

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

S6 10 Cr. 162 (KMW)

SABIRHAN HASANOFF, :
a/k/a "Tareq," :

Defendant. :

----- X

**THE GOVERNMENT SENTENCING MEMORANDUM
FOR SABIRHAN HASANOFF**

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I. PRELIMINARY STATEMENT

The Government respectfully submits this memorandum in connection with the sentencing of Sabirhan Hasanoff ("Hasanoff"), which is scheduled for June 18, 2013, and in response to Hasanoff's sentencing letter of May 17, 2013 ("Def't. Sent. Ltr."). Hasanoff is a naturalized United States citizen who worked for years in New York at a succession of blue-chip accounting firms. But over the course of a number of years, Hasanoff devoted himself to supporting al Qaeda. Hasanoff acquired various items at the behest of al Qaeda --- including a remote-control device to be used for detonating explosives. Hasanoff made large financial contributions to al Qaeda. And Hasanoff worked to fight in Afghanistan as a "*mujahid*."

Hasanoff threw in his lot with al Qaeda long after it was abundantly clear that al Qaeda's core mission is, simply, to kill Americans at scale. The dangers to innocents of actively working to support al Qaeda are entirely un-missable. But that is precisely what Hasanoff did.

Hasanoff pled guilty on June 4, 2012 to the conduct described above, and that conduct implies a United States Sentence Guidelines range of thirty years to life in prison --- a sentence well in excess of the statutory maximum here of twenty years in prison. It is that sentence that should be imposed. Terrorism is a crime that requires maximal deterrence. *See United States v.*

Meskini, 319 F.3d 88, 93 (2d Cir. 2003). And Hasanoff revealed the content of his character by working to support al Qaeda --- an organization devoted to the murder of American citizens, one of whom Hasanoff had become.

But there is more. In addition to the conduct described above, Hasanoff traveled to New York from the United Arab Emirates and --- at the direction of a senior terrorist leader --- cased the New York Stock Exchange, prepared a rudimentary report, and sent it back to the terrorist leader. Hasanoff now makes excuses for this appalling and dangerous conduct. But this conduct --- which was not considered by the United States Probation Office in preparing the Presentence Investigative Report (“PSR”) --- only underscores the conclusion that Hasanoff, a United States citizen and a convicted supporter of al Qaeda, is a terrible candidate for this Court’s mercy. Hasanoff should be sentenced as the Guidelines set out --- to a term of imprisonment of twenty years.

II. BACKGROUND

A. Overview of Hasanoff’s Offense Conduct

From 2007 to late 2009, Hasanoff provided extensive support to al Qaeda. Hasanoff made regular cash donations to individuals that he understood were affiliated with al Qaeda, for example, and conducted surveillance of a potential domestic target for a terrorist attack.¹ In the course of his work for al Qaeda, Hasanoff interacted principally with four men. Two of the men were also United States citizens: Hasanoff’s co-defendant Wesam El-Hanafi (“El-Hanafi”) and another man who, long after the events described in this memorandum, became a cooperating witness (the “CW”). The other two men were based abroad. These two men were based in Yemen, and Hasanoff knew them not by their true names, but by their aliases, “Suffian” and “the

¹ Hasanoff does not object to any aspect of the detailed offense summary contained in the PSR. *See* Deft. Sent. Ltr. at 53-54.

Doctor.” Hasanoff understood that Suffian and the Doctor were affiliated with al Qaeda² in Yemen, with the Doctor holding a senior position within the group and responsible for arranging travel for persons seeking to receive military-style training and to join the *mujahidin* fighting in such locations as Afghanistan.

After a period of time when Hasanoff, El-Hanafi, and the CW sent money to Suffian and the Doctor, Suffian facilitated an in-person meeting for El-Hanafi with the Doctor in Yemen in February 2008. The Doctor, a self-proclaimed career jihadist, received an oath of allegiance, called *bayat*, from El-Hanafi; received money and various other items from Hasanoff, El-Hanafi, and the CW that had been solicited for the purposes of supporting terrorist causes; and professed to be able to arrange travel for Hasanoff, El-Hanafi, and the CW to a place where they could receive military-style training and fight in armed combat.

In addition, the Doctor (through El-Hanafi) directed Hasanoff to conduct surveillance of the New York Stock Exchange in Manhattan in 2008, unquestionably with the purpose of gathering information for a future terrorist attack. Hasanoff conducted this surveillance and subsequently sent a one-page report to the Doctor with information about the New York Stock Exchange. The report was rudimentary and of limited use to the Doctor in his efforts to plan a terrorist operation. But Hasanoff’s willingness to conduct surveillance of a densely-populated and high-profile domestic target in the heart of Manhattan makes clear his commitment to terrorism and his support for the anti-American agenda for which al Qaeda stands.

² The Government’s proof that Hasanoff and his co-conspirators believed the individuals to whom they were providing support were affiliated with al Qaeda, as opposed to some other terrorist organization, is based on information provided by the CW. Regardless, Hasanoff’s intent to provide support to the *mujahidin* fighting against American forces in Afghanistan and other locations overseas, and to personally join that fight, whether on behalf of al Qaeda or another organization, is clear.

The evidence establishing the above-described criminal conduct is extensive. It includes information from the CW --- a close associate of Hasanoff and co-defendant El-Hanafi in their joint efforts to support to al Qaeda. The CW, who conspired with Hasanoff and El-Hanafi to support al Qaeda well before he started to cooperate with the Government, has provided extensive, detailed, and corroborated information about the various forms of support that Hasanoff provided to al Qaeda. The evidence also includes emails sent from Hasanoff to the CW regarding the financial support the men agreed to provide to their terrorist contacts, as well as bank records showing money transferred by the CW to Hasanoff for that purpose. Additional evidence consists of interviews that agents of the Federal Bureau of Investigation (“FBI”) conducted of Suffian and the Doctor in March 2009, while Suffian and the Doctor were in the custody of another country.³ Both detainees provided reporting that was consistent with the CW’s information, particularly with respect to El-Hanafi’s interaction with Suffian and the Doctor in February 2008; the taskings that Suffian and the Doctor assigned to Hasanoff, El-Hanafi, and the CW; and the financial support and other items that Hasanoff, El-Hanafi, and the CW provided. The Doctor and Suffian also made entirely consistent statements regarding the surveillance that Hasanoff conducted of the New York Stock Exchange --- which is further corroborated by August 2008 email messages written by Hasanoff and El-Hanafi to Suffian.

³ Redacted reports of the FBI’s March 2009 interviews of Suffian and the Doctor, which were recently declassified, are attached to this memorandum as Exhibits A and B, respectively.

1. Al Qaeda

Since around 1989, al Qaeda has been an international terrorist organization, dedicated to opposing non-Islamic governments with force and violence. Usama Bin Laden served as the leader or “emir” of al Qaeda until his death on May 2, 2011. Members of al Qaeda typically have pledged an oath of allegiance, called *bayat*, to al Qaeda. The core purpose of al Qaeda, as stated by Bin Laden and other leaders, is to support violent attacks against Americans.

Members and associates of al Qaeda have executed a number of such terrorist attacks, all in furtherance of the organization’s unambiguously stated conspiracy to kill Americans, including August 1998 bombings of the United States Embassies in Tanzania and Kenya, which resulted in the deaths of approximately 224 innocent people; the October 2000 bombing of the *USS Cole* in Aden Harbor, Yemen; and the attacks on the United States on September 11, 2001 in New York, Virginia, and Pennsylvania, which killed approximately 2,976 people.

