 98 Cr. 1023 (LBS). United States District Court, Southern District of New York. Government Exhibit 1677-T.

¹¹³ [Evidence\cd 1\4 AMD CPU 1B88 C\20 Gb\ Daniel Patrick Boyd[15743].doc. See also: Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Pages 2-3.

¹¹⁴ [Evidence\CD – Documents\2007.pdf. Page 378.

¹¹⁵ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23044 thru 23059.pdf. Page 17.

¹¹⁶ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23044 thru 23059.pdf. Page 12.

Gjilani.”¹¹⁷ According to a report from the informant, Sherifi and his associates thereupon explained that “they’re going to hunt and do some training because you have to train for jihad.”¹¹⁸

When explicit private jihadi training camps were unavailable, several of the defendants instead turned to ordinary shooting ranges and even courses taught by local self-defense schools to boost their paramilitary skills and capabilities. Daniel Boyd has since admitted to the FBI that his visits to firing ranges in Cawell Country, North Carolina were an attempt to “conduct weapons training for the purpose of jihad. Boyd stated that they did go with the purpose to train for jihad.”¹¹⁹ Separately, the U.S. Attorney’s Office has provided me with copies of numerous e-mail exchanges between defendant Anes Subasic and two private self-defense academies. In a message to “info@sniperschool.org”, Subasic wrote, “Hallo, I have traied to coal cuple of times... for more info, no lacky, whot is best time to coll? When will by next class for sniper, counter-sniper, advanced sniper, sniper instructor. CAn civilians attendd warfighter course if not way ? whot are the requaerments for out of state personnel can I rent rifle?”¹²⁰ A second message from defendant Subasic to “cri@critraining.com” explained, “hallo, I will like to participate in course, surviving exicution, be[h]eding, assassination attempts & escaping from captivity... Can civilians participate in cours?”¹²¹

IV. THE ADOPTION OF A HARDLINE SECTARIAN RELIGIOUS PERSPECTIVE

Whether in discussions with family and friends, or even by their own admission, it seems relatively clear that the defendants in the present case have adopted a hardline sectarian ideology which has put them at odds with other members of their own local community—and, tellingly, even among others who consider themselves conservative Salafi Muslims. In interviews with the FBI, defendant Daniel Boyd has reportedly acknowledged that “he, Subasic, Hysen Sherifi, and Jasmin Smajic always talked about extremist jihad. They rarely talked about anything other than Islam, and the discussions always went immediately to jihad.”¹²² According to the FBI, Boyd has also admitted that himself and defendant Hysen Sherifi “had discussions about suicide operations... Sherifi disagreed [with Boyd], saying the scholars offered enough proof for him that suicide operations are permissible.”¹²³ In fact, the defendants’ belief in and endorsement of suicide bombings was no great secret. In March 2007, defendant Ziyad Yaghi discussed the issue with an associate on Facebook, arguing that a suicide bomber is not “committing suicide”, but rather “being killed in the path of Allah and making jihad in the Path of

¹¹⁷ \Evidence\CD – Documents\2009.pdf. Page 2022.

¹¹⁸ \Evidence\CD – Documents\2009.pdf. Page 2022.

¹¹⁹ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 14.

¹²⁰ \Evidence\CD – Documents\2007.pdf. Page 10.

¹²¹ \Evidence\CD – Documents\2007.pdf. Page 13.

¹²² Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23044 thru 23059.pdf. Page 17.

¹²³ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23044 thru 23059.pdf. Page 4.

Allah, and if he is open to being killed and martyred (therein) then that is good.”¹²⁴ When his friend “Tank Ismail” sent back a radical fatwah (religious edict) suggesting that “suicide operations (bombings) [are] permissible”, Yaghi apparently responded, “jazaKALLAHukhairun for that” (i.e. “May Allah bless you for that”).¹²⁵

The fringe jihadi philosophy that is strongly reflected by the evidence gathered in the present case is a common characteristic of contemporary violent extremist networks. I have personally performed forensic reviews on dozens of hard drives recovered in terrorism investigations in the United States, the United Kingdom, Bosnia-Herzegovina, Denmark, and beyond. Based on my own experience, I can also confirm that many of the evidentiary documents and audio recordings recovered from computers and digital media in the custody of the defendants in the present case have specifically been seized during multiple prior investigations of violent homegrown extremists. For example, the U.S. Attorney’s Office has provided me with materials that I understand to have been recovered from an Hewlett Packard Pavilion computer in the custody of defendant Ziyad Yaghi. Those materials include an MP3 file “erhaby_ana[21712].mp3”, an Arabic-language song titled “Erhabyoon Ana” (“I am a terrorist”).¹²⁶ This disturbing audio recording received a major boost in its fan base after Al-Qaida used it as the soundtrack to the “martyrdom will” of London 7/7 suicide bomber Mohamed Sidique Khan.¹²⁷ It first begins with the famous audio clip of Al-Qaida co-founder Shaykh Abdullah Azzam proclaiming “We are terrorists, and terrorism is a duty. Let the West and the East know that we are terrorists...” The subsequent lyrics in “Erhabyoon Ana” leave little to the imagination:

“I am a terrorist, I look at the Hills of Hittin. I am a terrorist, I terrorize the enemies of the religion. I am a terrorist, I look at the Hills of Hittin, I am a terrorist, I terrorize the enemies of the religion. By the sword, by the fire, we repel the plot of the evildoers... They killed and committed treachery and oppression and explosions. So today, woe, woe, woe to the aggressors, woe to the aggressors. I am a terrorist, I look at the Hills of Hittin. I am a terrorist, I terrorize the enemies of the religion... One day in hatred, they killed an old man at home. And today, in reply, a young man takes his revenge.”

Amongst the array of evidence provided to me by the U.S. Attorney’s Office, there are several individuals and organizations that particularly stand out for their well-established role in promoting extremist ideologies and inciting homegrown militants to carry out acts of violence.

- **At-Tibyan Publications**

At-Tibyan Publications is an online Islamic extremist support network which by 2006 was arguably the premier source of English-language terrorist propaganda on the Internet. According to the words of the editors at At-Tibyan Publications, “We found it beneficial for the many English-speaking Muslims to... perhaps learn and grasp its

¹²⁴ \Evidence\CD – Documents\2007.pdf. Page 89.

¹²⁵ \Evidence\CD – Documents\2007.pdf. Page 89.

¹²⁶ \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\

¹²⁷ As-Sahab Media Foundation. “The Will of the Knight of the London Raid.” <http://www.as-sahaab.com>. MPEG Video; 27 minutes in length. November 6, 2005.

meanings.”¹²⁸ The group maintained a popular English-language Internet discussion forum for jihad supporters living in the West at <http://www.tibyanpubs.com> and <http://www.at-tawheed.com>, which was locked with specialized logins and passwords since at least late 2005 in an attempt to evade law enforcement scrutiny.

In addition to its Internet chat forum, At-Tibyan Publications also produced its own original online content—primarily translations of mujahideen recruitment material obtained from Al-Qaida commanders in Saudi Arabia, Iraq, and Afghanistan. Rather than merely translating news reports or offering background on particular military operations, At-Tibyan focused on distributing ideological material designed to convince likeminded individuals to sacrifice their lives in the cause of jihad. In fact, most of the material produced by At-Tibyan offered little in the way of public interest value—it would only be of use to someone with a genuine, deep-rooted interest in participating in violent jihad.

After having previously reviewed several of the hard drives seized from those suspected of having founded and managed At-Tibyan Publications, I can state with confidence that the vast collection of At-Tibyan materials recovered from the defendants in the present case rivals even the sizeable archives kept by its original creators. Almost every single compact disc provided to me by the U.S. Attorney’s Office contains at least a few documents published by At-Tibyan. In an interview with the FBI, defendant Daniel Boyd stated that he had told defendant Anes Subasic “about books he downloaded from the Al Tibyan Publications website and had stored on his computer... Boyd put approximately two hundred books on the jump drive for Subasic. All the books supported the idea of extreme jihad.”¹²⁹ E-mails that Boyd apparently sent to himself as web bookmark reminders confirm that he was visiting <http://tibyan.wordpress.com>, the official distribution point for official At-Tibyan publications.¹³⁰ However, Boyd wasn’t the only defendant visiting At-Tibyan websites. The Hewlett Packard computer taken from the custody of defendant Ziyad Yaghi contained a file labeled “Islamic Websites” with a link to “<http://tibyaan.atspace.com/tibyaan/index-2.html>”, a mirror download location for At-Tibyan Publications releases.¹³¹

The author or inspiration for much of the material produced by At-Tibyan Publications was the original founder of Al-Qaida’s operational network in Saudi Arabia, and the mastermind behind the May 2003 suicide bombings in Riyadh: Shaykh Yusuf al-Ayyiri (a.k.a. “Al-Battar”). Al-Ayyiri was a Saudi national who left his home at age 18 to join the jihad in Afghanistan, eventually rising to become the commander of a mujahideen training camp.¹³² Before long, senior figures in Al-Qaida began to respect al-Ayyiri as a “seasoned military man... a genius and theorizer who served jihad... He is an inspired genius and a miracle of the age. Had he been in another nation, they would not

¹²⁸ Al-‘Ulwaan, Shaykh Sulaymaan bin Naasir bin Abdullah. “Verily The Victory of Allaah Is Near.” At-Tibyan Publications. Rendered in English by Abu Huthayfah Yusuf al-Canadee. Page 3.

¹²⁹ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23060 thru 23078.pdf. Page 19.

¹³⁰ \Evidence\CD – Documents\2008.pdf. Page 914.

¹³¹ \Evidence\CD - Yaghi HP Additional Files\2 of 4\Saleh Bookmarks

¹³² As-Sahab Media Foundation. “Martyrs of the Confrontations.”

<http://members.lycos.co.uk/allewa/Audio/m1.ram, m2.ram, and m3.ram>. Released: December 4, 2003.

have made him walk on the ground. They would have carried him on their heads.”¹³³ According to another digital magazine later distributed by Al-Qaida in Saudi Arabia, when al-Ayyiri learned of the September 11, 2001 suicide hijackings in New York and Washington D.C., he “was so joyous he nearly floated on air.”¹³⁴ Addressing those who had criticized Al-Qaida for killing innocent Arab civilians during the 2003 attacks in Riyadh, al-Ayyiri scoffed, “Whoever asks why in [Saudi Arabia] should ask himself—if he was honest—why in Chechnya, why in Kabul, why in Jerusalem, why in Bali, and why in Mombassa. These countries are ruled by agent Karzai-type rulers and occupied by Americans or Jews who are considered infidels and untrustworthy in Allah’s book.” Moreover, according to al-Ayyiri, “this war is based on a strategy to widen the battlefield. The entire world has become a battlefield in practice and not in theory.”¹³⁵

Al-Ayyiri’s strategy for developing a global “homegrown” terrorist movement has had an astonishing impact, and his influence is readily apparent—including in the evidence gathered in the present investigation. An instrumental feature of al-Ayyiri’s terrorist strategy was the use of suicide bombers. In order to lay the ideological foundation for this strategy, al-Ayyiri wrote one of his arguably most celebrated published works: “The Islamic Ruling on the Permissibility of Self-Sacrificial Operations: Suicide, or Martyrdom?” In his treatise, later translated and re-published in English by At-Tibyan Publications, Yusuf al-Ayyiri wrote:

“Martyrdom or self-sacrifice operations are those performed by one or more people, against enemies far exceeding them in numbers and equipment, with prior knowledge that the operations will almost inevitably lead to death. The form this usually takes nowadays is to wire up one’s body, vehicle, or suitcase, with explosives, and then to enter amongst a gathering of the enemy, or in their vital facilities, and to detonate in an appropriate place there in order to cause the maximum losses in the enemy ranks, taking advantage of the element of surprise and penetration... We have found, through the course of our experience, that there is no other technique which strikes as much terror into their hearts and which shatters their spirit as much... On the material level, these operations inflict the heaviest losses on the enemy, and are lowest in cost to us. The cost of equipment is negligible in comparison to the assault... The human casualty is a single life, who is in fact a martyr and hero who has gone ahead to the Gardens of Eternity... As for the enemy, their losses are high.”¹³⁶

On July 14, 2009, defendant Daniel Boyd sent an e-mail to “abu salman” (“abuselman100@gmail.com”) titled “that book I told you about.” A copy of the At-Tibyan translation of Yusuf al-Ayyiri’s “Islamic Ruling on the Permissibility of Self-Sacrificial Operations” was attached to the e-mail. The message from Boyd explained, “I

¹³³ As-Sahab Media Foundation. “Martyrs of the Confrontations.”

<http://members.lycos.co.uk/allewa/Audio/m1.ram, m2.ram, and m3.ram>. Released: December 4, 2003.

¹³⁴ Al-Qaida in the Arabian Peninsula (AQAP). Sawt al-Jihad (“Voice of Jihad”) Magazine #2. <http://www.cybcity.com/suondmag2/magallh-a.zip>. October 2003.

¹³⁵ Al-Neda Center for Islamic Studies and Research. “The Operation of 11 Rabi al-Awwal: The East Riyadh Operation and Our War With the United States and its Agents.” <http://www.faroq.org/news/news.php?id>. August 2003.

¹³⁶ Al-Ayyiri, Yusuf. “The Islamic Ruling on the Permissibility of Self-Sacrificial Operations: Suicide, or Martyrdom?” At-Tibyan Publications.

think you can find this book in its original Arabic, inshaAllah.”¹³⁷ The U.S. Attorney’s Office has also provided me with a compact disc with a folder labeled “9 eMachines 1B92C”, which contains a copy of Al-Ayyiri’s treatise on suicide bombings as published by At-Tibyan.¹³⁸ Separately, at least two copies of the same document were recovered from the Hewlett Packard Pavilion computer taken from defendant Ziyad Yaghi.¹³⁹

At-Tibyan Publications has also translated and released other books written by the notorious Yusuf al-Ayyiri, including “The Role of the Women in Fighting the Enemies.” In his book, al-Ayyiri addresses Muslim women and calls for them to model themselves after the “examples of courage and sacrifice in the women of our time.” One such example al-Ayyiri offers is “the leader of the women of her time” Hawaa Barayev, a young Chechen woman who blew herself up in a suicide truck bombing targeting a Russian military base in 2000. According to al-Ayyiri, “there came to her knowledge about the permissibility of men blowing themselves up in a group of the enemy to kill them, so she told herself that she, and no one else, was the one to assist the Mujahidin with this type of operation... She rode the truck and entered with it into an enemy post and she destroyed all traces of it, and she met her Lord as a martyr.”¹⁴⁰ Al-Ayyiri concludes his book with an open appeal: “we want you to follow the women of the Salaf in their incitement to fight and their preparation for it... fear Allah and do not be an obstacle in the men’s way to Jihad. The least of what is asked from you is that you remain silent when the men leave for Jihad... you have no legislated right to impede them from Jihad.”¹⁴¹

A copy of the At-Tibyan translation of Yusuf al-Ayyiri’s “Role of the Women in Fighting the Enemies” is present on computer media found at the residence of defendant Daniel Boyd.¹⁴² Another copy of the same document was also recovered from a computer seized from defendant Anes Subasic.¹⁴³ Likewise, I have been provided with copies of recovered e-mails which were sent by defendant Hysen Sherifi in July 2008 to various recipients, including other defendants in the present case. On July 23, Sherifi sent an e-mail to “bih7777@yahoo.com” with two files he described as “good books”—one of which was “The Role of The Women in Fighting the Enemies” by Yusuf al-Ayyiri.¹⁴⁴ On the same day, defendant Sherifi also sent a similar message containing a copy of the same al-Ayyiri document to “taibi02@hotmail.com” with an accompanying message: “for your wife and her sisters!”¹⁴⁵ Sherifi further forward a copy of “The Role of The Women in Fighting to Enemies” to defendant Daniel Boyd. Sherifi explained to Boyd, “for your wife and daughter and their sisters, very good masha Allah!”¹⁴⁶ Boyd replied to the e-mail, writing, “Jazakallahu khairun. They’ve been reading this one for a

¹³⁷ \Evidence\CD – Documents\2009.pdf. Page 5354.

¹³⁸ \Evidence\cd 4\9 eMachines 1B92 C\ Islamic Ruling 'amaliyat-astashhad[734584].pdf

¹³⁹ \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU; The-Islamic-Ruling-on-the-Permissibility-of-Self-Sacrificial-Operations[5601].pdf and The-Islamic-Ruling-on-the-Permissibility-of-Self-Sacrificial-Operations[98522].pdf.

¹⁴⁰ Al-Ayyiri, Yusuf. “The Role of the Women in Fighting the Enemies.” At-Tibyan Publications.

¹⁴¹ Al-Ayyiri, Yusuf. “The Role of the Women in Fighting the Enemies.” At-Tibyan Publications.

¹⁴² \Evidence\cd 4\9 eMachines 1B92 C\ The Role of the Women in Fighting[166076].pdf

¹⁴³ \Evidence\Subasic Computer\Subasic 1 of 10\ women in jihad-dawr_annisaa[191035].pdf

¹⁴⁴ \Evidence\CD – Documents\2008.pdf. Pages 1983, 2023.

¹⁴⁵ \Evidence\CD – Documents\2008.pdf. Page 2058.