2. Hasanoff’s Introduction to CC-1

Hasanoff, along with El-Hanafi and the CW, had aspired to support violent extremist Islamic causes since at least 2003, when Hasanoff and El-Hanafi were living in Brooklyn. After 2006, at which time both were living in the UAE, Hasanoff and El-Hanafi met a supporter of al Qaeda (“CC-1”).⁴ (PSR ¶ 10). Through CC-1, Hasanoff and El-Hanafi established additional contacts with the terrorist group. (*Id.*). CC-1 put El-Hanafi in contact with another al Qaeda supporter, who was based in Yemen and went by the alias “Suffian.” In turn, Suffian was

⁴ So as to avoid the need for redactions, the co-conspirator who helped to connect Hasanoff and El-Hanafi with al Qaeda is referred to as “CC-1” throughout the instant memorandum. In a sealed submission also submitted today to the Court, the Government discloses the identity of CC-1.

associated in Yemen with a more senior al Qaeda terrorist, who went by the alias “the Doctor” and was responsible for facilitating the travel of *mujahidin*. (*Id.* ¶ 11).⁵

3. Hasanoff’s Provision of Financial Support to al Qaeda

Starting in around 2007, after Hasanoff and El-Hanafi met with CC-1, Hasanoff, El-Hanafi, and the CW began to provide financial support to their contacts in Yemen with the intention of supporting al Qaeda. (*Id.* ¶ 12). Hasanoff and El-Hanafi often sent their donations through Western Union or a similar company in Dubai, using fake names, as well as through a courier in Dubai, who they understood delivered the money to their al Qaeda contacts in Yemen. (*Id.*). Hasanoff hoped that sending money to al Qaeda would help the men to deepen their connections to al Qaeda by proving their bona fides.

In connection with financial payments to al Qaeda, Hasanoff was relentless --- repeatedly and aggressively pressing the CW to make a large contribution to al Qaeda. Thus, after the CW agreed to contribute \$6,500 to support the “brothers,” a term that was understood to be al Qaeda, and Hasanoff paid that money on the CW’s behalf, Hasanoff regularly emailed the CW urging the CW to send the money that he (the CW) had pledged. For example, Hasanoff asked the CW, in an August 30, 2007 email: “You still committed to donating to the charity we discussed earlier? Let me know as they’re asking for donations for some very worthy causes and it would help to introduce you this way.” (*Id.* ¶¶ 13-20). Moreover, Hasanoff made it crystal clear that he was not just urging the CW to make this \$6,500 payment --- Hasanoff also was making such payments to al Qaeda himself, and on a regular basis. For example, on September 10, 2007, Hasanoff urged the CW to bring the money the CW had pledged to Dubai, and then noted that he and El-Hanafi (“Wesam”) had already been sending money to al Qaeda on a monthly basis.

⁵ *Mujahidin* is an Arabic term used to refer to Muslims who engage in fighting a *jihad*, or struggle on behalf of Islam.

Specifically, Hasanoff asked “[p]erhaps instead of wiring money you can come with it as I’ve got zero cash to front for you and the same with Wesam since we’ve been committed ourselves to monthly commitments.” (*Id.* ¶ 15).

Hasanoff coded these email communications to disguise the true destination and purpose of the financial support he and his co-conspirators were providing. For example, in a September 30, 2007 email to the CW, Hasanoff used the term “clothing business” to refer to the terrorist causes he and the CW were supporting, writing, “if you have enough, add money to the clothing business we talked about as we’ve mentioned to the other partners that you also would be contributing so they know you’re a partner in the business.” (*Id.* ¶ 16). Three days later, on October 2, 2007, Hasanoff again pressed the CW about his failure to contribute \$6,500, as promised, to “the business.” Hasanoff emailed the CW, “We also told the bros. about your contribution to the business and they’re expecting it – what do I say to them as Wesam [*i.e.*, El-Hanafi] and I just don’t have the money to advance all of it. We’re already committing on a monthly basis a significant portion of both of our salaries.” (*Id.* ¶ 17).

Hasanoff continued to hound the CW --- pressing him to make good on a promise that he (the CW) had made to make a substantial contribution to al Qaeda. For example, in an October 11, 2007 email, Hasanoff wrote: “It’s about time you put your akhirah before your dunya – akhi, when is it going to end? You have my wiring instructions, let me know once you’ve sent so I’ll check my bank.” “Aakhirah” is an Arabic term that means afterlife, and “dunya” means current life. (*Id.* ¶ 18).

Bank records show that, on November 27, 2007, the CW sent \$50,000 to Hasanoff’s HSBC bank account in the UAE. Of this \$50,000, \$6,500 represented the money that Hasanoff earlier had paid to al Qaeda on behalf of the CW. (*Id.* ¶ 20). Two days later, Hasanoff

confirmed receipt of the CW's payment and proposed an in-person meeting to discuss the contacts with al Qaeda that he and El-Hanafi had established. Hasanoff wrote:

I think you may need to visit NY when I'm there, there's a very important decision we all need to take on the business joint venture that the partners have asked us to consult and decide upon. I'll need you there to discuss it and agree [to] it as I'd like all the partners, you, me and Abu Yousef [a code name used by El Hanafi] to make a consultation and single decision. This is a big one and worth your trip to NY.

The email specifically mentioned the \$6,500 contribution that the CW made: "Business partnership contributn [sic]: (24,000) – Roughly \$6,500 as you mentioned." (*Id.* ¶ 19).

Hasanoff's mention of a "very important decision" was a reference to his and El-Hanafi's success in establishing contact with al Qaeda in Yemen.

4. El-Hanafi's 2008 Trip to Yemen to Meet with Suffian and the Doctor

In early 2008, El-Hanafi accepted an invitation to travel to Yemen to meet in person his al Qaeda contacts, Suffian and the Doctor, with whom El-Hanafi had previously been communicating over email following CC-1's introduction. On January 17, 2008, prior to traveling, El-Hanafi sought advice from Hasanoff for a cover story for this trip to Yemen, asking Hasanoff over email, "help me think of a good way to take a week off from work." Hasanoff replied by brainstorming false excuses that El-Hanafi could provide to his employer: "1. Family emergency requiring you to travel – ill father, etc. 2. You need to travel back home to seek medical treatment for your neck as you don't believe the Dubai medical center is adequately helping you recover – so you would request for a medical leave of absence. Can't think of anything that may be believable." (*Id.* ¶ 21).

Travel records show that, on February 8, 2008, El-Hanafi flew from Dubai to Sana'a, Yemen, and that he returned to Dubai on February 14, 2008. While in Yemen, El-Hanafi met with Suffian and the Doctor; swore an oath of allegiance, called *bayat*, to the Doctor; delivered

\$12,000 in cash, a laptop computer, and a translation device; and received various taskings to perform on behalf of al Qaeda. (*Id.* ¶ 23).

The Government has learned the details of El-Hanafi's February 2008 trip to Yemen from three sources: debriefings of the CW,⁶ FBI interviews of Suffian, and FBI interviews of the Doctor.⁷ The information supplied by these three individuals about El-Hanafi's meeting with Suffian and the Doctor in February 2008 is detailed, and the accounts of all three witnesses closely inter-lock. All three men have provided, in essence, a substantially similar account of El-Hanafi's 2008 Yemen trip.

a. Information Provided by the CW

The CW learned that El-Hanafi's February 2008 trip to Yemen was facilitated by Suffian, who arranged for El-Hanafi to travel to Yemen to meet with the Doctor. Shortly after arriving in Yemen, El-Hanafi was picked up at a previously agreed-upon location, had a hood placed over his head, and was transported to a house, where he met with the Doctor. (*Id.* ¶ 24). El-Hanafi learned that the Doctor was responsible for sending *mujahidin* fighters to battle, using Yemen as a hub. For operational security purposes, the Doctor directed El-Hanafi not to ask any personal questions of him and not to provide any personal information to the Doctor. In turn, El-Hanafi,

⁶ The CW's knowledge of El-Hanafi's February 2008 trip to Yemen comes from conversations the CW had with Hasanoff and El-Hanafi in the UAE in June 2008, subsequent to El-Hanafi's trip. The CW visited Hasanoff and El-Hanafi in the UAE in June 2008 for a little over three weeks. (PSR ¶ 33). During this time, Hasanoff, El-Hanafi, and the CW frequently discussed their efforts to support al Qaeda and, in particular, El-Hanafi and Hasanoff revealed additional details concerning El-Hanafi's February 2008 trip to Yemen. Before discussing these subjects, Hasanoff, El-Hanafi, and the CW would turn off their cellular telephones for operational security purposes, reflecting their concern that their conversations could be intercepted if they left on their cellular telephones. (*Id.* ¶ 34).

⁷ Suffian was interviewed by the FBI, with the assistance of an Arabic linguist, on March 10, 2009, March 11, 2009, and March 14, 2009. (*See* Exhibit A). The Doctor was interviewed by the FBI, with the assistance of an Arabic linguist, on March 2, 2009, March 3, 2009, March 4, 2009, March 7, 2009, and March 8, 2009. (*See* Exhibit B).

who has sophisticated technical know-how, provided instructions to the Doctor on ways for al Qaeda to communicate covertly over the internet. (*Id.* ¶ 25).

The CW also learned that El-Hanafi swore *bayat* to the Doctor and al Qaeda, and told the Doctor about his group of like-minded associates, which included Hasanoff and the CW. The Doctor then directed El-Hanafi to recruit Hasanoff and the CW to join al Qaeda. Consistent with this direction, while the CW was in the UAE in June 2008, El-Hanafi gave the CW the opportunity to join al Qaeda, and the CW (like Hasanoff had before him) accepted the invitation by swearing an oath of allegiance to El-Hanafi. (*Id.* ¶ 34).

The CW further learned that the Doctor instructed El-Hanafi on how the group should avoid detection by law enforcement --- instructions that El-Hanafi shared with Hasanoff and the CW. For example, the Doctor advised El-Hanafi that the group could more fluidly blend into Western culture by not attending mosques, not growing beards, and not wearing their pants short. (*Id.* ¶ 26). El-Hanafi also was instructed that his group should run five or six miles a day, because physical training was necessary preparation for fighting against United States forces, and should memorize certain parts of the Koran, because, as explained in substance to El-Hanafi, “this is a fight for religion.” (*Id.* ¶ 30). According to the CW, Hasanoff and El-Hanafi revealed to the CW that, upon El-Hanafi’s return from Yemen (and consistent with the instructions El-Hanafi received in Yemen), Hasanoff sworn allegiance to al Qaeda through El-Hanafi.

El-Hanafi also received various assignments from the Doctor, which he was instructed to relay to Hasanoff and the CW. El-Hanafi was directed to research specific types of military jackets, military boots, military pants, video camcorders, and remote control cars. With respect to the remote control cars, El-Hanafi was directed to research cars with specific frequencies of radio signals. Al Qaeda desired these remote-control cars because they could be modified into

components for explosives for use against U.S. and Coalition forces. After researching these items, Hasanoff and El-Hanafi were supposed to purchase and ship them to al Qaeda in Yemen. (*Id.* ¶ 27).

The Doctor also sought Visa gift cards, because they allow the user to make purchases covertly without revealing his or her identity, and Hasanoff bought such gift cards during one of his trips to New York. (*Id.* ¶ 28). El-Hanafi also tasked the CW with researching and purchasing a video camera, with certain specifications, that could be used by al Qaeda to record tactical operations against the United States military and Coalition forces, so that the footage could later be disseminated on the Internet as propaganda. (*Id.* ¶ 29).⁸

b. Information Provided by Suffian⁹

Suffian explained that he learned about some Americans who wanted to travel to fight in *jihad* and who also had money that they wanted to send to support the *mujahidin*. Suffian made contact with El-Hanafi, who then started wiring Suffian money for the *mujahidin*, using fraudulent identities. Suffian estimated that El-Hanafi sent Suffian approximately \$10,000 before El-Hanafi traveled to meet with Suffian in February 2008. Suffian recalled that each transfer was for \$500 and El-Hanafi transmitted \$2,000 per month. Suffian received the funds at Western Union and other money exchanges, never utilizing the same money exchange office more than once.

Suffian provided details of El-Hanafi's February 2008 trip to meet with him and the Doctor. El-Hanafi contacted Suffian by email upon arriving and Suffian set a time and place for

⁸ The CW never in fact purchased a camcorder for al Qaeda. (PSR ¶ 29).

⁹ The defense has urged the Court not to consider the information provided by Suffian and the Doctor because it is "unreliable." Deft. Sent. Ltr. at 22. Accordingly, the Government herein sets for the information provided by Suffian and the Doctor in great detail to demonstrate that their respective accounts corroborate each other, and are consistent with email correspondence and travel records discussed below.

them to meet. Suffian first brought El-Hanafi to an internet café, where they accessed an email account that they would use to communicate after El-Hanafi's departure. From that internet café, El-Hanafi was brought to the Doctor's home, where El-Hanafi stayed for two or three days. Suffian revealed that, while at the Doctor's house, El-Hanafi swore *bayat* to the Doctor. In addition, according to Suffian, El-Hanafi hand-delivered to at the Doctor's house \$12,000 in cash, a laptop computer, and an Atlas translation device. The Doctor was supposed to send the computer to Afghanistan, although Suffian later took it after he had a dispute with the Doctor. *See infra.*

After El-Hanafi returned to the UAE, El-Hanafi sent an additional \$2,000 to Suffian. Then, in around November 2008, El-Hanafi had an unidentified individual deliver \$45,000 to Suffian to support the *mujahidin*. In total, Suffian estimated that El-Hanafi sent him and the Doctor about \$67,000. When asked what El-Hanafi expected to receive for providing this money, Suffian explained that El-Hanafi expected to go to "paradise."

Suffian also reported that the three Americans --- that is, Hasanoff, El-Hanafi, and the CW --- wanted to travel for *jihad*, but the Doctor was concerned that, as Americans, they would draw suspicion if they were to travel for *jihad* training. Suffian explained that Hasanoff, El-Hanafi, and the CW wanted to go to Afghanistan and "not come back," and that they had the desire and expectation to die fighting in Afghanistan. Suffian noted that these three Americans planned on selling their homes and belongings, which indicated that they did not expect to return after receiving training in Pakistan. While Suffian did not assess El-Hanafi as someone who would "make a good jihadi," he did believe that El-Hanafi was serious about traveling for *jihad*.