¹⁴⁶ \Evidence\CD – Documents\2008.pdf. Page 2061.

long time now; Alhamdulillah!”¹⁴⁷ Upon reading the reply from Boyd, Sherifi responded, “Alhamdulillah. I just ran across it, I think men should read it too.”¹⁴⁸

Another book written by Yusuf al-Ayyiri and made available by At-Tibyan Publications to English-speaking homegrown extremists is “The Path to the Land of Battle.” In this book, Yousef al-Ayyiri once again encourages Muslims around the world to join in Al-Qaida’s cause, whether directly or indirectly—because, in his words, “The Virtue of Whosoever Falls Down in the Path of Allah, and Dies, Then He is One of Them... Then he is one of them: Meaning, he is of the Mujahidin.”¹⁴⁹ Al-Ayyiri goes on to implore his readers to “try hard, and walk to the path of the Jihad. Those who reached (the land of) the Jihad—they were not ‘supernatural’ people; rather, they were humans, Muslims. They merely tried sincerely to reach the lands, and Allah facilitated it for them—after they wore out their eyes and ears in search for this Path... And how many paths there are to Jihad! ...it is absolutely impossible for a sincere slave of Allah to miss all these pathways to the Jihad... If only one million (1,000,000) Muslims attempted to arrive at the lands of the Jihad, then 100,000 of them would have definitely reached—and they would have been sufficient for the Mujahidin to continue in the lands of the Jihad.”¹⁵⁰ According to records provided to me by the U.S. Attorney’s Office, in January 2009, defendant Daniel Boyd sent an e-mail to himself with Yusuf al-Ayyiri’s “Path to the Land of Battle” as an attachment.¹⁵¹ Another copy of the same document was also recovered on computer media seized from the Boyd residence.¹⁵²

Aside from materials by the late Yusuf al-Ayyiri, At-Tibyan Publications released a torrent of other books and videos that were specifically designed to incite extremists to either carry out or assist in the performance of acts of violence. One such treatise is a notorious 65-page pamphlet titled “39 Ways to Serve and Participate in Jihad.”¹⁵³ This document was originally written in Arabic by Isa al-Awshin (a.k.a. Muhammad bin Ahmad as-Salim, the late editor of Al-Qaida in Saudi Arabia’s official Voice of Jihad Magazine) and first appeared on the Internet in 2003. The document represents an unusually elaborate guidebook for would-be jihadist recruits as to how they can best personally contribute to the struggle of global jihad. For instance, Section 5 of the document (titled “Outfitting a Fighter”) explains:

“One of the ways to take part in jihad in the path of God and to serve the mujahidin is to equip fighters for jihad... The outfitting of a fighter is a great opportunity for a man if he has a valid excuse that prevents him from going out to fight... The outfitting of fighters offers an opportunity for women, who cannot ride out in battle in the path of God. They can equip fighters with their money, their jewelry, and their property in order to reap the great reward... If someone has no money to give, he can outfit a fighter by collecting money to equip fighters in the path of God.”¹⁵⁴

¹⁴⁷ \Evidence\CD – Documents\2008.pdf. Page 2441.

¹⁴⁸ \Evidence\CD – Documents\2008.pdf. Page 2442.

¹⁴⁹ Al-Ayyiri, Yusuf. “The Path to the Land of Battle.” At-Tibyan Publications.

¹⁵⁰ Al-Ayyiri, Yusuf. “The Path to the Land of Battle.” At-Tibyan Publications.

¹⁵¹ \Evidence\CD – Documents\2009.pdf. Page 1299.

¹⁵² \Evidence\cd 4\9 eMachines 1B92 C

¹⁵³ As-Salim, Muhammad bin Ahmad. “39 Ways To Serve and Participate in Jihad.” At-Tibyan Publications.

¹⁵⁴ As-Salim, Muhammad bin Ahmad. “39 Ways To Serve and Participate in Jihad.” At-Tibyan Publications.

This document written by Isa al-Awshin and released in English by At-Tibyan Publications has been cited in numerous recent mainstream media reports as a prime example of the growth of Al-Qaida terrorist activity on the Internet. Articles published within the last year by both Western news agencies and by the Qatar-based Al-Jazeera satellite network have specifically described “39 Ways to Serve and Participate in Jihad” as “a popular book among terrorists”¹⁵⁵ that is responsible for directly “encourag[ing] the growth of home-grown militant cells across the world, including in such Western countries as Canada and Britain.”¹⁵⁶ A copy of At-Tibyan’s English translation of “39 Ways to Serve and Participate in Jihad” was found on computer media seized from the residence of defendant Daniel Boyd.¹⁵⁷ Two more copies of the same At-Tibyan document were also recovered from the HP Pavilion computer seized from defendant Ziyad Yaghi¹⁵⁸ and from another computer taken from defendant Anes Subasic.¹⁵⁹

At-Tibyan Publications has even released material authored by Al-Qaida’s top leadership—such as “The Ruling Regarding Killing One’s Self To Protect Information”, a fatwah co-written by Al-Qaida Deputy Commander Dr. Ayman al-Zawahiri.¹⁶⁰ The fatwah endorses committing a typically forbidden act of suicide under virtually any prevailing conditions as long as it is for a legitimate military purpose:

“The Four Imams allowed a Muslim to submerge (immerse, plunge) into the ranks of the infidels, even he believes [it] will kill him as long as that action is beneficial for the Muslims... The prohibition against seeking and praying for death, and killing one’s self is restricted—when it is done for the sake of lifting the Word of Allah, for protecting the lives of the Believers, and terrorizing the enemies of Allah... The one who kills himself in the martyrdom operations... his motivation in doing so is to sacrifice himself for the Din [religion] and preserving his Believing brothers, and to protect their honor through his blood... So his soul is confident, happy, joyous, and looking forward to Meeting with Allah and the Triumph of the Gardens [of paradise].”¹⁶¹

A copy of “The Ruling Regarding Killing One’s Self To Protect Information” was found on computer media seized from the residence of defendant Daniel Boyd.¹⁶² Separately, at least two copies of the same At-Tibyan Publications document were recovered from the Hewlett Packard Pavilion computer taken from defendant Ziyad Yaghi.¹⁶³

Beyond this small selection of examples, various other materials published by At-Tibyan Publications—on subjects ranging from “The Ruling on Jihad and its

¹⁵⁵ Choate, Trish. “Terror takedown: Internet contributing to extremist movement.” Standard-Times. March 5, 2007.

¹⁵⁶ “Al-Qaeda takes its fight to the internet.” Al-Jazeera (Qatar). October 30, 2006.

¹⁵⁷ \Evidence\cd 4\9 eMachines 1B92 C\39 Ways to Serve in Jihad[734484].pdf

¹⁵⁸ \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\39-Ways-to-Serve-and-Participate-in-Jihad[3732].pdf

¹⁵⁹ \Evidence\Subasic Computer\Subasic 1 of 10\39_ways[195651].pdf

¹⁶⁰ Jarbu, Abdelaziz and Dr. Ayman al-Zawahiri. “The Ruling Regarding Killing One’s Self To Protect Information.” At-Tibyan Publications.

¹⁶¹ Jarbu, Abdelaziz and Dr. Ayman al-Zawahiri. “The Ruling Regarding Killing One’s Self To Protect Information.” At-Tibyan Publications.

¹⁶² \Evidence\cd 4\9 eMachines 1B92 C\ Suicide to Protect Information[734590].pdf

¹⁶³ \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU\; ProtectInformation[29823].pdf and The-Ruling-Regarding-Killing-Ones-Self-to-Protect-Information[98534].pdf.

Divisions”¹⁶⁴, “Meaning of Victory and Loss in Jihad”¹⁶⁵, “Jihad and the Effects of Intention Upon it”¹⁶⁶, “An Exposition Regarding the Disbelief of Those Assisting the Americans”¹⁶⁷, “The Clarification of What Occurred in America”¹⁶⁸, and “A Call to Migrate from the Lands of the Disbelievers to the Lands of the Muslims”¹⁶⁹—were recovered from computer media taken from defendants Ziyad Yaghi and Anes Subasic, and from the residence of defendant Daniel Boyd.

- **Shaykh Anwar al-Awlaki**

Shaykh Anwar al-Awlaki is an influential Yemeni-American cleric who was born in New Mexico. Al-Awlaki grew to prominence during the late 1990s as a Salafist preacher and activist in the U.S. Following the September 11, 2001 terrorist attacks on the United States, al-Awlaki initially came under suspicion due to his unusual contacts with at least two 9/11 hijackers—Nawaf al-Hazmi and Khalid al-Midhar—while they were living in the U.S. The following excerpt was included in the preliminary report of the Congressional 9/11 investigation committee. The unnamed Imam in the excerpt has since been identified as Anwar al-Awlaki:

“After the September 11 attacks, the FBI developed information that [Nawaf] al-Hazmi and [Khalid] al-Midhar were closely affiliated with an Imam in San Diego who reportedly served as their spiritual advisor during their time in San Diego... Several persons informed the FBI after September 11 that this imam had closed-door meetings in San Diego with al-Midhar, al-Hazmi, and another individual, whom [Omar] al-Bayoumi had asked to help the hijackers. This imam moved to Falls Church, Virginia in 2001. In 2001, hijackers al-Hazmi and Hanjour also moved to Falls Church and began to attend the mosque with which the imam was associated. One of members of the mosque helped them find an apartment in the area and, after approximately a month, this person drove Hanjour and al-Hazmi, along with two other hijackers, to Connecticut and then to Paterson, New Jersey. From the hotel in Connecticut where they stayed for two nights, a total of 75 calls were made to locate apartment, flight schools, and car rental agencies for the hijackers... During a search of Ramzi Binalshibh’s residence in Germany, police found the phone number for the imam’s mosque. The FBI agent responsible for the September 11 investigation informed Joint Inquiry staff that ‘there’s a lot of smoke there’ with regard to the imam’s connection to the hijackers. The FBI originally opened a counterterrorism inquiry into the imam’s activities in June 1999. During the counterterrorism inquiry, the FBI discovered that the imam was in contact with a number of other persons of investigative interest... In early 2000, the imam was visited by a subject of a Los Angeles investigation closely associated with Blind Sheikh al-Rahman... The investigation was closed despite the imam’s contacts with other subjects of

¹⁶⁴ \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU\TheRulingOnJihadAndItsDivisions[29853].pdf

¹⁶⁵ \Evidence\Subasic Computer\Subasic 1 of 10\ Meanings of Victory and Loss in Jihaad[184768].pdf

¹⁶⁶ \Evidence\cd 1\2 Boyd laptop A 1B126 C\ Effects Of Intention[248327].pdf

¹⁶⁷ \Evidence\CD – Documents\2009.pdf. Page 341.

¹⁶⁸ \Evidence\Subasic Computer\Subasic 1 of 10\ clarification_911[203399].pdf

¹⁶⁹ \Evidence\cd 4\9 eMachines 1B92 C\ Call to Migrate from Dar al kuffr to Dar al Islam[734556].pdf; \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ A_Call_to_Migrate[3830].pdf; \Evidence\Subasic Computer\Subasic 1 of 10\ call_migrate[201818].pdf (tibyan call to migrate)

counterterrorism investigations and reports concerning the imam's connection to suspect organizations."¹⁷⁰

Since his departure from the U.S. in 2003 for Yemen, Anwar al-Awlaki has grown increasingly militant in his philosophy. This has included providing English-interpretations of documents originally published by Al-Qaida's regional wing in Saudi Arabia—and even appearing in exclusive media releases on behalf of “Al-Qaida in the Arabian Peninsula” (AQAP).¹⁷¹ In March 2010, al-Awlaki released an audio recording of himself, explaining, “I for one was born in the U.S., I lived in the U.S. for 21 years. America was my home... However, with the American invasion of Iraq and continued U.S. aggression against Muslims I could not reconcile between living in the U.S. and being a Muslim. And I eventually came to the conclusion that Jihad against America is binding upon myself just as it is binding on every other able Muslim.”¹⁷² Al-Awlaki is suspected of having assisted in the recruitment and/or radicalization of several recent terrorists of note, including Fort Hood mass shooter Maj. Nidal Malik Hassan and AQAP “Underwear bomber” Umar Abdulmutallab.

In an interview with the FBI, defendant Daniel Boyd recalled that defendant Ziyad Yaghi “was always talking about Anwar al-Awlaki”¹⁷³ According to Boyd, Yaghi gave him a compact disc “containing lectures by Anwar al-Awlaki. Boyd had heard of al-Awlaki before, but had never listened to him. Yaghi told Boyd that he had to listen to al-Awlaki. Yaghi told Boyd the lectures were about jihad and that Boyd could learn from this guy. Yaghi told Boyd that al-Awlaki is pro-jihad and ‘thinks like us.’”¹⁷⁴ Quite clearly, Boyd shared a similar enthusiasm for the philosophy of Anwar al-Awlaki. Confronted by the FBI with a recording of himself describing young mujahideen recruits as the “real” Islamic clergy of today, Boyd admitted that he was just “parrot[ing] Anwar Awlaki... Boyd said he used this phrase to support that jihad is legitimate.”¹⁷⁵ Boyd was familiar with Anwar al-Awlaki's online website (www.anwar-alawlaki.com)¹⁷⁶ and even subscribed to al-Awlaki's official e-mail list.¹⁷⁷ Likewise, a document labeled “Islamic Websites” which was recovered from the Hewlett Packard computer taken from defendant Ziyad Yaghi also contains a link to www.anwar-alawlaki.com.¹⁷⁸

¹⁷⁰ “Report of the Joint Inquiry into the Terrorist Attacks of September 11, 2001.” House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence. S. REPT. NO. 107- 351 107TH Congress, 2nd Session. H. REPT. NO. 107-792. December 2002. Page 178.

¹⁷¹ See e.g.: Al-Malahem Media Foundation. “A Premiere and Exclusive Interview with the Islamic Preacher Sheikh Anwar Al-Awlaki.” Al-Qaida in the Arabian Peninsula (AQAP). <http://www.alfaloja.ws/vb/showthread?t=117972>. May 22, 2010.

¹⁷² Al-Awlaki, Anwar. “Western Jihad is Here to Stay.” <http://www.ansar1.info/showthread?t=20412>. March 19, 2010.

¹⁷³ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 34.

¹⁷⁴ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 34.

¹⁷⁵ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 23079 thru 23106.pdf. Page 22.

¹⁷⁶ \Evidence\CD – Documents\2008.pdf. Page 776.

¹⁷⁷ \Evidence\CD – Documents\2009.pdf. Page 4147.

¹⁷⁸ \Evidence\CD - Yaghi HP Additional Files\2 of 4\Saleh Bookmarks

In fact, in the evidentiary files provided to me, I have identified a grand total of over 1,850 al-Awlaki audio recordings contained in digital media seized from defendants Daniel Boyd, Ziyad Yaghi, Jude Kenan Mohammad, and Anes Subasic. A single compact disc extract of material taken from a computer in the custody of Jude Kenan Mohammad was alone filled with over 700 recordings of Anwar al-Awlaki.¹⁷⁹ Likewise, a single compact disc of material excerpted from a computer in the custody of Anes Subasic contained at least 70 audio sermons by al-Awlaki.¹⁸⁰ The Hewlett Packard Pavilion computer seized from defendant Ziyad Yaghi included a combined sum of at least 146 various audio recordings of al-Awlaki.¹⁸¹

The Facebook profile of defendant Ziyad Yaghi is demonstrative of the influence and rather unique appeal of Shaykh Anwar al-Awlaki.¹⁸² On November 24, 2006, Yaghi sent a message via Facebook to “Omar Hassan”: “yo akhi jazakALLAHukhairun for tell me about Anwar Al Awlaki niggas is good mashALLAH I been listening to his lectures for mad long.”¹⁸³ Two days later, “Saleh Hamdan” wrote a message to defendant Ziyad Yaghi over Facebook confirming, “I got those lectures, I just have not listened to them yet. btw make dua for Imam Anwar Al-Awlaki, he is currently in the interrogation facility in Yemen (a.k.a.-torture chamber). They accused him of being in Al-Qaeda, and smuggling weapons to Somalia. May Allah free our brother.”¹⁸⁴ On March 6, 2007, once again over Facebook, Ziyad Yaghi sent “Omar Hassan” a link to “www.salaattime.com/anwar.html”, which was, at the time, a complete web-based download library of all audio lectures by Anwar al-Awlaki.¹⁸⁵ Even Yaghi’s public profile offered long extracts from various al-Awlaki sermons, quoting al-Awlaki’s advice on what to do “when war comes, when the rubber hits the road.”¹⁸⁶

Among English-speaking violent extremists, one of Anwar al-Awlaki’s lectures has been particularly enduring: “Constants on the Path of Jihad” (“Thawabit ala Darb al-Jihad”). The sermon is originally based on a popular Arabic-language book written by Yusuf al-Ayyiri, the original founder of Al-Qaida’s branch in Saudi Arabia. [An explicit English-translation of al-Ayyiri’s book itself was separately recovered from the HP Pavilion computer seized from defendant Ziyad Yaghi].¹⁸⁷ During his presentation of “Constants on the Path of Jihad”, al-Awlaki invokes the ruthless mantra of Yusuf al-Ayyiri and instructs his followers:

“Jihad does not end with the disappearance of a person. Jihad must continue regardless because it does not depend on any particular leader or individual... Jihad does not depend on any particular land. It is global. When the Muslim is in his land, he performs jihad... No borders or barriers stop it. The message cannot be conveyed without jihad. If a

¹⁷⁹ \Evidence\Jude Computer Pakistan\Jude Pakistan Disk 1 of 4

¹⁸⁰ \Evidence\Subasic Computer\Subasic 1 of 10

¹⁸¹ The combined sum of files identified in \Evidence\CD - Yaghi HP Additional Files\1 of 4\Anwar Al-Awlaki; \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2; \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU; \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU; and, \Evidence\CD - Yaghi HP Pavilion\Yaghi Sony SBU C.

¹⁸² \Evidence\CD – Documents\2007.pdf. Pages 80-81.

¹⁸³ \Evidence\CD – Documents\2007.pdf. Page 100.

¹⁸⁴ \Evidence\CD – Documents\2007.pdf. Page 85.

¹⁸⁵ \Evidence\CD – Documents\2007.pdf. Page 92.

¹⁸⁶ \Evidence\CD – Documents\2007.pdf. Page 81.