Suffian advised that the Americans were supposed to travel to Pakistan some time shortly after Suffian had traveled to Pakistan in January 2009.¹⁰

Suffian also explained how he communicated with El-Hanafi. Suffian primarily utilized email to communicate with El-Hanafi, and explained that they used several different email addresses to communicate. After El-Hanafi would create a new account, he would send Suffian an encrypted message with the new password. Suffian also revealed that he communicated with El-Hanafi about ten times by calling El-Hanafi from public telephones.

Suffian also detailed the various pieces of equipment that Hasanoff and El-Hanafi had sent to him, most notably remote-controlled devices capable of use in an explosives attack. The items that Hasanoff and El-Hanafi sent to Suffian, which generally were mailed from a post office in the UAE to Suffian, included, among other things:

- **Remote-Controlled Devices.** The Doctor asked for a remote-controlled toy car, an advanced remote control, and a receiver, for use in an explosives attack. The toy car was intended to serve as a cover, since it would look suspicious if the advanced remote control and the receiver were sent alone. El-Hanafi sent Suffian an Internet link with information about the remote control, and Suffian showed those specifications to the Doctor. Hasanoff then sent Suffian the remote-controlled toy car, a separate “advanced remote control,” and a receiver. Per Suffian, the advanced remote control would be used for “explosions,” and the range for the advanced remote would be “line of sight” or within one’s “eyesight.” Suffian gave the advanced remote control and receiver to another individual between October and

¹⁰ Suffian also asked El-Hanafi and (through El-Hanafi) Hasanoff and the CW whether they would be willing to conduct a martyrdom operation. El-Hanafi, Hasanoff, and the CW communicated, via El-Hanafi, that they did not want to do a martyrdom operation, but still desired to travel for *jihad*.

December 2008. These items were taken so that they could be sent to the *mujahidin* in Somalia.¹¹

- **Outerwear and Boots.** While in the United States, El-Hanafi bought three heavy Columbia brand jackets, designed for cold weather, and three pairs of boots, that he later mailed to Suffian. Suffian, the Doctor, and another individual kept the jackets.
- **Three GPS Devices.** El-Hanafi also bought three Garmin GPS units in the UAE and mailed them to Suffian. The Doctor had one of these GPS devices, and another individual had the other two.

Suffian also discussed a disagreement that the Americans (that is, El-Hanafi, Hasanoff, and the CW) had with the Doctor around October or November 2008. Suffian and the Americans were frustrated with the Doctor's failure to facilitate their travel for *jihad*. Suffian felt that, to keep the money coming in, the Doctor tried to make Suffian and the Americans believe that they were going to travel sometime soon and that they were involved in an important operation. Suffian and El-Hanafi, however, felt that the Doctor was using the money that El-Hanafi and Hasanoff were sending only for his own agenda of helping his "needy friends." El-Hanafi and Suffian thus agreed to end their relationship with the Doctor.

c. Information Provided by the Doctor

The Doctor characterized himself as a seasoned jihadist who had sworn *bayat* to an Egyptian Islamic Jihad leader, who later became al Qaeda's second-in-command. The Doctor also readily acknowledged that he long had hoped to conduct an attack on U.S. soil, noting his hatred of the United States and its policies.

¹¹ Suffian did not know if the advanced remote and receiver in fact were ever sent to Somalia.

The Doctor reported that, in mid-2007, Suffian told the Doctor that he had learned about three young men with U.S. passports, who wanted to become jihadists and were willing to provide financial assistance to the “brothers” and to the *jihad*. According to the Doctor, in February 2008, El-Hanafi, who at the time was living in Dubai, wanted to meet with the Doctor in person. El-Hanafi offered to bring cash to support the *jihad*, and the Doctor also asked that El-Hanafi bring a computer and an Atlas electronic translation device. Communicating through Suffian, the Doctor gave instructions for El-Hanafi’s travel and routine, including providing advice that El-Hanafi should shave his beard and avoid suspicious relationships.

El-Hanafi traveled to meet with the Doctor in early February 2008. Upon arriving, El-Hanafi contacted Suffian, who then brought El-Hanafi to meet the Doctor at a restaurant where the three of them had dinner. The Doctor was aware of El-Hanafi’s two other associates who were also U.S. citizens (*i.e.*, Hasanoff and the CW), and assigned each of them fake names to use. El-Hanafi was “Khaled,” while his two associates were “Tareq” (Hasanoff) and “Umar” (the CW). After their dinner, the Doctor invited El-Hanafi to check out of his hotel and to stay at the Doctor’s house. Over the following two days at the Doctor’s house, the Doctor and El-Hanafi discussed El-Hanafi’s life in the UAE, Islam, and *jihad*.

The Doctor’s reporting on El-Hanafi’s two days at his house was identical to Suffian’s reporting, and also consistent with what El-Hanafi told the CW. During this time, El-Hanafi swore *bayat* to the Doctor and pledged to obey the Doctor and to “listen to him.” El-Hanafi delivered to the Doctor a laptop computer and an Atlas translation device, which were for the Doctor’s own use. El-Hanafi also gave the Doctor \$12,000 in cash, understanding that the money would go to support the families of the martyrs, “the brothers,” and others “in need,” and agreeing to continue to send the Doctor more money in the future. The Doctor and El-Hanafi

also discussed *jihad* and ways of traveling for *jihad*, and the Doctor recalled that El-Hanafi mentioned that he had attempted to travel to Iraq, via Syria, to engage in *jihad*, but was unable to make it to Iraq. The Doctor instructed El-Hanafi to tell his two American associates (Hasanoff and the CW), who also wanted to travel with El-Hanafi for *jihad*, that they should not communicate with a particular individual, who the Doctor considered to be a security risk. After El-Hanafi spent two days at the Doctor's house, the Doctor drove El-Hanafi to Suffian so El-Hanafi could return to the UAE. Prior to El-Hanafi's departure, they arranged that the Doctor's future communications with El-Hanafi would be through Suffian.

The Doctor also reported that he learned that El-Hanafi in fact told Hasanoff and the CW about "a brother (*i.e.*, the Doctor) in *jihad*" who could help them travel to engage in *jihad*. The Doctor also learned that Hasanoff and the CW affirmed that they were "with" the Doctor, which the Doctor understood to mean that Hasanoff and the CW had sworn *bayat* to him through El-Hanafi. Under the Doctor's understanding of their hierarchical arrangement, El-Hanafi was under his (the Doctor's) command for all matters of *jihad*.

The Doctor explained that, as they had agreed, he continued to communicate with El-Hanafi after the February 2008 trip through Suffian's email account. In addition, in Internet chat sessions, the Doctor and El-Hanafi discussed ways that El-Hanafi could send additional money. One suggestion was sending a used car that the Doctor would sell. The Doctor, however, abandoned this option after determining that it would not be profitable. El-Hanafi also offered to have money hand delivered to the Doctor, but the Doctor declined this option and instructed El-Hanafi not to send anyone from the UAE. The Doctor also learned that El-Hanafi compiled about \$50,000 in November 2008, but the Doctor never received this money. The Doctor estimated that, in 2008, El-Hanafi sent several Western Union wire transfers, totaling

approximately \$8,000, \$4,000 of which was sent prior to El-Hanafi's February 2008 trip. The Doctor recalled that El-Hanafi would generally send \$1,000 at a time, split into two \$500 wire transfers, with transfer one sent through Western Union and the other sent through a money exchange. The transfers that occurred prior to El-Hanafi's visit were received by Suffian. The Doctor reported that El-Hanafi used different fake names each time he made these wire transfers. Generally, El-Hanafi would send the money about two or three days after receiving a request for the money from Suffian. In total, the Doctor estimated that he received about \$20,000 from El-Hanafi. The Doctor believed that El-Hanafi, Hasanoff, and the CW thought that the money they were sending to him was for their future training. The Doctor reported that he gave some of the \$12,000 that El-Hanafi delivered to families in need --- appearing to refer to families of purported "martyrs" and others who had died in fighting *jihad* --- and that he also bought two cars with the remainder of the money. The Doctor intended to resell those cars for profit, so he would be able to send additional money to those families.

The Doctor also discussed the items that El-Hanafi, Hasanoff, and the CW sent to him and Suffian. The Doctor, who wanted to send shoes and jackets to the "brothers," asked El-Hanafi (through Suffian) to send these items to Suffian. Fulfilling these requests, El-Hanafi sent the Doctor three heavy, cold weather reversible jackets and three pairs of boots prior to El-Hanafi's February 2008 visit. The Doctor reported that, although the boots and jackets were originally meant to be used by the Americans (*i.e.*, Hasanoff, El-Hanafi, and the CW) for when they travel for *jihad*, the Doctor instead kept a jacket and a pair of boots for himself, and provided the others to Suffian and another individual. In addition, as Suffian also reported, El-Hanafi sent to the Doctor, at different times, a GPS device, binoculars, and a remote-control toy car. The Doctor described the remote-control car as being about a foot long, battery-powered,

and with a remote control and three other pieces. El-Hanafi believed that the range for the remote was less than a kilometer. The Doctor explained that, during his time engaging in *jihad* in Afghanistan against the Soviets, he learned about explosives and he wanted the remote-control car to help him learn about new explosives technology. The car was given to Suffian around November 2008.

According to the Doctor, El-Hanafi asked the Doctor to arrange for El-Hanafi, Hasanoff, and the CW to travel to any *jihad* arena, whether it be Iraq, Afghanistan, or Somalia, where they would receive military-style training and then engage in fighting. The Doctor noted that the Americans (El-Hanafi, Hasanoff, and the CW) continued to make requests to travel for training and *jihad*, but the Doctor repeatedly told them their path to travel was not clear. The Doctor believed that these individuals would be more valuable assets in connection with potential future attacks on U.S. soil, than they would be were they to travel to Afghanistan, Pakistan, Somalia, or another front to fight. As discussed below, the Doctor took advantage of Hasanoff's travel to the United States to have him conduct surveillance of a domestic target for a possible terrorist attack.

The Doctor also reported that, around November 2008, a dispute arose between him, Suffian, and the Americans (El-Hanafi, Hasanoff, and the CW), concerning the Doctor's use of the money and equipment that the Americans were sending him. According to the Doctor, Suffian told the Americans that the Doctor was the hindrance to their path to *jihad*, and the Americans and Suffian were growing impatient with the Doctor's failure to facilitate their travel and training for *jihad*.

The Doctor reported that, around December 2008, he made efforts to contact El-Hanafi to alleviate this problem. After eventually making contact, the Doctor and El-Hanafi opened an email account so they could communicate. According to the Doctor, El-Hanafi indicated by

email in December 2008 that he (El-Hanafi) was going to *jihad*. The Doctor responded that he wanted to take advantage of El-Hanafi and had long-term plans for El-Hanafi, Hasanoff, and the CW, concerning something in the future in America.

5. Hasanoff's Surveillance of the New York Stock Exchange

In addition to information on El-Hanafi's February 2008 trip, FBI interviews of Suffian and the Doctor revealed that, during El-Hanafi's February 2008 trip to Yemen, the Doctor gave El-Hanafi --- and through El-Hanafi, Hasanoff --- an assignment that related to possible plans for an attack on U.S. soil. Both Suffian and the Doctor reported that El-Hanafi was tasked to direct Hasanoff to conduct surveillance of the New York Stock Exchange, and that Hasanoff in fact conducted that surveillance and reported to Suffian and the Doctor what he (Hasanoff) had learned. Both detainees are remarkably consistent in their reporting about Hasanoff's surveillance, and their statements are corroborated by emails written by El-Hanafi and Hasanoff.

Specifically, the Doctor stated that he had contemplated an attack on the New York Stock Exchange, but that he had very little information about the site, including its location, size and security. Accordingly, the Doctor asked that Hasanoff perform surveillance of the New York Stock Exchange, which information the Doctor hoped would be beneficial for purposes of planning an attack in the United States. In the Doctor's eyes, Hasanoff, El-Hanafi, and the CW were ideal for these plans, and he believed that the three Americans would be better put to use for attacks on U.S. soil rather than traveling to fight in Afghanistan, Pakistan, Somalia, or another front. The Doctor also recalled that, around May or June of 2008, El-Hanafi advised him (through Suffian) that Hasanoff would be traveling from the UAE to the United States. The Doctor also reported that he received information concerning the New York Stock Exchange from Hasanoff following that trip.

Suffian's account of relevant events is very closely consistent with the Doctor's account. Suffian likewise reported that Hasanoff traveled to New York shortly after El-Hanafi's visit in February 2008, on instructions from the Doctor relayed through himself and El-Hanafi.¹²

Suffian and the Doctor's statements about Hasanoff's surveillance of the New York Stock Exchange are strongly corroborated not only by Hasanoff's travel to New York City, but also by communications, written over email, that El-Hanafi and Hasanoff had with Suffian in August 2008.¹³ For instance, on August 4, 2008, Hasanoff wrote a message to Suffian in which he explained that he had not yet been able to conduct the surveillance because he had been sick, but planned to do so in the next two days. Specifically, Hasanoff wrote, "How are you brothers? I am visiting the place you asked about in two days -- I will email you once I have visited there. Let me know if you need anything more from me while I am here. I have been sick for some days so I couldn't go earlier." At the time Hasanoff wrote this email, he was in the United States, as he had landed at John F. Kennedy Airport in Queens, New York, on July 29, 2008. On August 7, 2008, Hasanoff, while still in the United States, wrote another message to Suffian in which he communicated that he had conducted the surveillance. Specifically, Hasanoff wrote, "I will find out your request. I have visited the tourist locations you asked me about and will report to you after two weeks in more detail."

¹² Travel records show that Hasanoff flew from Dubai to John F. Kennedy Airport in New York City on July 29, 2008, and that he flew back from John F. Kennedy Airport to Dubai on August 15, 2008.

¹³ Both Hasanoff's and El-Hanafi's emails to Suffian were written over email accounts that incorporated the phrase "andcompany@yahoo.com" with different letter combinations before and after the word "and" that signified the participants in the communication. Suffian elaborated on how those email accounts were used. For example, Suffian explained to the FBI that communication between El-Hanafi and Suffian occurred over the kandscompany@yahoo.com account, with the "k" standing for Khaled, an alias El-Hanafi used, and the "s" for Salah, an alias Suffian used.

Hasanoff returned from the United States to Dubai on August 15, 2008. Three days later, El-Hanafi wrote an email message to Suffian confirming that Hasanoff had returned to the UAE and promising to provide Suffian with an update in the near future. Specifically, El-Hanafi wrote, “Tariq [Hasanoff] is back and al hamidoilallah.¹⁴ I will give you information from him on his visit and update you in a few days.”