¹⁸⁷ \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU\ThawaabitENG[29829].doc

particular people or nation is classified as... ‘the people of war’ in the Shariah, that classification applies to them all over the earth. Islam cannot be customized to suit the conditions where you are, for instance Europe.”¹⁸⁸

According to Awlaki in “Constants”, a sense of “victory” cannot be limited to mere “military victories” alone, and should also include “sacrifice”: “The Mujahid sacrificing ‘his self’ and his wealth is victory. Victory of your idea, your religion. If you die for your religion, your death will spread the da’wa... Allah chooses Shuhada (martyrs) from amongst the believers. This is a victory.”¹⁸⁹

Al-Awlaki’s interpretative lecture on the “Constants on the Path of Jihad” has proven extraordinarily popular among extremists living in Western countries, and has regularly surfaced in evidence collected by law enforcement in cases of suspected homegrown terrorists, from London to Atlanta. Dritan Duka—who was convicted in late 2008 of conspiring to murder U.S. soldiers at Fort Dix in the District of New Jersey and sentenced to life in prison—is one such example. In February 2007, Dritan Duka was recorded by the FBI as he repeatedly instructed an associate to download a copy of Anwar al-Awlaki’s audio lecture on the “Constants on the Path of Jihad”:

“He gives it to you raw and uncut... this is the truth I don’t give a damn what everybody says this is Islam, this is the truth right here. So he doesn’t sugar coat, he doesn’t have any boundaries to the truth in this, and it’s very why- why am I stressing this point, because we’re living in a time people were confused Muslims themselves they’re confused... this lecture is very necessary for people today, if you’re concerned... One of the best lectures I ever heard ever.”¹⁹⁰

A month later, while speaking to a co-conspirator, Duka echoed, “You gotta hear this lecture, this brother [UI] him locked up in Yemen, Anwar al Awlaki the Imam in Washington DC, they kicked him out of the US and now they locked him up in Yemen. He was talking about Jihad the truth, no holds barred, straight how it is!”¹⁹¹

In the present case, copies of Anwar al-Awlaki’s now-infamous lecture on the “Constants on the Path of Jihad” were recovered from loose media at the home of defendant Daniel Boyd¹⁹², the Hewlett Packard computer in the custody of defendant Ziyad Yaghi¹⁹³, another computer owned by defendant Anes Subasic¹⁹⁴, and from the hard drive of Jasmin Smajic.¹⁹⁵ Anes Subasic’s computer also featured an English-language transcript of al-Awlaki’s sermon on the “Constants on the Path of Jihad.”¹⁹⁶ On

¹⁸⁸ Shaykh Anwar Al Awlaki. “Constants on the Path of Jihad” (“Thawaabit Ala’ Darb Al-Jihad.”) Audio recording transcribed at <http://sabiluna.sitesled.com/Constants%20on%20The%20Path%20of%20Jihad.pdf>.

¹⁸⁹ Shaykh Anwar Al Awlaki. “Constants on the Path of Jihad” (“Thawaabit Ala’ Darb Al-Jihad.”) Audio recording transcribed at <http://sabiluna.sitesled.com/Constants%20on%20The%20Path%20of%20Jihad.pdf>.

¹⁹⁰ Transcript of Monitored Conversation. February 21-24, 2007. File #: 315N-PH-100652. Filename: 02232007-1931-CW2(Done-MAH). United States v. Dritan Duka. District of New Jersey (2008).

¹⁹¹ Transcript of Monitored Conversation. March 9, 2007. Filename: 3-9-2007-CW-2-1920-full. United States v. Dritan Duka. District of New Jersey (2008).

¹⁹² \Evidence\cd 3\15 Loose Media\1B99

¹⁹³ \Evidence\CD - Yaghi HP Pavilion\CD 2 of 2\Yaghi HP 2 of 2 SBU

¹⁹⁴ \Evidence\Subasic Computer\Subasic 2 of 10\; Constants2[256499].mp3 to Constants6[257409].mp3.

See also: \Evidence\Subasic Computer\Subasic Disc 10 of 10\ Constants1[257289].mp3.

¹⁹⁵ \Evidence\cd 5-6 (Smajic 1B5)\disc 5 (1 of 2)\; Constants - 1[12757].mp3 to Constants - 6[12772].mp3.

¹⁹⁶ \Evidence\Subasic Computer\Subasic 1 of 10\Constants of right path to Jihad[179677].pdf

November 24, 2006, defendant Ziyad Yaghi sent a message via Facebook with a link to “Constants on the Path of Jihad” (hosted by Google Video) to “Markus Erickson”, urging him, “yo make sure you listen to this and your brother too there 6 parts.”¹⁹⁷ Less than ten minutes later, Yaghi sent another message via Facebook with the same hyperlink to “Omar Hassan”: “yo yo yo yo yo beeeeezy u gotta watch this its ur boy anwar al awlaki his good yo mashALLAH straight forward.”¹⁹⁸ It is remarkable how closely Yaghi’s description of al-Awlaki and the significance of his “Constants” sermon matches that of previous criminal conspirators like Dritan Duka in the District of New Jersey.

Aside from “Constants on the Path of Jihad”, Anwar al-Awlaki has also become a celebrated figure amongst violent extremists for a written treatise that he released in early 2009: “44 Ways of Supporting Jihad.” The document “44 Ways of Supporting Jihad” is a derivation of a book authored by a senior Saudi Al-Qaida member (previously discussed in this report) titled, “39 Ways to Serve and Participate in Jihad.” On January 5, 2009, Anwar al-Awlaki posted a new entry to his online weblog titled, “44 Ways of Supporting Jihad” with download links to a matching Microsoft Word (DOC) and Adobe Acrobat (PDF) documents. According to an accompanying note from al-Awlaki, “this is an article I wrote a while back. I am releasing it now because of all what is happening in Gaza. We need to fullfill our duties as Muslims to defend our religion and land.”¹⁹⁹ Al-Awlaki also acknowledges, “this article is based on an Arabic article... titled: ‘39 ways of supporting Jihad.’ I opted not to translate the article in its original form since significant changes where needed to make it more relevant to the English reader and to current events... When Islam is being attacked in order to uproot it, Jihad becomes obligatory on every Muslim. Jihad must be practiced by the child even if the parents refuse, by the wife even if the husband objects and by the one indebt even if the lender disagrees... The point needs to be stressed: Jihad today is obligatory on every capable Muslim. So as a Muslim who wants to please Allah it is your duty to find ways to practice it and support it. Following are 43 ways for the brothers and sisters to support Jihad fi sabeelillah.”²⁰⁰

Al-Awlaki’s version of the list ranges from such mundane tasks as “fundraising for the mujahideen” and “following the news of jihad” to “Arms Training, “WWW Jihad”, and even “Joining Groups that Work for Jihad.” According to al-Awlaki, “arms training is an essential part of preparation for Jihad... The issue is so critical that if arms training is not possible in your country then it is worth the time and money to travel to another country to train if you can.”²⁰¹ In “44 Ways of Supporting Jihad”, al-Awlaki also repeatedly stresses the importance of reading and re-distributing jihadi media, particularly over the Internet. He explained, “the internet has become a great medium for spreading the call of Jihad and following the news of the mujahideen. Some ways in which the brothers and sisters could be ‘internet mujahideen’ is by contributing in one or more of the following ways: Establishing discussion forums that offer a free, uncensored medium for posting information relating to Jihad; Establishing email lists to share information with interested brothers and sisters; Posting or emailing Jihad literature and

¹⁹⁷ \Evidence\CD – Documents\2007.pdf. Page 100.

¹⁹⁸ \Evidence\CD – Documents\2007.pdf. Page 100.

¹⁹⁹ Al-Awlaki, Anwar. “44 Ways of Supporting Jihad.” <http://www.anwar-alawlaki.com>. January 5, 2009.

²⁰⁰ Al-Awlaki, Anwar. “44 Ways of Supporting Jihad.” <http://www.anwar-alawlaki.com>. January 5, 2009.

²⁰¹ Al-Awlaki, Anwar. “44 Ways of Supporting Jihad.” <http://www.anwar-alawlaki.com>. January 5, 2009.

news; Setting up websites to cover specific areas of Jihad, such as: mujahideen news, Muslim POWs, and Jihad literature.”²⁰²

At least one copy of Anwar al-Awlaki’s “44 Ways of Supporting Jihad” was recovered from a computer seized from defendant Daniel Boyd.²⁰³ Separately, on January 15, 2009, defendant Hysen Sherifi sent an e-mail to “bih7777@yahoo.com” with “44 Ways of Supporting Jihad” as an attachment.²⁰⁴ In the e-mail, Sherifi encouraged his associate, “I hope you are working a lot brother a lot – for Allah!”²⁰⁵ On the same day, Sherifi also forwarded a copy of “44 Ways” in an e-mail to “othmane191@hotmail.com.”²⁰⁶ Similarly, in this message, Sherifi urged, “I hope you are working a lot – for Allah... Shahid inshaAllah!”²⁰⁷ According to a report from an FBI confidential informant, Sherifi offered to share “books relating to Islam and jihad and one of them is ‘44 Ways to help the Mujahidin’ by Anwar Aleki (al Awlaki). Sherifi translated that book and put it onto a website.”²⁰⁸ Sherifi allegedly emphasized to the informant that “translating is one of the 44 ways to help the mujahidin.”²⁰⁹

In his audio sermon “Allah is Preparing Us for Victory”, Anwar al-Awlaki preaches to his supporters of the “epic battle that will occur between the Muslim nation and ar-Room and that will be followed by the global Khilafah... It’s not like you can win over localised small area and they will leave you alone – no, the long arm of American injustice will get you wherever you are... that battle will be the battle that will establish the Islamic Khilafah on a global scale.” Al-Awlaki addresses those listeners who are hesitant to adopt the methodology of violent extremists: “You really don’t want to be sitting on the sidelines and lose out on all of this ajr [credit for good deeds] in this Golden Era; because it is a Golden Era... Although this is a Golden Era of Jihad, this ajr won’t be handed out for free; it would demand a lot. Because it is the greatest status it would demand the greatest sacrifice.”²¹⁰ Copies of Anwar al-Awlaki’s sermon “Allah is Preparing Us for Victory” were recovered from computers and digital media seized from the residence of defendant Daniel Boyd²¹¹ and likewise from defendant Ziyad Yaghi.²¹² Yaghi’s HP Pavilion computer also contained a PDF transcript of “Allah is Preparing Us for Victory.”²¹³

This is all merely a brief window into the extensive and disturbing archive of Anwar al-Awlaki material recovered as evidence in the present case. It should be noted that the other al-Awlaki audio sermons found on the computers of defendants Ziyad Yaghi and Anes Subasic include such titles as: “Jihad in Islam: Its Meaning,

²⁰² Al-Awlaki, Anwar. “44 Ways of Supporting Jihad.” <http://www.anwar-alawlaki.com>. January 5, 2009.

²⁰³ \Evidence\cd 1\4 AMD CPU 1B88 C\40 Gb\44 Ways of Supporting Jihad[11402].doc

²⁰⁴ \Evidence\CD – Documents\2009.pdf. Page 63.

²⁰⁵ \Evidence\CD – Documents\2009.pdf. Page 63.

²⁰⁶ \Evidence\CD – Documents\2009.pdf. Page 80.

²⁰⁷ \Evidence\CD – Documents\2009.pdf. Page 80.

²⁰⁸ \Evidence\CD – Documents\2009.pdf. Page 3131.

²⁰⁹ \Evidence\CD – Documents\2009.pdf. Page 3131.

²¹⁰ Al-Awlaki, Anwar. “Allah is Preparing Us for Victory.”

²¹¹ \Evidence\cd 3\15 Loose Media\1B99\ Allah is preparing us for victory - Part 01[207845].mp3_1.mp3

²¹² \Evidence\CD - Yaghi HP Pavilion\Yaghi Sony SBU C\ Allah is preparing us for victory - Part 02[62958].mp3

²¹³ \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ Allah is preparing us for victory[83611].pdf

Linguistically and Legally”²¹⁴, “The Command of Jihad and its Mandate Warning to Those Who Don’t Practice Jihad”²¹⁵, “Advice to the Ones Who Stay Behind [from Jihad]”²¹⁶, “The Virtues of Encouraging Jihad”²¹⁷, “The Intentions in Jihad”²¹⁸, and “The Virtues of Martyrs.”²¹⁹ Whatever actual religious qualifications al-Awlaki may or may not have, his appeal to the defendants in this case appears to center squarely on his unambiguous endorsement of violent jihad on a global scale.

- **Shaykh Abu Hamza al-Masri**

Abu Hamza al-Masri is an exiled fundamentalist dissident originally from Alexandria, Egypt who is currently being held in prison in the United Kingdom pending extradition to face additional criminal charges in the United States. Over the years, Abu Hamza has become a legendary figure in the world of jihad and the mujahideen, and is widely admired and respected by English-speaking extremists around the world. In mid-2002, I personally interviewed Shaykh Abu Hamza at his mosque in London—which has served in the past as a refuge for such individuals as would-be suicide hijacker Zacarias Moussaoui and failed Al-Qaida shoe-bomber Richard Reid. In February 2006, Abu Hamza al-Masri was found guilty in a UK court of six charges of soliciting to murder, two charges of using abusive language to incite racial hatred, and an additional Terrorism Act charge for his possession of the “Encyclopedia of Jihad.”

Prior to his arrest by British authorities in 2004, Abu Hamza operated an organization in the United Kingdom known as the “Supporters of Shariah” (a.k.a. SOS, Ansar al-Shareeah), which admitted on its former website to supporting “the Mujahideen... in, Afghanistan, Bosnia, Kashmir, etc.,” including recruiting and aiding “front line soldiers.”²²⁰ During the mid-1990s, Abu Hamza maintained a close relationship with the Algerian Armed Islamic Group (GIA) terrorist network in Europe, and helped them by coordinating fundraising efforts and publishing their “Al-Ansaar” Newsletter.²²¹ In the immediate wake of the September 11th suicide hijackings, Abu Hamza offered a sermon titled “The World Trade Series: The Believers vs. the [Infidelity] of America.”²²² To a rapt audience, he thundered, “Terrorism is a tool for everybody to get his way. And it has also been a tool for Islam... It is a tool, it is a

²¹⁴ \Evidence\CD - Yaghi HP Pavilion\Yaghi Sony SBU C\ CD01- JihadinIslamItsmeaningLinguisticallyandLegally[27358].mp3

²¹⁵ \Evidence\CD - Yaghi HP Pavilion\Yaghi Sony SBU C\ CD02- TheCommandofJihadanditsMandateWarning[27455].mp3. See also: \Evidence\Subasic Computer\Subasic Disc 10 of 10\ CD02 - The Command of Jihad and its Mandate Warning to those who dont practise Jihad[248019].mp3.

²¹⁶ \Evidence\CD - Yaghi HP Pavilion\Yaghi Sony SBU C\ CD03- AdvisetotheOneswhostaybehind[27521].mp3

²¹⁷ \Evidence\CD - Yaghi HP Pavilion\Yaghi Sony SBU C\ CD04- TheVirtuesofencouragingJihad[27472].mp3.

²¹⁸ \Evidence\Subasic Computer\Subasic Disc 10 of 10\ CD08 - The Intentions in Jihad[249522].mp3

²¹⁹ \Evidence\Subasic Computer\Subasic Disc 10 of 10\ CD09 - The Virtues of Martyrs[250239].mp3

²²⁰ <http://www.ummah.net/sos>. November 2001.

²²¹ Al-Masri, Abu Hamza. Khawaarij & Jihad. Maktabah al-Ansar Publications; Birmingham, UK. ©2000. Page 90.

²²² “World Trade Series – ‘The Believers vs. the Kufr of America.’” Friday Khutba given by Abu Hamza Al-Masri at the Finsbury Park Mosque.

weapon. Allah said, to terrorize the enemies of Allah and your enemies, it is a weapon, and it is a very effective weapon. And if you leave this weapon, then Allah's destruction and wrath will be upon you."²²³

On February 26, 2008, following a four-month criminal trial, five senior associates of Abu Hamza al-Masri and his mosque were found guilty in a British court of participating in terrorist training inside the borders of the United Kingdom. At the time of their arrest, the men were found in possession of video clips recorded with a mobile phone showing members of the group engaged in a makeshift terrorist training course in the New Forest region in late April and early May 2006. The footage included members of the group shown "crawling in a line on their stomachs... Upon the instruction of Hamid shouting, 'Off you go', appears to show the others how to do a forward roll and pick up a stick from the ground before doing a further two forward rolls."²²⁴ According to the London Metropolitan Police Service, these training sessions actually took place on a repeated series of occasions throughout the spring and summer of 2006. Recruits "were instructed... that this was not designed to just be running around in the woods having fun, but that training was in preparation for something similar to jihad... [they were] to be focused and make it as real as possible... [Hamid] was proud to tell the others that they were learning manoeuvres whilst camping."²²⁵

Computers seized from defendants Daniel Boyd²²⁶ and Anes Subasic²²⁷ both contained copies of an audio sermon by Abu Hamza al-Masri titled "More Massacres Until We Change." During the recording, Abu Hamza argues that contemporary catastrophes that have befallen the Muslim community are a divine punishment for abandoning the methodology of violent jihad. Abu Hamza insisted, "We must take the proper advice. And we must do the proper action. And we must continue to do that proper action. Whatever action which is good for other people is good for any nation. The Americans, they don't go the mosque if they are defeated, and raise their hands. They raise their gun. When you talk about defeat and victory, before you raise your hand, you must raise your gun... Who's the master? The one who got the weapons. The one who got the power... The ingredient for Muslims, the solution for Muslims is to do jihad."²²⁸

Likewise, a computer seized from defendant Anes Subasic contains at least 14 books and religious edicts authored by Shaykh Abu Hamza al-Masri and/or published by his organization "Supporters of Shariah" (SOS).²²⁹ Most of these documents were published by the regional SOS office in the Balkans run by Abu Hamza's aide Abu Zarr al-Banjaluki. One such pamphlet, titled "Potreba Ya Serijatom", urges conservative Muslims to reject moderate interpretations of Islamic Shariah law, including using the

²²³ "World Trade Series – 'The Believers vs. the Kufr of America.'" Friday Khutba given by Abu Hamza Al-Masri at the Finsbury Park Mosque.

²²⁴ London Metropolitan Police Service; Directorate of Public Affairs. "R v. Hamid and others: Training and meetings." Operation Overamp. February 2008.