As both the Doctor and Suffian reported to the FBI, Hasanoff subsequently sent the Doctor a report of his surveillance of the New York Stock Exchange. According to the Doctor, Hasanoff sent a one-page report to Suffian, via email, which Suffian printed out for the Doctor. In the report, Hasanoff relayed that the New York Stock Exchange was surrounded by approximately four streets that were blocked off from vehicular traffic and that someone would have to walk to the building. The Doctor revealed that, although the information provided by Hasanoff could be used by someone who wanted to do an operation, he was not satisfied with the report, and he accordingly disposed of it. (The report apparently lacked sufficient detail about New York Stock Exchange security matters to be as helpful as the Doctor had hoped.)

6. Hasanoff’s Desire to Receive Military-Style Training and to Fight *Jihad* Overseas

Throughout their dealings with the Doctor and Suffian, Hasanoff, El-Hanafi, and the CW repeatedly articulated their strong and unwavering desire to travel overseas for the purposes of receiving military-style training and then fighting *jihad*. There can be no serious question about the sincerity of their desire to do so. Suffian, for example, told the FBI that the three Americans planned on selling their homes and belongings before traveling, clear evidence that they intended to fight, possibly dying in battle, and not returning to their families. Moreover, as noted above, the Doctor’s failure to facilitate their travel for the purposes of foreign fighting caused a

¹⁴ The phrase, “al hamdillah,” is an Arabic expression that translates to, “Praise to God.”

significant rift in the relationship between not only Hasanoff and El-Hanafi and the Doctor, but also between Suffian and the Doctor.

By the end of 2008, Hasanoff, El-Hanafi, and the CW were awaiting instructions from the Doctor and were preparing to be sent to fight in Afghanistan or Iraq. If they were directed to go to Afghanistan, they would have had to travel first to Pakistan and to wait there until al Qaeda secured a route to Afghanistan. If they were instructed to go to Iraq, they would have traveled to either Syria or Saudi Arabia, and then would have crossed into Iraq. Hasanoff and El-Hanafi previously had traveled to Syria and Turkey in an unsuccessful attempt to travel to Iraq to join in the fighting.

Hasanoff, El-Hanafi, and the CW regularly discussed the possible locations where they could fight, including Afghanistan, Iraq, and Somalia. In electronic communications throughout 2009, Hasanoff, El-Hanafi, and the CW discussed, using slightly coded language, their desire to fight, their general efforts to support terrorist causes overseas, and how they might identify additional contacts within al Qaeda who could facilitate their travel. According to the CW, during these communications, the CW participated from the United States, while Hasanoff and El-Hanafi were together in the UAE.¹⁵

Thus, for example, in a January 24, 2009 electronic communication involving Hasanoff (attached as Exhibit C), El-Hanafi and the CW, the three men discussed their loss of contact with the Doctor, and the locations where they could travel for *jihad*. El-Hanafi wrote, "I lost contact completely[.] I think something happened over there," adding, "I think he's been hospitalized."

¹⁵ As noted, the CW explained that Hasanoff and El-Hanafi were often sitting together at a computer terminal in the UAE during their communications with the CW in the U.S. Accordingly, it is sometimes difficult to determine whether Hasanoff or El-Hanafi is physically typing each message. Where the particular "speaker" is identifiable either through context or by information provided by the CW, that person is noted in the text.

According to the CW, El-Hanafi was referring to losing contact with the Doctor, with “hospitalized” being code for being in prison --- which he in fact was. The CW told El-Hanafi that “now it’s time to move on” and noted that they had a “couple of options.” First, Hasanoff, El-Hanafi and the CW could travel to Yemen to attempt to establish new al Qaeda contacts: “we either can go visit ur hospitalized friend and then from there . . . we can go to his city . . . and from there we can pick up a new trip.” Second, they could travel to Afghanistan or another country in the region to join fighting in support of al Qaeda. Their third option was to travel to Somalia to support al-Shabaab, a designated foreign terrorist organization that operates primarily out of Somalia.

El-Hanafi proposed two business ventures that could provide a cover for the true purpose of their travel: “1) send a car there 4x4 and try to sell it . . . 2) send women’s clothing like the ones our friend is doing business in.” These businesses also could help sustain them financially while they sought to establish new contacts to facilitate their travel to receive training and to fight in *jihad*.

Hasanoff, El-Hanafi and the CW also made clear that the purpose of their travel was to engage in fighting and not return. When El-Hanafi asked, “so our first trip is just to discovery?”, the CW replied, “nooo[.] one way[.] and whatever it takes,” further adding, “just remember if we give it 100%, it’ll give us back everything.” Toward the end of the January 24, 2009 chat, they determined that traveling to Somalia would be the easiest option, although they would have to wait until the “airport” was under “their control.” Based on information from the CW, here, they were referring to al-Shabaab gaining control of the airport --- a reference to the much fought-over Mogadishu International Airport.

In a March 7, 2009 electronic communication (attached as Exhibit D), Hasanoff, El-Hanafi, and the CW continued to speak in coded language about their concern for their former al Qaeda contacts, *i.e.*, Suffian and the Doctor, and their disappearance's impact on their ability to fight. For instance, the CW commented, "I hope the other guys are out of the hospital." Suspecting that Suffian and the Doctor had been imprisoned, the group was desperate to establish new contacts that could facilitate their travel for *jihad*. In an effort at least in part to establish a new contact with al Qaeda, Hasanoff and El-Hanafi asked the CW to join them for an *Umrah* trip (a pilgrimage to Mecca in Saudi Arabia) around June 2009. Around this time, Hasanoff and El-Hanafi also reinitiated contact with CC-1. Hasanoff and El-Hanafi hoped that CC-1, who was involved in facilitating travel for al Qaeda fighters, could help them reestablish communication with al Qaeda.

Hasanoff, El-Hanafi, and the CW had another electronic communication on June 12, 2009 (attached as Exhibit E). In this communication, Hasanoff, El-Hanafi, and the CW discussed their trip to Saudi Arabia, their efforts to make new contacts within al Qaeda, and concern that their prior al Qaeda contacts had been arrested. The June 12, 2009 conversation began with El-Hanafi confirming Hasanoff's presence: "me and the other brother are here." El-Hanafi asked the CW, "have u applied for visa already?", and the CW responded that he had started the process. During this conversation, Hasanoff and El-Hanafi recited much of their history with CC-1 (referred to as "sammy"), Suffian (referred to as "the communicator"), and the Doctor (referred to as "the manager"):

I need to tell u the story from the beginning so u can have info then we can all make a decision[,] as u know[,] we met a brother "sammy" a few years ago while he was here visiting[,] he's the one that introduced us to the manager and the communicator. . . . We worked with both sammy and these guys for about 8 or 9 months simultaneously[,] then the manager and the communicator asked us to join their team officially[,] once we did.....they told us not to speak with sammy at

all[.] sammy is a very good brother.....but, he is known all over and watched[.] anyone who is in contact with him....will get the same treatment[.] so they said if u want us to help u study abroad u need to stop contacting sammy[.]

This account confirms information provided by the CW, Suffian, and the Doctor: Hasanoff and El-Hanafi met CC-1 in the UAE; CC-1 introduced El-Hanafi to the al Qaeda contacts (the Doctor, a/k/a “the manager,” and Suffian, a/k/a “the communicator”); Hasanoff and El-Hanafi agreed to assist al Qaeda (“join their team officially”); and the Doctor instructed El-Hanafi to cease communications with CC-1, a too-prominent jihadist.

B. Hasanoff’s Guilty Plea

On June 4, 2012, Hasanoff pled guilty to Information S6 10 Cr. 162 (KMW) (the “Information”), pursuant to a plea agreement with the Government. The Information charged two counts: (1) providing, and attempting to provide, material support and resources to a designated foreign terrorist organization, namely, al Qaeda, in violation of Title 18, United States Code, Section 2339B; and (2) conspiring to provide material support and resources to a designated foreign terrorist organization, namely, al Qaeda, in violation of Title 18, United States Code, Section 371.

Pursuant to the terms of Hasanoff’s plea agreement with the Government, the parties stipulated to an advisory Guidelines offense level of 37, calculated as follows: (1) because Counts One and Two involve the same act or transaction, the counts are grouped, pursuant to U.S.S.G. § 3D1.2(a); (2) the base offense level for the two offenses is 26, pursuant to U.S.S.G. § 2M5.3; (3) because the offenses involved the provision of funds or other material support or resources with the intent, knowledge, or reason to believe that they were to be used to commit or assist in the commission of a violent act, two levels are added, pursuant to U.S.S.G. § 2M5.3(b); (4) because the offenses were felonies that involved, or were intended to promote, a federal

crime of terrorism, 12 levels are added, pursuant to U.S.S.G. § 3A1.4(a); and (5) a three-level reduction for acceptance of responsibility is warranted, pursuant to U.S.S.G. § 3E1.1(b), (b). In addition, although Hasanoff had no prior criminal history, because the offenses were felonies that involved, or were intended to promote, a federal crime of terrorism, Hasanoff's Criminal History Category is VI, pursuant to U.S.S.G. § 3A1.4(b).

Based on this calculation, the parties agreed that the advisory Guidelines range is 360 months to life. However, because the combined statutory maximum sentence for Counts One and Two is twenty years, the parties stipulated to an applicable Guidelines range of twenty years' imprisonment. The parties further agreed that, after determining Hasanoff's ability to pay, the Court may impose a fine pursuant to U.S.S.G. § 5E1.2 and that, at Guidelines offense level 37, the applicable fine range is \$20,000 to \$200,000.

Hasanoff also admitted the forfeiture allegations in the Information. In his plea agreement with the Government, Hasanoff agreed to forfeit to the United States:

(i) all right, title, and interest in all assets, foreign and domestic, affording a source of influence over al Qaeda; (ii) all right, title and interest in all assets, foreign and domestic, acquired and maintained with the intent and for the purpose of supporting, planning, conducting, and concealing a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property; and (iii) all right, title and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property.

On or about June 4, 2012, this Court entered a consent order of forfeiture consistent with the terms of the plea agreement. Under the terms of the plea agreement, payment of forfeiture shall not be treated as satisfaction of any other penalty that the Court may impose on Hasanoff, including the imposition of a fine.

During his guilty plea allocution, Hasanoff acknowledged that he provided, and conspired to provide, material support and resources to al Qaeda, knowing full well the purpose and objective of the terrorist group. Hasanoff explained, “Starting in around 2007, I agreed with other persons to provide material support to a designated foreign terrorist organization,” and that this “organization was al Qaeda.” Transcript, *United States v. Hasanoff*, 10 Cr. 162 (KMW) (June 4, 2012), at 15-16. Hasanoff further admitted that he knew that al Qaeda was a designated terrorist organization. *See id.* at 16.

C. The Presentence Investigative Report

The Probation Department issued its Presentence Investigation Report (“PSR”) in this case on October 15, 2012. In the PSR, the Probation Department calculated an offense level of 37, a Criminal History Category of IV, and a resulting applicable Guidelines range of 240 months’ imprisonment, in light of the statutory maximum sentence. *See* PSR ¶¶ 42-56, 91. This Guidelines calculation and sentencing range reflected the same offense level and criminal history calculations contained in the plea agreement. *See id.* ¶ 92.

The Probation Department recommended a term of imprisonment of 13 years’ imprisonment. *See* PSR p. 21. In arriving at this recommendation, the Probation Department observed that Hasanoff “willingly participated and actively took steps in furtherance of the conspiracy to aid” al Qaeda. *Id.* The Probation Department noted, however, that, because Hasanoff declined to provide a statement at the time of his presentence interview, “we are unaware of his motivation to commit the instant offense.” *Id.* at pp. 21-22. In addition, the Probation Department observed that, “during his plea allocution, Hasanoff recited the minimum requirements for an acceptable plea to the Court.” *Id.* at p. 22. The Probation Department thus observed that, “[b]ecause of his lack of candor, lack of any expression of remorse or an

explanation for his motivation, we do not believe that Hasanoff has fully accepted responsibility for his actions.” Nonetheless, the Probation Department recommended a sentence of 13 years’ imprisonment, well below the advisory Guidelines range of twenty years’ imprisonment. In reaching this conclusion, the Probation Department observed that this District

has been host to large-scale terrorist defendants prior to the convictions of Hasanoff and El-Hanafi, all of whom potentially could have caused destruction to the United States and a significant loss of life to its citizens. Some of these defendants were sentenced to periods of 12 years’ incarceration and some of them to a term of life incarceration. We believe, as shown by his actions, his personal circumstances and his apparent intent, that Hasanoff falls more in-line with the former group of defendants.

PSR p. 22. The Government strongly disagrees with the Probation Department’s analysis and recommended sentence. The Government also notes that the information from the Doctor and Suffian, including their reporting on Hasanoff’s surveillance of the New York Stock Exchange, and the email messages written by El-Hanafi and Hasanoff concerning that surveillance, had not yet been declassified, and therefore were not considered by the Probation Department at the time the PSR was drafted.

III. ARGUMENT

The offense conduct in this case is enormously serious --- providing material support to al Qaeda that included money, technical advice, and equipment sought by the terrorist group to engage in further violence against Americans, and surveilling a potential target in New York City for a domestic terrorist attack. Against this backdrop, it is frankly hard to see why a lenient, below-Guidelines sentence would be appropriate here. An American citizen who works with al Qaeda --- and works to further a terror plot on United States soil --- should be treated as firmly as the Guidelines envision, both because of the depravity of assisting al Qaeda and because would-be terrorists must be made aware that the courts of the United States will impose long sentences

on anyone who would work to assist al Qaeda, especially through actions taken right here in Manhattan.

A. Applicable Law

The United States Sentencing Guidelines (the “Guidelines”) still provide strong guidance to the Court in light of *United States v. Booker*, 543 U.S. 220 (2005) and *United States v. Crosby*, 397 F.3d 103 (2d Cir. 2005). Although *Booker* held that the Guidelines are no longer mandatory, it held also that the Guidelines remain in place and that district courts must “consult” the Guidelines and “take them into account” when sentencing. 543 U.S. at 264. “[A] district court should begin all sentencing proceedings by correctly calculating the applicable Guidelines range” — that “should be the starting point and the initial benchmark.” *Gall v. United States*, 552 U.S. 38, 50 (2007).