²²⁵ London Metropolitan Police Service; Directorate of Public Affairs. "R v. Hamid and others: Timeline 2004-Present." Operation Overamp. February 2008.

²²⁶ \Evidence\cd 2\5 Dell M 1B51 C\ more massacre until we change[147398].mp3

²²⁷ \Evidence\Subasic Computer\Subasic 3 of 10\ more massacre until we change[323048].mp3

²²⁸ \Evidence\Subasic Computer\Subasic 3 of 10\ more massacre until we change[323048].mp3

²²⁹ \Evidence\Subasic Computer\Subasic 4 of 10

“sword”: “Put up resistance on all frontlines and stimulate Muslims to fight against it.” It further explained:

“Before the name SOS was chosen in 1994, its members worked under various different names and in various parts of the world. This is why the SOS has firsthand experience in various difficult situations. The activities of the SOS include the frontline and working with the Jihad movements in Kashmir, Bosnia, Afghanistan, and recently Egypt, Yemen, Algeria and many other places. This experience made the SOS effective in fighting to provide the necessary mental, spiritual and physical needs for the Ummah of Muslims. After the end of Jihad in Afghanistan, the manhunt of all the mujahideen who took part in it began. Thus, senior members of SOS felt it necessary to create an Internet site so that the mujahideen could have their say. They also wanted to have the people coming from the frontlines have their say, so the whole world could understand them—this is actually why they are in fact the legal and the main fighters for Shariah.”²³⁰

One of Abu Hamza al-Masri’s best known written works in the English-language is the book Khawaarij & Jihad, which tells the inside narrative behind the founding of the GIA in Algeria by mujahideen veterans returning from Afghanistan, and the group’s eventual downfall due to corruption and infighting. The book Khawaarij & Jihad includes a detailed history of the GIA’s local activities on at least three continents, and even copies of actual Arabic-language communiqués issued by the GIA in 1995 and 1996. Abu Hamza al-Masri describes in precise detail how “the GIA formed from a collection of militant groups that all at one time had struggled against the military government of Algeria.”²³¹ A copy of Abu Hamza al-Masri’s book Khawaarij & Jihad was recovered in the present case from the computer of defendant Anes Subasic.²³²

Another book written by Abu Hamza al-Masri and celebrated amongst jihadi extremists is the treatise Allah’s Governance on Earth. In the opening to Allah’s Governance on Earth, Abu Hamza begins by offering his “thank[s]... and respect” to Al-Qaida co-founder Shaykh Abdullah Azzam, Shaykh Omar Abdel Rahman, Usama Bin Laden, and other “sheikhs and students of knowledge... struggling to support the Sharia and the Mujaahidin.”²³³ Abu Hamza’s purpose in publishing this book was to offer guidance on the proper conduct of pious Muslims, including endorsing “attacking places of voting”²³⁴ and referring to Jews as “cursed and the object of the wrath of Allah.”²³⁵ According to Abu Hamza, “Jihaad [is]... compulsory, offensive and defensive, as Muslims have been commanded to protect themselves and invite others to Islam.”²³⁶ Turning to the targets of intended acts of violence, Abu Hamza quotes a fatwah and urges, “the apostates, they must be killed... Even those that do not fight from (amongst)

²³⁰ \Evidence\Subasic Computer\Subasic 4 of 10\ potreba-za-serijatom-Ebu hamza[201123].zip

²³¹ Al-Masri, Abu Hamza. Khawaarij and Jihad. Maktabah al-Ansar; Birmingham, UK. ©2000. Page 84.

²³² \Evidence\Subasic Computer\Subasic 1 of 10\ Khawarij and Jihaad-Emu Hamza ell MASri[182641].pdf

²³³ Al-Masri, Shaykh Abu Hamza. Allah’s Governance on Earth. Supporters of Shariah (SOS)

Publications. Published: Summer 1999. Page 6.

²³⁴ Al-Masri, Shaykh Abu Hamza. Allah’s Governance on Earth. Supporters of Shariah (SOS)

Publications. Published: Summer 1999. Page 401.

²³⁵ Al-Masri, Shaykh Abu Hamza. Allah’s Governance on Earth. Supporters of Shariah (SOS)

Publications. Published: Summer 1999. Page 67.

²³⁶ Al-Masri, Shaykh Abu Hamza. Allah’s Governance on Earth. Supporters of Shariah (SOS)

Publications. Published: Summer 1999. Page 69.

them should be killed like the old man, the blind, the very weak and their women.”²³⁷ As for the rest of society:

“Whoever commits fornication, he should be killed, married or not. Whoever does a homosexual act should be killed. Whoever deliberately lied, he should be killed. The one who does magic should be killed. Whoever spies should be killed. Anyone trying to intervene between two opponents, helping one against the other, he should be killed. The one who urinates or dives into stagnant water should be killed. Anyone who feeds a captive or gives him clothing, drink or food without family permission should be killed.”²³⁸

Copies of Abu Hamza al-Masri’s book Allah’s Governance on Earth were recovered from computers seized from defendants Ziyad Yaghi²³⁹ and Anes Subasic.²⁴⁰

- **Shaykh Abdullah al-Faisal al-Jamaiki**

Shaykh Abdullah al-Faisal, who comes originally from the West Indies, studied Islam and Arabic Language at Ibn Saud University in Riyadh for eight years. He was a student in Riyadh under a variety of other Sheikhs, including Abdullah Hakim Quick, Abdul Wahabb Tariri, Abdullah Tuwaijree, Sheikh Ibn Jibrn, and Nassir Amr. Since graduating in 1991, he has conducted regular prayer and Islamic discussion circles in London.²⁴¹ In February 2003, Abdullah al-Faisal was convicted in a U.K. court on charges of “soliciting to murder,” defined as “encouraging, persuading, endeavoring to persuade or proposing to any person to murder any other person.” The charges stemmed from lectures given by the militant cleric in which he openly called upon his followers to kill Americans, Jews, Hindus, and other perceived “enemies of Islam.”²⁴² As a result of his conviction, al-Faisal has since been removed from the United Kingdom and has returned to his native homeland of Jamaica.

One of the more notorious recordings attributed to Shaykh Faisal is titled, “Jihad: Aims and Objectives.” The tape features Shaykh Faisal lecturing to his audience that “jihad is here to make people come into the fold of Islam in multitudes... because who wants to take sides with weak, who wants to be with the losers? But when you have dignity, the power, you the Muslims will rule the country. You will call the shots. People will do what you say. The power is in your hands. Then people will rush into Islam in multitudes. So you are giving dawa [missionary work] here in the UK, and people are coming, but they are coming in slowly but surely. If you should conquer, you will see thousands, millions will take shahada in one day. One million will take shahada in one day! This is, this is Islamic history. So we shouldn't be doing dawa. We should be doing jihad. Ideally, we should be doing jihad, we shouldn't be doing dawa.” Faisal

²³⁷ Al-Masri, Shaykh Abu Hamza. Allah’s Governance on Earth. Supporters of Shariah (SOS) Publications. Published: Summer 1999. Page 116.

²³⁸ Al-Masri, Shaykh Abu Hamza. Allah’s Governance on Earth. Supporters of Shariah (SOS) Publications. Published: Summer 1999. Page 171.

²³⁹ \Evidence\CD - Yaghi HP Pavilion\CD 1 of 2\ Allahs Governance on Earth[30962].pdf

²⁴⁰ \Evidence\Subasic Computer\Subasic 1 of 10\ Allahs Governance of earth-Abu Hamza[59247].pdf

²⁴¹ Al Quds Audiovision. “Who is Sheikh Faisal?” <http://www.islamicjihad.com/sheikh/index.html>.

²⁴² “Muslim cleric guilty of soliciting murder.” The Guardian (London). February 24, 2003.

then continued to explain that “another aim and objective of jihad is to drive terror in the hearts of the [infidels]... to terrorize them. Did you know that we were commanded in the Qur’an with terrorism? ...another aim and objective of jihad is to kill the [infidels]... Allah [said], it is not right for a Prophet to have captives until he makes the Earth warm with blood... So when we wage jihad, no captives, we don’t take captives. We don’t have money to feed them. It is a waste of money. And we can’t be bothered to transport them, they are an extra burden. No captives, we just kill them and wash our hands from the problem.” On the same tape, Faisal suggested that oppressed Muslims join the jihad by committing bank robberies, specifically in Switzerland, and “so, if you are suffering from poverty, wage jihad and you will see the wealth coming in your hands.”²⁴³

Like Anwar al-Awlaki and Abu Hamza al-Masri, Shaykh Faisal makes frequent appearances in the evidence seized by authorities in the present case. A single compact disc containing extracted material from defendant Ziyad Yaghi’s HP computer included at least 84 audio recordings of Shaykh Faisal.²⁴⁴ One of those audio recordings is a sermon titled “Natural Instincts”, in which Shaykh Faisal urges a live audience that faithful Muslims should “hate the kafirs [infidels].”²⁴⁵ Moreover, according to Faisal, waging violent jihad is part of a “natural instinct” of self-defense. Thus, Muslims should not hesitate to stand up to oppressors and “exterminate the enemy by your hands.” A copy of Shaykh Faisal’s sermon on “Natural Instincts” was also recovered separately from a computer owned by defendant Anes Subasic.²⁴⁶

Computers taken from defendants Daniel Boyd²⁴⁷ and Anes Subasic²⁴⁸ both contain copies of another Shaykh Faisal recording titled, “Loving and Hating for Allah” (a.k.a. “Al-Walaa wal-Baraa”). During the recording, Shaykh Faisal is heard commanding his audience: “The only tourism for Umrah is jihad. I you want to be a tourist go and join Taliban and kill some and (inaudible) soldiers and come back and share the news with us. (Inaudible) or go to Kashmir and kill the Hindus for raping your mothers and sisters. Hindus don’t care about life, so if you want to harm India, you have to bomb the buildings and bomb the business places. Bomb the businesses because that is where you will harm India... The population is one billion so they can afford to send soldiers to die in Kashmir. If you want to harm India, you have to bomb the business places, that is how to harm them.”

One of the Shaykh Faisal sermons recovered from the computer of defendant Anes Subasic is actually a line-by-line translation and interpretation of Al-Qaida leader Usama Bin Laden’s declaration of war against the United States.²⁴⁹ Speaking to a live audience, Faisal instructs his followers, “It is compulsory on Muslims all over the world to help Afghanistan, and to make hijra to this land, because it is from this land that we will dispatch our armies to smash the kuffar all over the world.” Upon hearing these

²⁴³ Faisal, Shaykh Abdullah. “Jihad: Its Aims and Objectives.” Audiocassette obtained from Al-Quds Audiovisions. <http://www.islamicjihad.com>. July 2001.

²⁴⁴ \Evidence\CD - Yaghi HP Additional Files\3 of 4\Saleh DVD\Shaikhs\Sheikh Faisal\

²⁴⁵ \Evidence\CD - Yaghi HP Additional Files\3 of 4\Saleh DVD\Shaikhs\Sheikh Faisal\

²⁴⁶ \Evidence\Subasic Computer\Subasic 3 of 10\ Natural Instincts[304722].mp3

²⁴⁷ \Evidence\cd 2\5 Dell M 1B51 C\Shaykh Faisal - Al-Wala Wal-Bara[147400].mp3_1.mp3; See also: \Evidence\cd 2\5 Dell M 1B51 C\Shaykh Faisal - Al-Wala Wal-Bara[147401].mp3_2.mp3; See also: \Evidence\cd 2\5 Dell M 1B51 C\Shaykh Faisal - Al-Wala Wal-Bara[147402].mp3_3.mp3

²⁴⁸ \Evidence\Subasic Computer\Subasic 3 of 10\ Shaykh Faisal - Al-Wala Wal-Bara[304724].mp3

²⁴⁹ \Evidence\Subasic Computer\Subasic 2 of 10\declaration of war[304697].mp3

words, audience members heard on the recording began to loudly cheer and shout “Allahu Akhbar!” (“God is the greatest!”).

- **Islamic Thinkers Society**

The Islamic Thinkers Society (ITS) is an associated splinter faction of Shaykh Omar Bakri Mohammed’s radical Al-Muhajiroun movement in the United Kingdom. ITS itself is based in the New York metropolitan area (and is known to be particularly active in Queens and Manhattan). According to an official report recently released by the Intelligence Division of the New York Police Department (NYPD):

“The Islamic Thinkers Society (ITS) is an organization primarily composed of 2nd and 3rd generation college-age Americans of South Asian and Middle Eastern descent and espouses the same extremist worldview as al-Muhajiroun. Their ideology is underpinned by a politicized Salafi outlook that describes the United States as a nation of kuffars, or unbelievers. They do not respect U.S. ‘manmade laws’ but rather seek to implement sharia and restore the Caliphate. Islamic Thinkers Society claims that the worldwide Muslim community is under attack by a hostile West. It alleges that the West’s strategy to undermine Islam combines social, cultural, political, economic, and military aspects. In an effort to support its arguments, ITS posts regular statements on its website about the wars in Iraq and Afghanistan, the Palestinian-Israeli conflict, Kashmir, and other global issues typically important to Muslims worldwide. In this regard, the group’s call to jihad represents a justified resistance in defense of the worldwide Muslim community... The group has a Wahhabi orientation and is quick to impart ‘takfir’ upon [excommunicate] other Muslims who they consider apostates.”²⁵⁰

The website of the Islamic Thinkers Society (ITS) insists that it advocates “intellectual” and “political” struggle: “Our da’wah [missionary] activities takes place mainly in the streets of Times Square and Jackson Heights, NYC where we give out leaflets and hold posters/banners covering all types of issues relating from spiritual, social, economical, to political issues.”²⁵¹

Yet, despite this apparent disclaimer, the ITS has repeatedly engaged in activities that are explicitly designed (and are quite likely) to incite violence. On April 17, 2006, a Palestinian Islamic Jihad (PIJ) suicide bomber killed nine Israelis in an attack on a restaurant in Tel Aviv. Three days later, I personally attended and video-recorded a protest rally organized by the Islamic Thinkers Society outside the Israeli consulate in mid-town Manhattan seeking to openly voice their support for Palestinian suicide bombing attacks, and chanting, “Zionists, Zionists You will pay! The Wrath of Allah is on its way! ...The mushroom cloud is on its way! The real Holocaust is on its way!” When the leader of the group noticed that he was being recorded on video camera, he deliberately turned towards the camera and defiantly shouted, “We know many government services are watching us—such as the FBI, CIA, Mossad, Homeland Security... We know we are getting on their nerves—and so are you. So we say the hell

²⁵⁰ New York Police Department (NYPD). “Radicalization in the West: The Homegrown Threat.”

Prepared by Mitchell D. Silber and Arvin Bhatt. NYPD Intelligence Division. Page 72.

²⁵¹ http://www.islamicthinkers.com/index/index.php?option=com_content&task=view&id=5&Itemid=57. August 19, 2004.

with you! May the FBI burn in Hell! CIA burn in Hell! Mossad burn in Hell! Homeland Security burn in hell!”²⁵² Videos of similar protest rallies in the New York metropolitan area can be downloaded from IslamicThinkers.com—along with speeches by Al-Qaida military commanders and even terrorist propaganda videos.

Subsequently, in its 2007 report on “Radicalization in the West: The Homegrown Threat”, the New York Police Department specifically cited the so-called “Islamic Thinkers Society” for serving as—what it termed—an “indoctrination accelerant” for homegrown terrorism due to its dual role as both an “incubator” and “proliferator” of radicalization: “Their use of the English language as well as the internet amplifies their message and specifically resonates with 2nd and 3rd generation Muslims in the West, many of whom speak or read little, if any Arabic. Thus, even in the virtual world, this organization successfully recruits, indoctrinates, and trains aspiring extremists.”²⁵³ ITS also continues to retain close operational contacts with Ahlus Sunnah Wal Jamaah (ASWJ) and other Internet-savvy Al-Muhajiroun factions active in the United Kingdom.

The Hewlett Packard computer recovered during the present investigation from defendant Ziyad Yaghi contained multiple web links to the official Internet website of the Islamic Thinkers Society, including to a specific section of the ITS website dealing with the “Apostasy of the Rulers.”²⁵⁴

V. THE USE OF CODED LANGUAGE AND ATTEMPTS AT LOGISTICAL SUBTERFUGE

Throughout the evidence in the present case provided to me by the U.S. Attorney’s Office, there are strong indicators of attempts at evading law enforcement and logistical subterfuge through the use of word substitutions and coded language. As confirmed by the account of Daniel Boyd, the defendants were aware of the risk that their communications would be intercepted and took precautions designed to muddle the precise meaning of their words. In interviews with the FBI, defendant Daniel Boyd recalled a specific e-mail message from defendant Hysen Sherifi “in which Sherifi indicated that everything was going well, and that Allah had made a way for him. Boyd understood this to mean that Sherifi had found a path to jihad.”²⁵⁵ Boyd illustrated another example of this technique to FBI agents in an e-mail he sent back to Sherifi: “Boyd told Sherifi that if he finds a way to jihad, he is to let them know about it. It is implied that Boyd wanted this information for others to travel... Boyd stated that this was standard conversation.”²⁵⁶ A third example of this type of language substitution can be seen in an e-mail provided to me by the U.S. Attorney’s office sent by defendant Ziyad Yaghi in Jordan to Daniel Boyd. In the message, Yaghi explained, “right now I am just

²⁵² NEFA Foundation. “Video of Protest by Islamic Militants Outside the Israeli Embassy in New York: April 17, 2006.” <http://www.nefafoundation.org/index.cfm?pageID=33>.

²⁵³ New York Police Department (NYPD). “Radicalization in the West: The Homegrown Threat.”

Prepared by Mitchell D. Silber and Arvin Bhatt. NYPD Intelligence Division. Page 72.

²⁵⁴ \Evidence\CD - Yaghi HP Additional Files\2 of 4\Saleh Bookmarks. See also: \Evidence\CD - Yaghi HP Additional Files\2 of 4\Saleh Bookmarks\Islamic Websites.doc.

²⁵⁵ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 9.

²⁵⁶ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 18.

waiting to see how this marriage is going to go that way I can my next move... inshallah we shall meet in a far better place than this earth.”²⁵⁷ Boyd noted to the agents that by “next move”, Yaghi was coyly referring to his greater intention to join a violent extremist movement.

Daniel Boyd’s son grew so concerned about potential criminal liability stemming from the online conversations taking place between Boyd and defendant Hysen Sherifi that he advised his father only communicate with Sherifi “via draft e-mail messages... Boyd stated that they developed this way of communicating with each other in order to communicate privately and undetected by law enforcement.”²⁵⁸ The use of draft e-mail messages for the purpose of covert communication is a well-established method used by various criminals and criminal organizations. According to a document posted on the website of the Department of Justice, “draft e-mail messages can be accessed by any organization member using a predetermined password, thus avoiding the necessity of actually transmitting an e-mail message that may be intercepted by law enforcement personnel.”²⁵⁹ Specifically, this technique has surfaced in a number of investigations of suspected terrorists inside the United States. For instance, an inquiry into Ali al-Marri—an associate of 9/11 mastermind Khalid Shaykh Mohammed—“revealed coded communications saved as draft e-mail messages in accounts belonging to petitioner, which were addressed to an internet email account linked to Khalid Shaykh Muhammed.”²⁶⁰

In addition to using the “draft e-mail trick”, Daniel Boyd also took other precautions to protect the security of his illicit communications with defendant Hysen Sherifi. According to Boyd, a new “clean” e-mail account was created solely for exchanges with Sherifi, and he only accessed this account “from a computer at the campus of North Carolina State University... because he thought the computers in the Boyd’s home could be traced by law enforcement.”²⁶¹

VI. THE DELIBERATIVE COLLECTION AND REDISTRIBUTION OF LARGE QUANTITIES OF TERRORIST PROPAGANDA

In the wake of 9/11 and the emergence of the Internet as a primary means of communication and media distribution, international terrorist organizations have increasingly turned to the Internet as their principle venue for releasing propaganda communiqués and video recordings. The recordings themselves are assembled and traded over elite jihadi social networking forums as others might trade in music records or baseball cards. Online videos have a particularly viral impact in helping to establish the reputation and agenda of a given group; if a picture is worth a thousand words, then a video is worth ten thousand. This material is very likely to be useful to a person or persons attempting to join a terrorist organization or preparing an act of terrorism, insofar that:

²⁵⁷ \Evidence\CD – Documents\2006.pdf. Page 12

²⁵⁸ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 9.

²⁵⁹ <http://www.justice.gov/ndic/pubs27/27502/distrib.htm>

²⁶⁰ <http://www.justice.gov/osg/briefs/2008/0responses/2008-0368.resp.html>

²⁶¹ Federal Bureau of Investigation (FBI). FD-302 Summary of Interview with Daniel Boyd. 21510 thru 21547.pdf. Page 9.

- It communicates the general aims and ideology of Al-Qaida and affiliated groups to a wide, global audience.
- It further communicates specific instructions and guidance on the use of Al-Qaida's preferred military tactics such as assassinations, kidnappings, and suicide bombings.
- It fosters a sense of organization and purpose for isolated extremists living in Western countries who are drawn towards joining Al-Qaida.
- It encourages even those who have no direct connection to Al-Qaida to join its cause and execute military operations on its behalf around the world, including the use of suicide bombings.

Thus, the deliberative collection and re-distribution of large quantities of terrorist propaganda can be a likely indicator of potential "homegrown" terrorist activity. Virtually every single terrorism-related criminal case in which I have been hired as an expert consultant and/or witness has involved some sort of video-recorded terrorist propaganda. Likewise, the videotapes and computer media seized from the defendants in the present case also contain a wealth of official video recordings produced by Al-Qaida in Afghanistan/Pakistan, Iraq, North Africa, the Arabian Peninsula, and Somalia.

• **The As-Sahab Media Foundation**

In approximately mid-2000, in recognition of the growing importance of audiovisual propaganda, Al-Qaida established its own corporate entity responsible for producing "official" multimedia releases from Usama Bin Laden and other prominent terrorist commanders hiding in Afghanistan: the As-Sahab Media Foundation. In recent testimony before a U.S. Department of Defense Combatant Status Review Tribunal, Al-Qaida organizational planner Khalid Sheikh Mohammed has admitted serving as the "Media Operations Director" at the As-Sahab Foundation.²⁶² In order to help with editing and translating the videos into English, Khalid Sheikh Mohammed employed other technically-skilled individuals, such as American Al-Qaida operative Adam Gadahn (a.k.a. Azzam al-Amriki). During an official video recording released in September 2005, Gadahn explained the role of As-Sahab's multimedia in recruiting new Al-Qaida members:

"Allah is our witness that the numerous audio and videotapes issued by Shaykh Usama Bin Laden, Dr. Ayman al-Zawahiri, and other leaders of the jihad have not been released merely to dispel rumors of their death—or, as the Americans once ridiculously claimed, to send coded messages to their followers. No, these communiqués have been released to explain and propound the nature and goals of the worldwide jihad against America and the crusaders, and to convey our legitimate demands to friend and foe alike, so that the former may join us on this honorable and blessed path..."²⁶³

²⁶² U.S. Department of Defense. "Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10024." http://www.defenselink.mil/news/transcript_ISN10024.pdf. Page 17.

²⁶³ As-Sahab Media Foundation. "A Message to the People of the West from the fighting brother Azzam the American on the Fourth Anniversary of the Battles of New York and Washington." <http://www.as-sahaab.com>. MPEG Video; 12 minutes in length. November 6, 2005.

“The State of the Ummah” (a.k.a. “The Destruction of the U.S.S. Cole”) was the As-Sahab Foundation’s landmark first video release from mid-2001. The video—subtitled entirely in English by As-Sahab itself—opens by explaining its purpose: to reveal the “illnesses” of the Muslim nation and then “to describe the cure, whilst giving... encouragement to remain firm and be steadfast for the sake of the future generation.” After bombarding viewers with relentless scenes of conflict and bloodshed in various Muslim countries during part one of the film, “State of the Ummah” presents what it advertises as “The Solution” in part two: actual military training courses held at Al-Qaida camps in Afghanistan, including Al-Farouq and Tarnak Farms. The video covers various aspects of this training in depth—including mujahideen calisthenics, hostage-taking, urban warfare tactics, and even detailed instructions on the operation of shoulder-fired Surface-to-Air missiles. At least one of the recruits shown participating at the camp is future 9/11 suicide hijacker Saeed al-Ghamdi (a.k.a. “al-Moataz Billah”).

As mujahideen practice mock assassinations of world leaders (including former U.S. President Bill Clinton), they are lectured by senior Al-Qaida military commanders in the underlying purpose of this training:

“My beloved brothers—Allah has ordained upon us a great obligation... our goal is to humiliate the enemies of the Muslim Ummah, and to degrade the tyrant idols and the worshippers of the grandsons of apes and pigs... Dear brothers, you are raising the banners of brothers who gave their souls for the cause of Allah... My dear brothers, here, we are preparing ourselves to avenge them and retaliate for their blood that was spilled to please the apes and pigs—America and the Jews. Here, we are preparing to tell the world, ‘we are coming.’”²⁶⁴

A computer seized from defendant Anes Subasic contains at least 7 separate video clips from the As-Sahab Media Foundation video “State of the Ummah.” Notably, all of the clips recovered from Subasic’s computer focus exclusively on the second part of “State of the Ummah” concerning “Qaida al-Jihad Training in Afghanistan”, “Qaida al-Jihad Training... at Camp Farooq”, and “Bin Laden and his camps.”²⁶⁵

In December 2001, the As-Sahab Media Foundation produced a new video of Usama Bin Laden, which was first aired on the Arabic-language Al-Jazeera satellite network on December 27. The same As-Sahab video as broadcast by Al-Jazeera—“Usama Bin Laden: Three Months After the American Invasion”—was later subtitled into English and gradually disseminated via the Internet. During his video-recorded message, Bin Laden strongly endorsed and celebrated the September 11, 2001 terrorist attacks on the United States:

²⁶⁴ As-Sahab Media Foundation. “The State of the Ummah.” Released: 2001.

²⁶⁵ [Evidence\Subasic Computer\Subasic Disc 7 of 10\LiveLeak.com - Qaida al-Jihad Training in Afghanistan[327620].flv ; [Evidence\Subasic Computer\Subasic Disc 7 of 10\LiveLeak.com - Qaida al-Jihad Training Video at Camp Farooq[327624].flv; [Evidence\Subasic Computer\Subasic Disc 10 of 10\Bin laden and his camps part-1[327492].flv ; [Evidence\Subasic Computer\Subasic Disc 10 of 10\ Bin laden and his camps part-2[327495].flv ; [Evidence\Subasic Computer\Subasic Disc 10 of 10\Bin laden and his camps part-3[327498].flv ; [Evidence\Subasic Computer\Subasic Disc 10 of 10\Bin laden and his camps part-4[327501].flv ; [Evidence\Subasic Computer\Subasic Disc 10 of 10\Bin laden and his camps part-5[327504].flv

“The events of September 11 are but a reaction to the continuous injustice and oppression being practiced against our sons in Palestine and Iraq and in Somalia and Southern Sudan and in other places like Kashmir and Assam... These blessed and successful strikes are but in reaction to what happened in our lands... This was the response... Those that carried out this action were not nineteen Arab countries... They were but 19 post-secondary students, I ask Allah Most Great to accept their sacrifice. They shook the throne of America and hit the American economy in the center of its heart and struck the greatest military force on earth in the middle of its heart with the grace of Allah Almighty... This system can easily be brought to collapse. These blessed strikes have inflicted on America by their own admission in the markets of New York and elsewhere a loss of upwards of a trillion dollars... This is by simple means. They used the enemy’s planes and studied in the enemy’s schools. They did not need any training camps, rather Allah helped them to be successful so that they taught a hard lesson to these arrogant nations who do not know the meaning of freedom unless it applies to the white race... These youth waged Jihad against the greatest disbelief (America) by sacrificing their lives! We ask Allah to accept them among the martyrs.”²⁶⁶

Bin Laden continued on to emphasize “the importance to continue the Jihad against America economically and militarily. By the grace of Allah, America is in retreat and its economy wound is bleeding up to now.” “But,” he added, “more attacks are required. I advise the youth to strive to find more of the American economic hubs so that the enemy is attacked in its centers... We should take this opportunity, and the youth should carry on Jihad activities against America.”²⁶⁷

A computer seized from defendant Anes Subasic contains excerpted, English-subtitled footage from the As-Sahab Media Foundation video “Usama Bin Laden: Three Months After the American Invasion.”²⁶⁸ Separately, on July 8, 2008, defendant Daniel Boyd e-mailed himself a copy of the hyperlink “<http://www.archive.org/details/LaDeN6>.”²⁶⁹ Though the hyperlink has since been disabled, at the time the e-mail was sent, this was an Internet Archive video download page for a high-resolution English-subtitled version of “Usama Bin Laden: Three Months After the American Invasion.”²⁷⁰

On the third anniversary of 9/11, As-Sahab Media Foundation released an untitled video interview with a masked American Al-Qaida member identified only as “Azzam al-Amriki.” This individual has been subsequently identified by both the U.S. government and the As-Sahab Media Foundation as California native Adam Yehiye Gadahn. Wrapped in a kaffiyeh and clutching an automatic weapon, a bespectacled Gadahn assessed his “fellow countrymen” to be “guilty, guilty, guilty.” Awkwardly jabbing into the air with his chubby pale fingers, he insisted, “what took place on September 11 was but the opening salvo of the war against America and... Allah willing, the magnitude and

²⁶⁶ As-Sahab Media Foundation. “Usama Bin Laden: Three Months After the American Invasion.” Released: December 2001.

²⁶⁷ As-Sahab Media Foundation. “Usama Bin Laden: Three Months After the American Invasion.” Released: December 2001.

²⁶⁸ \Evidence\Subasic Computer\Subasic Disc 5 of 10\ Usama bin Laden speaks out against killing innocent people. - AOL Video[327799].flv

²⁶⁹ \Evidence\CD – Documents\2008.pdf. Page 911.

²⁷⁰ See e.g.: <http://www.jihadica.com/wp-content/uploads/2008/07/refuting-the-conspiracies-surrounding-as-sahab-media.pdf>.

ferocity of what is coming your way will make you forget all about September 11... Allah willing, the streets of America will run red with blood... casualties will be too many to count, and the next wave of attacks may come at any moment.”²⁷¹ Computer media recovered from Jasmin Smajic contains all five parts of the As-Sahab Media Foundation September 2004 interview with “Azzam al-Amriki” (a.k.a. Adam Gadahn).²⁷²

In December 2004, the As-Sahab Media Foundation released a 74-minute audio recording of Al-Qaida leader Usama Bin Laden offering a “Statement to the Rulers in the Arabian Peninsula.” During the recording, Bin Laden explained:

“When the ruler becomes an apostate and refuses to step down, he can only be removed by force... if some Muslims were killed during Mujahideen operations, this falls under what is permitted (cases in which it is impossible to get to and kill the Kafirs and spare the Muslims who happened to have been present), or killing by mistake or accident... How could they (the Americans) expect to have security if they continuously bring destruction and murder to our brothers and sisters in Palestine and Iraq? They are not entitled to any level of security any place in the world... O’ you mujahideen, persevere in patience and constancy, and know that Allah will suffice. This is the road of the prophets, migration and blood, fighting, and scattering of limbs... You now have the best opportunity in Iraq to weaken America militarily, economically, morally, and in manpower as well. Do not waste this opportunity lest you regret it if you do.”²⁷³

During his speech, Bin Laden particularly emphasized the need for terrorist attacks targeting the petroleum industry. He urged “mujahideen” to “focus your operations on it, especially in Iraq and the Gulf. This will choke them.”²⁷⁴

Digital media seized from the residence of defendant Daniel Boyd contains a saved webpage labeled “UBL tape dec-2004” with an inherent link to “www.freehomepages.com/kho11/jasira02newt1.wma”, which is a Windows Media-format version of Usama Bin Laden’s September 2004 audio message “to the Rulers in the Arabian Peninsula.”²⁷⁵ The same digital media taken from defendant Boyd also contains a four part complete English-transcript of the same 74-minute Usama Bin Laden sermon.²⁷⁶ [Additionally, in the same location, investigators recovered a second saved webpage labeled “UBL to boycott Iraqi elections” with another inherent link to “www.jihadunspun.com/binladen.WMA.”²⁷⁷ This is a second Windows Media-format audio recording of Bin Laden also released by As-Sahab Media in December 2004 intended to undermine the process of democratic elections in Iraq.]

In February 2005, the As-Sahab Media Foundation released a new recorded message from Dr. Ayman al-Zawahiri, titled “The Freeing Of Humanity And Homelands

²⁷¹ As-Sahab Media Foundation. “Interview with Azzam al-Amriki.” Released: September 2004.

²⁷² \Evidence\cd 5-6 (Smajic 1B5)\disc 5 (1 of 2)\ Interview with Azzam al-amreeki 1 of 5[433406].flv; Interview with Azzam al-amreeki 2 of 5[433408].flv; Interview with Azzam al-amreeki 3 of 5[433409].flv; Interview with Azzam al-amreeki 4 of 5[433410].flv

²⁷³ As-Sahab Media Foundation. “Shaykh Usama Bin Laden: A Statement to the Rulers in the Arabian Peninsula.” Released: December 2004.

²⁷⁴ As-Sahab Media Foundation. “Shaykh Usama Bin Laden: A Statement to the Rulers in the Arabian Peninsula.” Released: December 2004.

²⁷⁵ \Evidence\cd 7\13 Garage 1B90 C\UBL tape dec-2004.htm

²⁷⁶ \Evidence\cd 7\13 Garage 1B90 C\ UBL 12-16-04 part-I.doc - UBL 12-16-04 part-III.doc

²⁷⁷ \Evidence\cd 7\13 Garage 1B90 C\ UBL to boycott Iraqi elections.htm.

Under The Banner Of The Quran.” During his speech, al-Zawahiri insisted that only through violent jihad would Muslims succeed in overthrowing “apostate” rulers like former Egyptian President Hosni Mubarak. According to al-Zawahiri:

“The ruling of the Quran, and the freedom of homelands and humanity, cannot be achieved except with Jihad, and struggle and martyrdom, it will not be achieved except if we remove our enemies from our homeland, except if we secure our rights with the power of Jihad, our enemies will not leave our land with begging and asking, the rotten rulers will not be removed from their thrones of power which they are preparing for their children except through the power of Jihad, and how can they be removed by means other than the power of Jihad... In this great battle, the role of the youth becomes clear, as they are the front of the Mujahideen, who have, with Allah’s permission, spoiled the plans of the crusaders and the Jews in their plots in Afghanistan, Iraq, Palestine and Chechnya. It is compulsory on the Muslim youth to spread the battle against the crusaders and Jews on the biggest space possible of land, and to threaten their interests in all places, and to not let them rest or find stability.”²⁷⁸

At least three copies of an English-language transcript of the As-Sahab Media Foundation recording of Dr. Ayman al-Zawahiri titled “The Freeing Of Humanity And Homelands Under The Banner Of The Quran” were recovered from various computer media in the possession of defendant Daniel Boyd.²⁷⁹

On September 10, 2006, to mark the fifth anniversary of 9/11, the As-Sahab Media Foundation released a new video recording titled “Knowledge is for Acting Upon.”²⁸⁰ This video was meant to serve as Al-Qaida’s official narrative retelling of the events and preparations leading up to the September 11, 2001 terrorist attacks on the United States—and includes never before seen footage of key 9/11 conspirators such as Ramzi Binalshibh and the personal accounts of important Al-Qaida figures, including Dr. Ayman al-Zawahiri and Adam Gadahn. As Binalshibh and former Al-Qaida military commander Abu Hafs al-Masri are shown meeting with Usama Bin Laden inside Afghanistan, an unidentified narrator explains, “Planning for Sept. 11 did not take place behind computer monitors or radar screens, nor inside military command and control centers”—rather, it was accomplished while “surrounded with divine protection in an atmosphere brimming with brotherliness... and love for sacrificing life.”²⁸¹ The video is so specific that it even features extended footage of Al-Qaida operatives practicing using box cutters and small knives to disable fellow passengers in order to hijack a commercial airliner.

At least two excerpted sections of the As-Sahab Media Foundation video “Knowledge is for Acting Upon” were recovered from a computer taken from defendant

²⁷⁸ As-Sahab Media Foundation. “Dr. Ayman al-Zawahiri, titled “The Freeing Of Humanity And Homelands Under The Banner Of The Quran.” Released: February 2005.

²⁷⁹ \Evidence\cd 1\4 AMD CPU 1B88 C\20 Gb\Dr Aymen Alzawahiri 3-8-05[15686].doc; \Evidence\cd 1\4 AMD CPU 1B88 C\40 Gb\ Dr Aymen Alzawahiri 3-8-05[756525].doc; \Evidence\cd 2\10 Fantom 1B117 C\ Dr Aymen Alzawahiri 3-8-05[3884].doc.

²⁸⁰ <http://www.alhesbah.org/v/showthread?t=84585>. September 10, 2006.

²⁸¹ As-Sahab Media Foundation. “Knowledge is for Acting Upon.” Released: September 10, 2006.

Anes Subasic.²⁸² The first section, labeled “Three Mujahids”, includes footage of Dr. Ayman al-Zawahiri addressing the issue of killing innocent civilians:

“There is no difference in the Shari'ah between a soldier and a civilian... the combatant is anyone who helps in the fight with his body, wealth or opinion. According to this criterion, the peoples of the West are combatants, because they have willingly elected their leaders and representatives in the parliaments... they are the ones who pay the taxes which fund these policies, and provide the armies which attack us with troops, backing and support. We are obliged to defend our faith, children and resources... As they bomb, they will be bombed, and as they kill, they will be killed.”²⁸³

The second segment from the As-Sahab video “Knowledge is for Acting Upon” recovered from the computer of defendant Anes Subasic is labeled, “Mujahids Showing Support to Sheikh Usama bin Laden.”²⁸⁴ During this segment, Usama Bin Laden and Dr. Ayman al-Zawahiri are shown visiting an Al-Qaida training camp in Afghanistan prior to 9/11 while an As-Sahab narrator discusses “the uniting of the groups al-Qaida and al-Jihad.” As Bin Laden and al-Zawahiri look on, the trainees at the camp begin singing an anthem in honor of their visitors: “Oh young men come to glory. Come and climb the high mountains. Come on and shout all you men. Come say to all the people, ‘We don’t care.’”²⁸⁵

On February 15, 2007, the As-Sahab Media Foundation released a new segment in its “Holocaust in the Land of Khorasan” video series titled “Capture of an American Post in Arghandab, Zabul Province.”²⁸⁶ The recording purports to show a joint Al-Qaida/Taliban-led assault on a U.S. military base in a remote southern area of Afghanistan. The video begins with masked militants carefully laying out their battle plan to the camera, using a makeshift model of the base to illustrate their plans: “this operation is against the Arghandab post... The importance of this post lies in its being situation in an important region and on a vital route which links many district centers and which the brothers need to use in their comings and goings... Over 150 Mujahideen will participate in this operation.”²⁸⁷ One of the militant commanders explains how the operation began with covert tactical research by a Taliban “reconnaissance team.” The detail given about the operation in Arghandab is so specific that an Al-Qaida lieutenant even points out a location on the map and suggests, “this hill is a good one from which to fire RPGs and PKs.”²⁸⁸ A copy of the As-Sahab Media Foundation video “Capture of an

²⁸² \Evidence\Subasic Computer\Subasic Disc 5 of 10\ Three Mujahids[327796].flv ; \Evidence\Subasic Computer\Subasic Disc 5 of 10\ YouTube - Mujahids Showing Support to Sheikh Usama bin Laden[328110].flv

²⁸³ \Evidence\Subasic Computer\Subasic Disc 5 of 10\ Three Mujahids[327796].flv

²⁸⁴ \Evidence\Subasic Computer\Subasic Disc 5 of 10\ YouTube - Mujahids Showing Support to Sheikh Usama bin Laden[328110].flv

²⁸⁵ \Evidence\Subasic Computer\Subasic Disc 5 of 10\ YouTube - Mujahids Showing Support to Sheikh Usama bin Laden[328110].flv

²⁸⁶ <http://www.alhesbah.org/v/showthread.php?t=110833>. February 15, 2007.

²⁸⁷ As-Sahab Media Foundation. “Holocaust in the Land of Khorasan: Capture of an American Post in Arghandab, Zabul Province.” Released: February 15, 2007.

²⁸⁸ As-Sahab Media Foundation. “Holocaust in the Land of Khorasan: Capture of an American Post in Arghandab, Zabul Province.” Released: February 15, 2007.

American Post in Arghandab, Zabul Province” was recovered from computer media seized from defendant Daniel Boyd.²⁸⁹

On March 11, 2007, the As-Sahab Media Foundation released a new audio-recorded message from Dr. Ayman al-Zawahiri titled, “Palestine is Our Concern and the Concern of Every Muslim.”²⁹⁰ During the recording, al-Zawahiri sharply criticized the Palestinian Hamas Movement for agreeing to participate in Western-style democratic elections. According to al-Zawahiri:

“The HAMAS leadership has abandoned the rule of Shariah. It has also ceded most of the Palestinian territories. For one-third of the seats of this ridiculous government, they abandoned the resistance movement and accepted the government of bargaining; they abandoned the movement of martyrdom operations and accepted the government of respect for international resolutions... they abandoned the movement of penetrating the enemy throngs with explosives and accepted the government of playing with words in the halls of palaces... They should continue their jihad for the sake of Allah until every Muslim land invaded by the infidels, from Andalusia to Iraq, is liberated.”²⁹¹

A Flash Video-format copy of the As-Sahab Media Foundation video “Palestine is Our Concern and the Concern of Every Muslim” was recovered from the computer of defendant Anes Subasic.²⁹²

On May 26, 2007, the As-Sahab Media Foundation released a new video recording of Egyptian national Mustafa Abu al-Yazid (a.k.a. “Shaykh Saeed”) titled, “An Interview with Shaykh Mustafa Abu al-Yazid.”²⁹³ Al-Yazid was identified as a senior Al-Qaida Shura Council member and as “the overall head of al-Qaida Organization in Afghanistan.”²⁹⁴ Among other questions, al-Yazid was asked by an unidentified As-Sahab interviewer, “What are the current needs of the Jihad in Afghanistan?”—to which he responded:

“As for the needs of the Jihad in Afghanistan, the first of them is financial. The Mujahideen of the Taliban number in the thousands, but they lack funds. And there are hundreds wishing to carry out martyrdom-seeking operations, but they can't find the funds to equip themselves. So funding is the mainstay of Jihad. They also need personnel from their Arab brothers and their brothers from other countries in all spheres: military, scientific, informational and otherwise... And here we would like to point out that those who perform Jihad with their wealth should be certain to only send the funds to those responsible for finances and no other party, as to do otherwise leads to disunity and differences in the ranks of the Mujahideen.”²⁹⁵

²⁸⁹ \Evidence\cd 2\10 Fantom 1B117 C\Holocaust_In_Kurasaan[11505].wmv

²⁹⁰ <http://www.alhesbah.org/v/showthread.php?t=115026>. March 11, 2007.

²⁹¹ As-Sahab Media Foundation. “Dr. Ayman al-Zawahiri: Palestine is Our Concern and the Concern of Every Muslim.” Released: March 11, 2007.

²⁹² \Evidence\Subasic Computer\Subasic Disc 5 of 10\YouTube - From Dr. Ayman Al-Zawahiri to Hamas[327989].flv

²⁹³ <http://www.alhesbah.org/v/showthread.php?t=130663>. May 26, 2007.

²⁹⁴ As-Sahab Media Foundation. “An Interview with Shaykh Mustafa Abu al-Yazid.” Released: May 26, 2007.

²⁹⁵ As-Sahab Media Foundation. “An Interview with Shaykh Mustafa Abu al-Yazid.” Released: May 26, 2007.

A Flash Video-format copy of the As-Sahab Media Foundation video “An Interview With Shaykh Mustafa Abu al-Yazid” was recovered from the computer of defendant Anes Subasic.²⁹⁶

On September 19, 2007, the As-Sahab Media Foundation released a new video production titled, “The Power of Truth.”²⁹⁷ The release of “The Power of Truth” was intended by Al-Qaida to roughly coincide with the sixth anniversary of the September 11, 2001 terrorist attacks on the United States. The video includes appearances by Dr. Ayman al-Zawahiri, Mustafa Abu al-Yazid, and former Afghan Taliban military commander Mullah Mansour Dadullah. While sitting across from Dadullah, Shaykh Abu al-Yazid addresses the camera and scoffs at rumors of growing divisions between Al-Qaida and the Taliban. According to al-Yazid:

“We emphasize our Bay’ah [pledge of allegiance] and obedience to Amir-ul-Mumineen Mulla Muhammad Umar, and we affirm that Qaida al-Jihad in Afghanistan is no more than one of the brigades of Amir-ul-Mumineen and the Islamic Emirate, and the soldiers of al-Qaida are no more than loyal soldiers of Amir-ul-Mumineen and the Islamic Emirate... By the grace of Allah, the strong ties between the brothers who have emigrated from all over the world have become stronger. The ties between the brothers in al-Qaeda and brothers in the Taliban have increased. The affection between them has increased.”²⁹⁸

An excerpt of footage from the As-Sahab Media Foundation video “The Power of Truth” showing Al-Qaida leader Mustafa Abu al-Yazid discussing the state of relations between Al-Qaida and the Taliban was recovered from the computer of defendant Anes Subasic.²⁹⁹

On November 7, 2007, the As-Sahab Media Foundation released a new video recording of senior Al-Qaida spokesman Abu Yahya al-Liby titled, “The Closing Words of a Shariah Course.”³⁰⁰ The video features Abu Yahya delivering the conclusion to a lecture on Shariah law that took place at a mujahideen base somewhere near the Afghan-Pakistani border. Abu Yahya insisted in the recording, “The act of worship of knowledge and the act of worship of Jihad are from the greatest of what Allah (SWT) facilitates for his believing slave... There is no conflict between seeking knowledge and Jihad for the sake of Allah... So as we, in the fields of Jihad, learn the laws of Jihad, its manners, rules and regulations, then we are also responsible to learn the rules of the other acts of worship.”³⁰¹ An English transcript of the As-Sahab Media Foundation video “The Closing Words of a Shariah Course” was recovered from the laptop computer of defendant Daniel Boyd.³⁰² Separately, the U.S. Attorney’s Office has also provided me with a copy of an e-mail message sent from defendant Hysen Sherifi to

²⁹⁶ \Evidence\Subasic Computer\Subasic Disc 7 of 10\LiveLeak.com - Al-Qaeda Presents New Leader in Afghanistan... Who Threatens to Carry out .flv

²⁹⁷ <http://www.ekhlaas.ws/forum/showthread?t=83577>. September 19, 2007.

²⁹⁸ As-Sahab Media Foundation. “The Power of Truth.” Released: September 19, 2007.

²⁹⁹ \Evidence\Subasic Computer\Subasic Disc 5 of 10\YouTube - Shaykh Saeed emphasizing the Bay’ah to Mullah Omar[328246].flv

³⁰⁰ <http://www.ekhlaas.org/forum/showthread?t=96139>. November 7, 2007.

³⁰¹ As-Sahab Media Foundation. “Shaykh Abu Yahya al-Liby: The Closing Words of a Shariah Course.” Released: November 7, 2007.

³⁰² Exhibits\cd 1\1 Boyd laptop 1B126 C\Balancing Between Jihad & Seeking Knowledge[468593].pdf

“aubahday@hotmail.com” on May 31, 2009. The message, headed under the subject line “watch this”, contained a hyperlink to “www.archive.org/download/balancing_bt看_Js/balancing_abuYahya.wmv”, a Windows Media-format video copy of the As-Sahab Media video “The Closing Words of a Shariah Course.”³⁰³

On November 29, 2007, the As-Sahab Media Foundation released a new recording of Usama Bin Laden titled, “A Message to the People of Europe.”³⁰⁴ During his audio sermon, Bin Laden boasted “it was I who was responsible for 9/11” and warned that Western Europe has made a costly error by allying itself with the United States. Bin Laden threatened European leaders, “we are resolute and, by the grace of Allah... continuing to take revenge on the unjust and expel the occupying invaders... I remind you that the American tide is ebbing, by the grace of Allah, and that they shall soon depart for their homeland beyond the Atlantic and leave the neighbors to settle their accounts with each other. So it is better for you to restrain your politicians who are thronging the steps of the White House.”³⁰⁵ A Flash Video-format copy of the As-Sahab Media Foundation Bin Laden recording, “A Message to the People of Europe” was recovered from the computer of defendant Anes Subasic.³⁰⁶

On December 16, 2007, the As-Sahab Media Foundation released its “fourth interview” with Dr. Ayman al-Zawahiri.³⁰⁷ During his interview, al-Zawahiri sharply criticized Sunni insurgents in Iraq for abandoning the cause of radical Islam and instead agreeing to participate in Western-style democratic solutions. According to al-Zawahiri, “the methodologies of the jihad movements must be founded on the rule of the Sharia, not on the rule of the majority. They must be founded on an emphasis on the brotherhood of Islam as the bond between Muslims. Thus everyone who aids the jihad and mujahideen, Iraqi or otherwise, is from the mujahideen in Iraq.”³⁰⁸ He pointedly admonished supporters of violent extremism, “each of us must do all he can do to carry out the individual obligation of confronting this satanic alliance sitting on the chests of our Ummah in Egypt and other lands of Islam. We must join the Jihad against the Crusader invaders in Iraq, Palestine, Somalia, Chechnya and the other fields of competition between the Crusaders and the Jews and the Muslim Ummah, and we must back the mujahideen in those fields with our selves, wealth, opinion, expertise, encouragement and prayers.” Al-Zawahiri drew particular attention to the work carried out by various extremists to spread Al-Qaida’s message on the Internet: “Jihadi information media are today waging an extremely critical battle against the Crusader-Zionist enemy... Allah has favored the mujahideen with victory in this ideological-preoperational battle, and it suffices us the huge number of reports about the danger of

³⁰³ \Evidence\CD – Documents\2009.pdf. Page 4607.

³⁰⁴ <http://www.alhesbah.net/v/showthread?t=155162>. November 29, 2007

³⁰⁵ As-Sahab Media Foundation. “Shaykh Usama Bin Laden: A Message to the People of Europe.” Released: November 29, 2007.

³⁰⁶ \Evidence\Subasic Computer\Subasic Disc 7 of 10\LiveLeak.com - As-Sahab Shaykhul Usama Bin Laden - Message To The People Of Europe[327600].flv

³⁰⁷ <http://www.alhesbah.net/v/showthread?t=157411>. December 16, 2007.

³⁰⁸ As-Sahab Media Foundation. “An Interview with Shaykh Dr. Ayman al-Zawahiri.” Released: December 16, 2007.

Jihadi media.”³⁰⁹ An excerpt of footage from the fourth As-Sahab Media interview with Dr. Ayman al-Zawahiri emphasizing the “individual duty” of jihad was recovered from the computer of defendant Anes Subasic.³¹⁰

On January 6, 2008, the As-Sahab Media Foundation released a new recorded message from American Al-Qaida spokesman Adam Gadahn titled, “An Invitation for Reflection and Repentance.”³¹¹ In order to further dramatize his message, Gadahn proceeds to rip up his American passport during the video, commenting, “Don’t get too excited. I don’t need it to travel anyway.” Speaking in English, Gadahn also issued a open appeal “to our mujahidin brothers in the Muslim Palestine, the Arabian Peninsula in particular, and the region in general, to be prepared to receive the crusader butcher Bush on his visit to Muslim Palestine and the occupied peninsula at the beginning of January. They should receive him not with roses and applause, but with bombs and booby-traps.”³¹² In conclusion, Gadahn urged:

“Each Muslim must reform him or herself... and must place his hand in the hands of the Muslim mujahideen who are fighting the Americans with their puppets and proxies from Islamabad to Baghdad and beyond... He must support them with everything he can... It’s time for you to take the radical, serious, and logical steps which bring results. It’s time for you to do whatever it takes to force these fanatics... to heed the legitimate demands of the Muslims as spelled out by Shaykh Usama Bin Laden, Shaykh Ayman al-Zawahiri, and others.”³¹³

The U.S. Attorney’s Office has provided me with a copy of an e-mail sent by defendant Hysen Sherifi to defendant Daniel Boyd on February 12, 2009 with a document attached labeled “A-zzam.doc.”³¹⁴ Upon reviewing the contents of “A-zzam.doc”, I have determined it to be an English-language transcript for the As-Sahab Media Foundation video “An Invitation for Reflection and Repentance.”

On September 4, 2008, the As-Sahab Media Foundation released a new hour-long video production titled, “The Word is the Word of the Sword.”³¹⁵ The video is focused on first justifying and then documenting a devastating suicide truck bombing attack targeting the Embassy of Denmark in Islamabad, Pakistan in retaliation for the publication of controversial political cartoons in Denmark lampooning the Prophet Mohammed. A faceless narrator explains, “our enemies in this battle form a cohesive alliance which includes the Americans, Europeans and Zionists, who divide their roles among themselves in their assault on Islam and Muslims.” As such, according to Al-Qaida spokesman Abu Yahya al-Liby—who is featured in the video—“It is, by God, a winning hour for he who wishes to be one of the chiefs of the martyrs... Let his blood

³⁰⁹ As-Sahab Media Foundation. “An Interview with Shaykh Dr. Ayman al-Zawahiri.” Released: December 16, 2007.

³¹⁰ [Evidence\Subasic Computer\Subasic Disc 5 of 10\ YouTube - Jihad is an individual duty[327994].flv

³¹¹ <http://www.alhesbah.net/v/showthread?t=161228>. January 6, 2008.

³¹² As-Sahab Media Foundation. “An Invitation for Reflection and Repentance.” Released: January 6, 2008.

³¹³ As-Sahab Media Foundation. “An Invitation for Reflection and Repentance.” Released: January 6, 2008.

³¹⁴ [Evidence\CD – Documents\2009.pdf. Page 3365.

³¹⁵ <http://www.alhesbah.net/v/showthread?t=190647>. September 4, 2008.

and body be a sacrifice which waters the withered tree of Islam in the Arabian Peninsula.”³¹⁶

Before showing the actual execution of the bombing attack by the “brave and heroic” Saudi Arabian national Kamaal Salim Atiyyah al-Fudli al-Hadhli (a.k.a. “Abu Gharib al-Makki”), al-Hadhli is shown reading a “martyrdom” will to the camera. Al-Hadhli first offers his thanks to “all who helped me and to the Muslim businessmen who helped in this operation... I will tell Allah that these are the ones who helped me in this operation.”³¹⁷ The intended bomber al-Hadhli then proceeds to perform a song about jihad and martyrdom, including the lyrics, “From the Tigris to the Euphrates, we write our letters in blood. Come and see the miracles and America is going to regret it.”³¹⁸ In conclusion, al-Hadhli offers a “final message to the worshippers of the cross in Denmark”: “I tell them: Allah permitting, this isn’t the first nor the last retaliation... Allah willing, we will wipe you from the face of the earth. And we warn everyone whose soul entices him to curse the Prophet that these car bombs will be their fate, Allah willing.”³¹⁹

Reflecting on the example of Kamaal al-Hadhli and the significance of the Danish cartoon controversy, the video ends with a plea from Al-Qaida Shura Council member Mustafa Abu al-Yazid aimed at sympathetic violent extremists living in Western countries:

“We call on the Muslims, you in the West... to revive the past glories of Islam in Europe and America, to fear Allah, and retaliate on behalf of their Nabi, their Quran, their Deen, and their Ummah against the enemies of Islam and Muslims in whose midst they live. Brothers and sisters in Islam: there is no excuse for your remaining among the unbelievers unless you join the caravan of jihad and discharge your duty to Islam and Muslims by fighting and killing the enemies of Allah... It’s time to stand up for your religion and kill the blasphemers and mockers of your Prophet like your brothers in Holland, the brave and heroic knight of Islam, Muhammad Bouyeri, who applied Allah’s law on the enemy of Allah, the film director who mocked Allah’s religion... So unsheathe your swords and join the battalions of Muhammad bin Maslamah.”³²⁰

The U.S. Attorney’s Office has provided me with a copy of an e-mail sent by defendant Daniel Boyd to Abdellah Eddarkaoui on September 11, 2008 (titled “video leads”) with a link to an English-language transcript of As-Sahab Media Foundation video “The Word is the Word of the Sword.”³²¹ I have also been provided with a copy of a second e-mail sent by defendant Daniel Boyd to “nabdulhakeem@nc.rr.com” on September 26, 2008 (titled “video feed”) with a hyperlink to a copy of “The Word is the Word of the Sword”, along with a matching English-language transcript. Boyd explained in the body of the second message, “The following link has the actual recorded even[t] in it, so be patient through the dialogue insha allah.”³²²

³¹⁶ As-Sahab Media Foundation. “The Word is the Word of the Sword.” Released: September 4, 2008.

³¹⁷ As-Sahab Media Foundation. “The Word is the Word of the Sword.” Released: September 4, 2008.

³¹⁸ As-Sahab Media Foundation. “The Word is the Word of the Sword.” Released: September 4, 2008.

³¹⁹ As-Sahab Media Foundation. “The Word is the Word of the Sword.” Released: September 4, 2008.

³²⁰ As-Sahab Media Foundation. “The Word is the Word of the Sword.” Released: September 4, 2008.

³²¹ \Evidence\CD – Documents\2008.pdf. Page 2485.

³²² \Evidence\CD – Documents\2008.pdf. Page 2540.

On April 13, 2009, the As-Sahab Media Foundation released a new video production featuring Usama Bin Laden, Dr. Ayman al-Zawahiri, and Adam Gadahn (among others) titled, “How To Prevent a Repeat of the Gaza Holocaust.”³²³ The video, which was released entirely in English, features a number of senior Al-Qaida leaders discussing the American role in supporting Israeli military attacks on Palestinians in the Gaza Strip and elsewhere. Gadahn again criticized the Palestinian Hamas Movement for participating in democratic elections and urged his “mujahid brothers in Palestine” to “continue your jihad and heroism against the ferocious Zionist-Crusader assault on the lands of the Muslims and don’t respond to the calls of the defeatists and demoralizers... Zionist-Crusader interests everywhere are legitimate targets for us, and by striking them, we aggravate the enemy’s wounds, bleed its crumbling economy, lighten the load for our brothers the mujahideen in Palestine and bring victory and conquest closer.”³²⁴ Likewise, during the video, senior Al-Qaida spokesman Abu Yahya al-Liby insisted on the absolute obligation of Muslims in “striking the Jews and the states which supply and help them in every way possible, especially their economic interests, political institutions, and military barracks, and this is a duty which our Muslim brothers in Palestine and their Mujahid supporters in every place on earth are carrying out.”³²⁵

The U.S. Attorney’s Office has provided me with a copy of an e-mail sent by defendant Hysen Sherifi to “bih7777@yahoo.com” on May 14, 2009 with a hyperlink to watch the As-Sahab Media Foundation video, “How To Prevent a Repeat of the Gaza Holocaust.”³²⁶ Sherifi explains in the message, “it’s 10 videos and it starts with this one brother azzam where he talks about the history of American bombings than this is the one and don’t do the first one do the second and how ever many you can after the second.”³²⁷ In this case, “brother azzam” is a reference to “Azzam al-Amriki”, a.k.a. American Al-Qaida spokesman Adam Gadahn.

Separately, computer media seized from unindicted co-conspirator Jasmin Smajic also contains an incomplete Microsoft Word document labeled “The Gaza Holocaust – Transscription.”³²⁸ According to data stored by Microsoft Word, the document—a partial transcript of the As-Sahab Media video “How To Prevent a Repeat of the Gaza Holocaust”—was created and edited by an individual with the initials “J.S.”³²⁹ Based on this information, I believe that this document is very likely a homemade transcript-in-progress authored by Jasmin Smajic.

On April 7, 2009, the As-Sahab Media Foundation released a new video of a senior Pakistani Taliban military commander titled, “A Meeting with the Mujahideen Emir in Waziristan, Mullah Nazir Ahmad.”³³⁰ During his interview, Mullah Nazir appealed to Taliban supporters:

³²³ <http://www.al-faloja.info/vb/showthread?t=55985>. April 13, 2009.

³²⁴ As-Sahab Media Foundation. “How To Prevent a Repeat of the Gaza Holocaust.” Released: April 13, 2009.

³²⁵ As-Sahab Media Foundation. “How To Prevent a Repeat of the Gaza Holocaust.” Released: April 13, 2009.

³²⁶ \Evidence\CD – Documents\2009.pdf. Page 4071.

³²⁷ \Evidence\CD – Documents\2009.pdf. Page 4071.

³²⁸ \Evidence\cd 5-6 (Smajic 1B5)\disc 5 (1 of 2)\ The Gaza Holocaust - Transscription[517545].doc

³²⁹ \Evidence\cd 5-6 (Smajic 1B5)\disc 5 (1 of 2)\ The Gaza Holocaust - Transscription[517545].doc

³³⁰ <http://www.al-faloja.info/vb/showthread?t=54957>. April 7, 2009.

“We are with the mujahideen, whether they be in Kashmir or in Palestine, but the Muslims must organize themselves... we can never have our rights by way of politics and democracy... Jihad has become an individual obligation... Jihad becomes obligatory upon each and every Muslim for the liberation of those Muslim lands. Obligatory in the same way we perform...the oppression of Kufr has exceeded all limits, thus it is an individual obligation upon the entire Muslim Ummah to do jihad for the liberation of Iraq and Afghanistan and to bring the tyranny of kufr to an end. We want our message to reach the Muslim Ummah that you must rise up for Jihad.”³³¹

An English-language transcript of the As-Sahab Media Foundation video featuring Mullah Nazir Ahmad was recovered from the laptop of defendant Daniel Boyd.³³²

On June 12, 2009, the As-Sahab Media Foundation released a new video of American Al-Qaida spokesman Adam Gadahn titled, “Let’s Continue Our Jihad and Sacrifice.”³³³ During this video lecture, Gadahn once again returned to the subject of the Arab-Israeli conflict, insisting that terrorist attacks should be carried out around the world in revenge for the killing of Palestinians. Gadahn explained, “Zionist-Crusader interests everywhere are legitimate targets for us, and by striking them, we aggravate the enemy’s wounds, bleed his crumbling economy, lighten the load for our brothers the Mujahideen in the land of Ribaah [Palestine], and bring victory and conquest closer.”³³⁴ He added:

“Muslim brothers in Mujahid Palestine: disowning the enemies of the Islamic faith who collude in the spilling of our blood, and performing Jihad against them until Allah’s word is supreme, isn’t just at the heart of our Islam, but is also one of the demands of manliness and chivalry... Know that our brothers the Mujahideen are with you, not just with our hearts... but with our weapons, funds, and Jihad against the Jews and their allies everywhere... We shall return to the Muslims their Palestine and their al-Aqsa on our skulls and limbs, Allah permitting.”³³⁵

The U.S. Attorney’s Office has provided me with a copy of an e-mail sent by defendant Daniel Boyd to “imamamr@gmail.com” on June 17, 2009 titled, “your American brother.”³³⁶ The message contains a hyperlink to the As-Sahab Media Foundation video of Adam Gadahn, “Let’s Continue Our Jihad and Sacrifice.”³³⁷

On July 11, 2009, the As-Sahab Media Foundation released a new recorded message from Usama Bin Laden titled, “A Message to the People of Pakistan.”³³⁸ Bin Laden insisted to his audience that any casualties resulting from clashes with the mujahideen in Pakistan are squarely the responsibility of the government in Islamabad:

“It is the Pakistan army who came to the tribal areas to fight them, aiding the cause of America and fulfilling their demands. It is not unknown that if a Muslim sides with the

³³¹ As-Sahab Media Foundation. “A Meeting with the Mujahideen Emir in Waziristan, Mullah Nazir Ahmad.” Released: April 7, 2009.

³³² Exhibits\cd 1\1 Boyd laptop 1B126 C\Interview Mullah Nazeer Ahmed[282038].doc

³³³ <http://www.al-faloja.info/vb/showthread?t=67480>. June 12, 2009.

³³⁴ As-Sahab Media Foundation. “Let’s Continue Our Jihad and Sacrifice.” Released: June 12, 2009.

³³⁵ As-Sahab Media Foundation. “Let’s Continue Our Jihad and Sacrifice.” Released: June 12, 2009.

³³⁶ \Evidence\CD – Documents\2009.pdf. Page 5092.

³³⁷ \Evidence\CD – Documents\2009.pdf. Page 5092.

³³⁸ <http://www.al-faloja.info/vb/showthread?t=73392>. July 11, 2009.

infidels and aids them against the Muslims, his faith is nullified and he becomes an apostate infidel... Thus, it is an obligation upon the true Muslims to fight them... I encourage my whole Muslim Ummah to stand by the Mujahideen and help them all over the world, taking note that the leader of international forces of infidelity has announced that the main battlefield in the war against our nation has shifted to Afghanistan and Pakistan.”³³⁹

The U.S. Attorney’s Office has provided me with a copy of an e-mail sent by defendant Hysen Sherifi to defendant Daniel Boyd and “aubaydah@hotmail.com” on July 1, 2009. The e-mail contains a hyperlink to the As-Sahab Media Foundation video of Usama Bin Laden offering a “Message to the People of Pakistan” (as hosted by YouTube).³⁴⁰ Additionally, a file labeled “Shejh Osama.rtf” was recovered from computer media seized from defendant Hysen Sherifi.³⁴¹ This Rich Text File (RTF) document contains a link to the YouTube-hosted copy of As-Sahab’s “Message to the People of Pakistan”, along with rough excerpts that have been translated into the Bosnian language.³⁴² This document does not appear to have been distributed on the Internet—rather it was originally created by an individual using computer media in the custody of defendant Sherifi.

- **The Islamic State of Iraq (a.k.a. “Al-Qaida in the Land of the Two Rivers”)**

Though Al-Qaida’s As-Sahab Media Wing in Afghanistan was the first such entity to successfully produce high-quality propaganda video recordings, the true flowering of the online digital video phenomenon occurred in the context of the war in Iraq and under the watchful eye of Jordanian Abu Musab al-Zarqawi. From November 2004 until his death in June 2006, Zarqawi served as the leader of Al-Qaida’s local franchise in Iraq and became a highly visible icon for second and third-generation terrorist sympathizers and recruits. Abu Musab al-Zarqawi’s penchant for and glorification of extreme violence—particularly hostage beheadings and suicide bombings—were an inspiration for like-minded militants around the world. In May 2004, Italian police monitored a suspected Egyptian terrorist recruiter in Milan as he played a video of Zarqawi decapitating U.S. hostage Nicholas Berg for a suicide bomber-in-training. The Egyptian excitedly crowed, “This is the policy we need to follow, the policy of the sword. Come and see our brother Abu Musab [al-Zarqawi]... This is the policy. Allahu Akhbar, Allahu Akhbar. Allahu Akhbar. Go to hell, the enemy of Allah. Kill him, kill him. Yes, like that, slaughter him well, cut his head off... Everyone must end up like this.”³⁴³

In total, the computer media seized from the residence of defendant Daniel Boyd contained English-language transcripts for at least six audio recordings of Abu Musab al-

³³⁹ As-Sahab Media Foundation. “Shaykh Usama Bin Laden: A Message to the People of Pakistan.”

Released: July 11, 2009.

³⁴⁰ \Evidence\CD – Documents\2009.pdf. Page 5290.

³⁴¹ \Evidence\cd 1\3 Sherifi 1B26 C Shejh Osama[15694].rtf

³⁴² \Evidence\cd 1\3 Sherifi 1B26 C

³⁴³ <http://www.pbs.org/wgbh/pages/frontline/shows/front/etc/rabei.html>. January 2005.

Zarqawi released by Al-Qaida in Iraq (now known as the “Islamic State of Iraq”).³⁴⁴ The six recordings even include an open address from Zarqawi to Al-Qaida founder Usama Bin Laden titled “A Message From A Soldier To His Commander.”³⁴⁵ Additionally, the same computer media taken from defendant Boyd also feature English-language transcripts for at least three audio recordings of Zarqawi’s successor as the head of Al-Qaida’s “Islamic State of Iraq”, Abu Omar al-Quraishi al-Baghdadi.³⁴⁶ Separately, the U.S. Attorney’s Office has provided me with a copy of an e-mail sent by defendant Hysen Sherifi to “Araf Izivi” on February 6, 2009. In the message, Sherifi greeted his associate and stated, “I hope it’s not too much.” Attached to the message was an English-language transcript created by the “Jihad Media Battalion” of a sermon by ISI leader Abu Omar al-Baghdadi, titled “They were plotting and Allah too was planning.”³⁴⁷

Despite the obvious significance of recordings of Abu Musab al-Zarqawi and Abu Omar al-Baghdadi, it was the tragic suicide bombing attacks carried out by Al-Qaida’s franchise—carefully documented on film—that arguably most sparked the imagination of Al-Qaida supporters around the world. Beyond depicting the mere explosions themselves, videos released by Al-Qaida in Iraq focused heavily on planning phases and the pre-execution rituals for “martyrs-in-waiting.” On November 7, 2004, Abu Musab al-Zarqawi’s official media team released a video clip of one of their first video-recorded suicide car bombing attacks. The clip shows as a white sedan at close range suddenly accelerates and veers toward a U.S. military vehicle in the Iraqi city of a Ramadi, finally exploding in a massive shockwave and fireball.³⁴⁸ Computer media seized from defendant Daniel Boyd featured at least two copies of the November 7, 2004 video clip of the dramatic suicide car bombing in Ramadi.³⁴⁹

- **Al-Qaida in the Islamic Maghreb (AQIM)**

Al-Qaida in the Islamic Maghreb (AQIM) is the regional Al-Qaida franchise based in northwest Africa. The group first emerged on January 26, 2007 from the ashes of a pre-existing terrorist organization in Algeria known as the Salafist Group for Prayer and Combat (GSPC).³⁵⁰ In an official communiqué, the group explained that the switch in names was “a sign of the health of our organization, and the strength of the coalition—and the sincere cooperation—between the mujahideen in Algeria and the rest of their

³⁴⁴ \Evidence\cd 1\4 AMD CPU 1B88 C\40 Gb\Sheikh Al[756820].doc; \Evidence\cd 2\10 Fantom 1B117 C\ ZARQAWI[3919].DOC; \Evidence\cd 2\10 Fantom 1B117 C\ Dialogue with Abu Musab[15116].doc; \Evidence\cd 7\13 Garage 1B90 C\ Zarqawi Clarifies Issues Raised By Sheikh Maqdisi.doc; \Evidence\cd 2\10 Fantom 1B117 C\ Zarqawi Interview I - V[15183].doc; \Evidence\cd 1\4 AMD CPU 1B88 C\20 Gb\ A Message To The Mujahideen Brothers[15791].doc; \Evidence\cd 1\4 AMD CPU 1B88 C\20 Gb\Al Qaida rebuttal to b[15798].doc.

³⁴⁵ \Evidence\cd 1\4 AMD CPU 1B88 C\40 Gb\Sheikh Al[756820].doc. See also: \Evidence\cd 2\10 Fantom 1B117 C\Sheikh Al[4001].doc

³⁴⁶ \Evidence\cd 2\10 Fantom 1B117 C\ abu_omar_al-baghdadi[15201].doc; \Evidence\cd 1\1 Boyd laptop 1B126 C\ Say I am on clear proof from my Lord - english[21163].pdf; \Evidence\cd 2\5 Dell M 1B51 C\ Abu Omar[129533].txt

³⁴⁷ \Evidence\CD – Documents\2009.pdf. Page 2925.

³⁴⁸ <http://www.ansar.net.ws/vb/showthread.php?t=19046>. November 7, 2004.

³⁴⁹ \Evidence\cd 2\10 Fantom 1B117 C\ Ramadi, Iraq[15478].wmv and \Evidence\cd 7\13 Garage 1B90 C\ Ramadi, Iraq.wmv.

³⁵⁰ <http://www.alhesbah.org/v/showthread.php?t=107264>. January 26, 2007.

brothers in Al-Qaida.”³⁵¹ Since officially merging with Al-Qaida, the AQIM has launched an unrelenting campaign of suicide bombings, assassinations, kidnappings, and sabotage across a vast swath of the western Sahara, including in Algeria, Mali, Mauritania, Niger, and beyond. It is considered as a pre-eminent threat to the future political stability of North Africa.

On April 25, 2009, the official “Al-Andalus” media wing of Al-Qaida in the Islamic Maghreb released a new propaganda video titled, “The Lovers of the Hoor al-Ayn Part 2.”³⁵² This video is the second episode in a series produced by AQIM profiling various Al-Qaida suicide bombers responsible for carrying out recent attacks in Algeria. Among those “bright stars and lit candles” profiled in part 2 include: “Abu Sajidah Muhammad al-Asimi”, who drove a truck bomb into an Algerian coast guard barracks in Bumerdas; “Shaykh Abu Uthman Ibrahim”, responsible for a devastating December 2007 suicide attack on a United Nations office in the capital Algiers, killing at least 26 people; and, “Abdulrahman Abu Abdunasser”, who executed a twin bombing attack on the Algerian Constitutional Court.³⁵³

During the video, praise was particularly reserved for the grey-haired Abu Uthman Ibrahim: “Allah guided him to be chosen to bomb the den of international disbelief—the United Nations in Algeria—which is an idol that is worshipped instead of Allah. Its dark history is full of many crimes against Islam and Muslims... Shaykh Ibrahim bombed this idol and smashed it into pieces.”³⁵⁴ The AQIM video also features excerpts from the recorded “martyrdom” will of Abu Uthman, who repeatedly encourages young extremists to carry out suicide attacks in the name of Islam:

“Allah will grace the youth with good deeds... coming to and fro executing martyrdom missions. These are the operations that will defeat those apostates and defeat the crusaders, with Allah’s permission... I urge them to carry out more martyrdom operations as they are the most lethal weapons for the mujahideen at this time... I tell the youth and those supporting Allah’s faith: rest assured and do not give up, as victory is near, Allah-willing. The mujahideen must pray for their brothers who have been martyred in the cause of Allah since the beginning of the Jihad... Do not forget that they opened the path for you.”³⁵⁵

A faceless AQIM narrator echoes the importance of “the love of death for the cause of Allah”: “martyrdom operations are a deterrent weapon that has proved worthy in fighting the tyrants and the biggest criminals among the Jews, Christians and apostates.”³⁵⁶

The U.S. Attorney’s Office has provided me with a copy of an e-mail sent by defendant Hysen Sherifi to “aubaydah@hotmail.com” on April 27, 2009. In the message, Sherifi encouraged, “watch video 9 first. Enjoy my brother.” Below these words, the e-

³⁵¹ <http://www.alhesbah.org/v/showthread.php?t=107264>. January 26, 2007.

³⁵² <http://www.al-faloja.info/vb/showthread?t=58749>. April 25, 2009.

³⁵³ Al-Qaida in the Islamic Maghreb (AQIM). “Lovers of the Hoor al-Ayn Part 2.” Released: April 24, 2009.

³⁵⁴ Al-Qaida in the Islamic Maghreb (AQIM). “Lovers of the Hoor al-Ayn Part 2.” Released: April 24, 2009.

³⁵⁵ Al-Qaida in the Islamic Maghreb (AQIM). “Lovers of the Hoor al-Ayn Part 2.” Released: April 24, 2009.

³⁵⁶ Al-Qaida in the Islamic Maghreb (AQIM). “Lovers of the Hoor al-Ayn Part 2.” Released: April 24, 2009.

mail contained a web hyperlink to view the AQIM video “Lovers of the Hoor al-Ayn Part 2.”³⁵⁷

- **Shabaab al-Mujahideen**

The Shabaab al-Mujahideen (“Mujahideen Youth”) movement was first formed as the armed wing of the Somali Islamic Courts Union (ICU), a series of Shariah-based courts established by the now-defunct Al-Ittihad al-Islami (AIAI) movement, which itself was blacklisted by the U.S. government as a Designated Foreign Terrorist Organization under Executive Order 13224. These “Islamic Courts” loosely mirrored the evolution of the Taliban by offering “law and order” through the rigid enforcement of puritanical religious interpretations. Following the defeat of the ICU to Ethiopian forces in late 2006, hardline members of the group accused Shaykh Sharif Ahmed of betraying their cause by offering secular Somali opposition figures “a series of concessions on issues of Islamic beliefs and principles”: “The brothers were surprised that Shaykh Sharif himself had been persuaded by the Americans... and distanced themselves from Shaykh Sharif. The pioneer of this group was Shaykh Aden Hashi Ayrow... [He] was appointed as the administrator for the party issues, and he was the first deputy commander under Shaykh Mukhtar Abu al-Zubair, emir of the Shabaab al-Mujahideen Movement.”³⁵⁸

On February 26, 2008, the U.S. State Department announced that Shabaab al-Mujahideen would be blacklisted as a recognized Foreign Terrorist Organization (FTO) pursuant to Section 219 of the Immigration and Nationality Act.³⁵⁹ The designation made it unlawful for anyone in the United States to provide material support to Shabaab, froze material resources linked to Shabaab and held in custody by U.S. financial institutions, and allowed the expulsion of any Shabaab members or representatives living in the United States. Nonetheless, Shabaab has adopted a defiant approach to its specific designation as a “terrorist organization” by the U.S. government. In a statement issued shortly thereafter, Shabaab al-Mujahideen scoffed that “this decision should not come as a surprise to anyone, but is merely a confirmation of previous events... As we are a part of the Salafi-Jihadi Islamic trend which opposes the dominance of the crusaders and the aggression led by America, we do not find it unlikely that America would add us to the names of these other honorable men, for whom we are honored to join, at the bottom of their list. We know full well that we are not being targeted because we are Somali, but because we are advocating the concept of jihad in its broadest sense—which does not recognize fanciful boundaries or so-called ‘international legitimacy.’”³⁶⁰

On September 30, 2008, the Shabaab al-Mujahideen Movement in Somalia released a new video production titled, “No Peace Without Islam.”³⁶¹ The recording purports to show “training and preparation” at an unidentified location in anticipation of

³⁵⁷ \Evidence\CD – Documents\MISCDOCS.pdf. Pages 8-9.

³⁵⁸ Shabaab al-Mujahideen Movement. “‘Light and Fire’: The Biography of the Martyred Shaykh Aden Hashi Ayrow.” *Millat Ibrahim*. Vol. 1; No. 1. Released: October 3, 2008.

³⁵⁹ Office of the Coordinator for Counterterrorism. “Designation of al-Shabaab as a Foreign Terrorist Organization.” Dated February 26, 2008; Published in the *Federal Register* of March 18, 2008 (Vol. 73, No. 53). U.S. State Department. <http://www.state.gov/s/ct/rls/other/08/102446.htm>.

³⁶⁰ Shabaab al-Mujahideen Movement. “Declaration of a New ‘Praiseworthy Terrorism’ Campaign in Response to the Tyrant America.” <http://www.myhesbah.com/v/showthread.php?t=175036>. April 5, 2008.

³⁶¹ <http://www.alhesbah.net/v/showthread.php?t=193734>. September 30, 2008.

an upcoming Shabaab al-Mujahideen military campaign. Masked recruits were shown going through a variety of training courses, including basic calisthenics, hand-to-hand combat, automatic weapons, sniper tactics, rocket and mortars, explosives training, drive-by shootings, assassination, and urban warfare. As the recruits practiced lessons at the camp, a variety of al-Shabaab luminaries were recorded as they looked on with approval—including the individual previously identified by al-Shabaab as Saleh al-Nabhan and al-Shabaab’s then-chief spokesman Shaykh Mukhtar Robow. A narrator is heard explaining, “Here is a vanguard from the Ummah’s loyal and honest youths from all nationalities, Arabs and foreign, who answered the call for Jihad, leaving behind life and its trinkets, truthfully knowing that what Allah has [to offer] is better than this mortal life. The Shabaab al-Mujahideen Movement brought them to one of its main camps in Muslim Somalia.”³⁶² While footage of the training is shown, an overlaid audio track is played of al-Shabaab’s top commander Mukhtar Abu az-Zubair boasting, “Allah-willing, the international jihad brigades will take off from the Land of Two Migrations [Somalia] to invade the bedrooms of the infidels, and to destroy their interests around the world.”³⁶³

The video “No Peace Without Islam” also features testimonials from a number of recruits at the training camp in Arabic, English, and Urdu-language. In the beginning of the video, a masked militant declares in Arabic, “Allah has graced you brothers in the Shabaab al-Mujahideen Movement with the pure doctrine and clarity of the banner and open outlook on the international jihad that is ongoing against the third crusader campaign... They have announced their refusal to accept half-solutions, their disavowal of the infidels and apostates, and their alliance with their brothers in the blessed Al-Qaida Organization and other jihadi organizations.” A second Arabic-speaking recruit offered a message “to the infidels who have occupied our lands: know that the youth of Muslims will not sleep until you leave their lands and stop oppressing the Muslims. And know that when we’re finished with you in this country, we will chase after you in the countries where you feel safe.”³⁶⁴

There are also similar messages in “No Peace Without Islam” issued directly in English. One of the men, masked and cradling an automatic weapon, boasted in a striking American accent, “These ansars and muhajirs that came together to make the word of Allah most high. So, we’re not fighting for tribe, or for dunya [material wealth]. We’re simply fighting for the sake of Allah and we’re defending the religion of Allah. We have a global mission, that’s why America puts us number 41 in the terrorists’ list... So once again, I sincerely advise my beloved brothers and sisters to make hijrah and come join us and defend the religion of Allah.”³⁶⁵ A Pakistani mujahid—evidently the same individual featured in the “martyrdom” will of “Abdul Aziz Saad”—even spoke in Urdu and urged Muslims to “come here and do your duty... I tell you, my brothers, we in Shabaab al-Mujahideen movement announce that we welcome any immigrant mujahid regardless of whether he is white or black.”³⁶⁶

³⁶² Shabaab al-Mujahideen Movement. “No Peace Without Islam.” Released: September 30, 2008.

³⁶³ Shabaab al-Mujahideen Movement. “No Peace Without Islam.” Released: September 30, 2008.

³⁶⁴ Shabaab al-Mujahideen Movement. “No Peace Without Islam.” Released: September 30, 2008.

³⁶⁵ Shabaab al-Mujahideen Movement. “No Peace Without Islam.” Released: September 30, 2008.

³⁶⁶ Shabaab al-Mujahideen Movement. “No Peace Without Islam.” Released: September 30, 2008.

The U.S. Attorney's Office has provided me with a copy of an e-mail from defendant Hysen Sherifi to "taibi02@hotmail.com" on January 21, 2009.³⁶⁷ The message contains a link to a YouTube-hosted 5-minute excerpt from the Shabaab al-Mujahideen video "No Peace Without Islam." It should be noted that the excerpt in question specifically features detailed footage of an al-Shabaab training camp near the town of Kamsuma in southern Somalia.

On June 27, 2009, the Shabaab al-Mujahideen Movement released a new propaganda video titled, "The Al-Furqan Battle."³⁶⁸ Using graphic footage, the video depicts the conquest of the southern Somali city of Baidoa by al-Shabaab fighters. An unidentified narrator explains, "the mujahideen's attacks intensified on the joints of the crusader enemy using ambushes, and that was through cutting their main supply lines from one side, and the unique, blessed raids from the other side... aside from the mujahideen takeover of most of the cities under the authority of the apostate government in these regions."³⁶⁹ The video also features recorded testimonials from senior al-Shabaab spokesman Mukhtar Robow (a.k.a. Abu Mansuur). Robow boasts of Shabaab's victories over "crusader" forces in Somalia and vows to "deal with" moderate Somali Islamist Shaykh Sharif Ahmed in exactly the same manner as the other enemies of al-Shabaab. The U.S. Attorney's Office has provided me with a copy of an e-mail sent by defendant Daniel Boyd to "taiba02@hotmail.com" on July 8, 2009 titled, "translate." In his message, defendant Boyd requested, "please translate for us and explain when you see us inshaAllah." The message concluded with a web hyperlink to the Shabaab al-Mujahideen video "The Al-Furqan Battle."³⁷⁰

On July 8, 2009, Shabaab al-Mujahideen released a new audio lecture by American jihadist Omar Hammami (a.k.a. Abu Mansoor al-Amriki) titled, "The Beginning of the End: A Response to Barack Obama."³⁷¹ Arguably the single greatest "celebrity" foreign fighter in Somali, the Mobile, Alabama native Hammami (a.k.a. "Abu Mansoor al-Amriki") is a young Syrian-American who was originally raised as a Baptist Christian. After converting to Islam during high school, Hammami led a relatively normal life, enrolling in the University of Southern Alabama and becoming president of the local Muslim student association. After college Hammami moved to Toronto, where he married a Somali woman and embraced an increasingly militant interpretation of Islam.³⁷² Eager to live in an Islamic country, Hammami moved his family to Cairo, where he met Daniel Maldonado. The two traveled to Somalia in late 2006 and joined al-Shabaab. While Maldonado was soon captured, Hammami managed to gain prominence in the organization. Smart, charismatic, computer-savvy and fluent in Arabic and English, Hammami quickly came to the attention of senior al-Shabaab leaders.

In his July 2009 recorded response to U.S. President Barack Obama's outreach to the Muslim world, Hammami accused Obama of trying "to teach us another Islam: the so-called moderate or American Islam... He would have us forget about all of the verses and Ahadith (plural of Hadith), about jihad and fighting the disbelievers... We choose to

³⁶⁷ \Evidence\CD - Video Links Disk H\Youtube_Return\14kWC1ObXpk.flv

³⁶⁸ <http://www.al-faloja.info/vb/showthread?t=70526>. June 27, 2009.

³⁶⁹ Shabaab al-Mujahideen Movement. "The Al-Furqan Battle." Released: June 27, 2009.

³⁷⁰ \Evidence\CD - Documents\2009.pdf. Page 5310.

³⁷¹ <http://www.al-faloja.info/vb/showthread?t=72799>. July 8, 2009.

³⁷² Elliott, Andrea. "The Jihadist Next Door." New York Times Magazine. January 31, 2010.

believe the words of Allah and His messenger, peace be upon him, and disbelieve the plots of Obama... The Muslim nation that he addressed in his speech is no longer asleep and that jihad and the mujahidin have spread to every corner of the earth, including America.”³⁷³ Hammami then directed an open appeal to “Muslims of America”: “You must use your talents and money and lives in support of the Muslims rather than in support of those who at war with Allah’s religion.”³⁷⁴ The U.S. Attorney’s Office has provided me with a copy of an e-mail sent by defendant Hysen Sherifi to defendant Daniel Boyd on July 11, 2009. The message contains a web hyperlink to view the Shabaab al-Mujahideen Movement video, “The Beginning of the End: A Response to Barack Obama.”³⁷⁵

VII. CONCLUSIONS

As demonstrated by the above analysis, and based upon my previous experience in studying contemporary terrorism cases, I believe that the evidentiary materials provided to me by the U.S. Attorney’s Office for the Eastern District of North Carolina contain almost all the necessary ingredients for relative neophytes to form their own homegrown underground terrorist cells for the purposes of violent jihad, including:

- The Formulation of Self-Selecting Schemes Aimed at Traveling Abroad to Join Foreign Terrorist Organizations, and/or Achieving Imminent Acts of Physical Violence;
- The Acquisition of Automatic Weapons and Sniper Rifles (Including Requisite Accessories Such As Sniper Scopes), Paramilitary Training Manuals, and the Establishment of Makeshift Training Camps;
- The Adoption of a Hardline Sectarian Religious Perspective, Often Identified With the “Salafi-Jihadi” or “Takfiri” School (Evidenced by the Possession And/Or Distribution of Extremist Ideological Materials);
- The Use of Coded Language and Attempts at Logistical Subterfuge (i.e. Attempts to Secret or Hide One’s Activities); and,
- The Deliberative Collection and Redistribution of Large Quantities of Terrorist Propaganda.

Upon reviewing the evidence assembled in the present case, I have concluded that there is a high probability that the defendants fit the profile of terrorists, and that there is a high probability of the existence of a genuine “homegrown” terror network. I draw particular attention to the formidable arsenal of weapons already in the possession of defendants Daniel Boyd et al., along with the disturbing sense of imminence in the conversations of co-conspirators regarding the use of deadly force. These are typically considered to be among the final warning signs prior to the execution of a would-be terrorist attack.


³⁷³ Shabaab al-Mujahideen Movement. “The Beginning of the End: A Response to Barack Obama.” Released: July 8, 2009.

³⁷⁴ Shabaab al-Mujahideen Movement. “The Beginning of the End: A Response to Barack Obama.” Released: July 8, 2009.

³⁷⁵ \Evidence\CD – Documents\2009.pdf. Page 5322.

The overwhelming quantity of terrorist propaganda and instructional material found herein is also highly relevant to this analysis. It is not simply a matter of one or two items easily located via general searches on the Internet, but rather an extensive and impressive reference library of thousands of terrorist-related video, documents, and training manuals that would require many concentrated hours of browsing and downloading to assemble. The individuals responsible for amassing these collections were unusually diligent in their mission—significantly more so than one would expect from a mere curious websurfer with a “passing interest.”

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