After that calculation, a sentencing judge must consider seven factors outlined in Title 18, United States Code, Section 3553(a): “the nature and circumstances of the offense and the history and characteristics of the defendant,” 18 U.S.C. § 3553(a)(1); the four legitimate purposes of sentencing, *see id.* § 3553(a)(2); “the kinds of sentences available,” *id.* § 3553(a)(3); the Guidelines range itself, *see id.* § 3553(a)(4); any relevant policy statement by the Sentencing Commission, *see id.* § 3553(a)(5); “the need to avoid unwarranted sentence disparities among defendants,” *id.* § 3553(a)(6); and “the need to provide restitution to any victims,” *id.* § 3553(a)(7). *See Gall*, 552 U.S. at 49-50 & n.6.

In determining the appropriate sentence, the statute directs judges to “impose a sentence sufficient, but not greater than necessary, to comply with the purposes” of sentencing, which are:

- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense
- (B) to afford adequate deterrence to criminal conduct;

- (C) to protect the public from further crimes of the defendant; and
- (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

18 U.S.C. § 3553(a)(2).

Courts may not presume that the appropriate sentence necessarily lies within Guidelines range, but “the fact that § 3553(a) explicitly directs sentencing courts to consider the Guidelines supports the premise that district courts must begin their analysis with the Guidelines and remain cognizant of them throughout the sentencing process.” *Gall*, 552 U.S. at 50 n.6. Their relevance throughout the sentencing process stems in part from the fact that, while the Guidelines are advisory, “the sentencing statutes envision both the sentencing judge and the Commission as carrying out the same basic § 3553(a) objectives,” *Rita v. United States*, 551 U.S. 338, 348 (2007), and the Guidelines are “the product of careful study based on extensive empirical evidence derived from the review of thousands of individual sentencing decisions,” *Gall*, 522 U.S. at 46; *see also Rita*, 551 U.S. at 349. To the extent a sentencing court varies from the Guidelines sentence, “[it] must consider the extent of the deviation and ensure that the justification is sufficiently compelling to support the degree of the variance.” *Gall*, 552 U.S. at 50.

B. The Court Should Impose a Guidelines Sentence of Twenty Years’ Imprisonment

Pursuant to *Gall*, the sentencing analysis starts with the advisory Guidelines range. *See also* 18 U.S.C. § 3553(a)(4). The parties agree that in this case, if not for the combined statutory maximum of twenty years’ imprisonment, the applicable Guidelines range would be 360 months to life. However, because the combined statutory maximum sentence is twenty years, the applicable Guidelines range is twenty years’ imprisonment. This Guidelines range reflects the

considered judgment of the Sentencing Commission, after examining “tens of thousands of sentences and work[ing] with the help of many others in the law enforcement community over a long period of time” in an effort to fulfill the same objectives set out in Section 3553(a). *Rita*, 551 U.S. at 349. The Guidelines “seek to embody the § 3553(a) considerations, both in principle and in practice,” and accordingly, the Guidelines “reflect a rough approximation of sentences that might achieve § 3553(a)’s objectives.” *Id.*

A sentence of twenty years’ imprisonment is appropriate to address the goals of punishment and deterrence and in light of the nature of the offense in this case. Hasanoff’s offense is an enormously serious one, both in terms of the nature of his conduct and the length of his involvement. As noted, Hasanoff’s initiation into extremist ideology began in 2003, when he was living in Brooklyn, New York, as a naturalized United States citizen. In 2007, Hasanoff began to provide financial and other forms of support to al Qaeda, and continued to do so through approximately March 2010. Hasanoff provided various forms of support which he intended to be utilized to support the *mujahidin* fighting against his fellow citizens --- American forces in Afghanistan and other locations overseas. Hasanoff sent not only money, which could be used in various ways to further acts of terrorism, but also provided a device that he understood could be modified to trigger an explosive. Moreover, Hasanoff was not only provided support from afar, but also repeatedly expressed his desire personally to join armed combat against Coalition forces in Afghanistan and elsewhere. Furthermore, his efforts were not solely directed abroad. Hasanoff conducted surveillance of the New York Stock Exchange in Manhattan which was reported back to his terrorist contacts, knowing full well that this surveillance information was sought so that it could be used for a domestic terrorist attack. Moreover, Hasanoff cannot claim that influences or difficult circumstances beyond his control led to his desire to engage in

jihad and assist al Qaeda. Rather, he was financially comfortable, had stable employment, and enjoyed a supportive and intact family. In all, the length and severity of Hasanoff's conduct calls for a term of imprisonment that will not only deter others from engaging in similarly dangerous conduct, but will also deter Hasanoff from future crimes and protect the public. Nothing less than a sentence at the statutory maximum of twenty years would accomplish those goals.¹⁶

C. The Defense's Counter-Arguments Are Unavailing

1. The Guidelines Terrorism Enhancement Does Not Overstate the Seriousness of this Offense

The application of U.S.S.G. § 3A1.4(a) does not overstate the seriousness of Hasanoff's criminal conduct. In 1994, Congress mandated that the Sentencing Commission provide for a Guidelines enhancement for terrorism offenses to ensure that those convicted of such crimes receive punishment commensurate with the extraordinary nature of their conduct. *See United States v. Stewart*, 590 F.3d 93, 172 (2d Cir. 2009) (citing Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322, § 120004, 108 Stat. 1796, 2022). The resulting "terrorism enhancement" at U.S.S.G. § 3A1.4 reflects Congress's intent that defendants convicted of terrorism offenses serve sentences appropriate to their uniquely dangerous crimes. As Judge Walker explained in his concurrence in *Stewart*:

¹⁶ Pursuant to the Consent Order of Forfeiture, Hasanoff must forfeit to the Government, among other things, "all right, title and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property." Based on information provided by the CW, Suffian, and the Doctor, Hasanoff and El-Hanafi sent to Suffian and the Doctor approximately \$67,000. In addition, Hasanoff and El-Hanafi provided such items as a laptop computer, an Atlas translation device, a remote-control car with an advanced remote control and receiver, three heavy jackets, three boots, three GPS devices, binoculars, and two Casio G-Shock watches. Taking into account the value of these items, the Government estimates the total amount of forfeiture for Hasanoff and El-Hanafi to be \$70,000, for which Hasanoff and El-Hanafi should be jointly and severally liable.

The import of this enhancement ‘could not be clearer’: It reflects Congress’ and the Commission’s policy judgment ‘that an act of terrorism represents a particularly grave threat because of the dangerousness of the crime and the difficulty of deterring and rehabilitating the criminal, and thus that terrorists and their supporters should be incapacitated for a longer period of time.’

Id. at 172-73 (quoting *Meskini*, 319 F.3d at 91-92). The enhancement appropriately assesses the seriousness of the offense in this case. As noted, the defendant is a naturalized U.S. citizen who turned his back on this country when he engaged in a conspiracy with the goal of supporting a terrorist organization that targets Americans. Moreover, the defendant’s commitment to support terrorism was not a momentary lapse in an otherwise law-abiding life, but rather spanned several years. In connection with that offense, Hasanoff and his co-conspirators did more than exhibit a philosophical commitment to the cause, they provided real support in the form of money, technical training and equipment; sought a pathway to fight on behalf of al Qaeda overseas; and provided information which presumably would be used in connection with a domestic terrorist attack. This conduct falls squarely within the kind of dangerous activity that Congress has deemed worthy of significant punishment through the application of the terrorism enhancement. To vary downward to the extent requested by the defense would thwart Congress’s intent to ensure that acts of terrorism are severely punished and disregard the nature of the defendant’s conduct.

Further, the enhancement’s impact on Hasanoff’s applicable Criminal History Category (“CHC”) does not “constitute a gross overstatement of his criminal history,” as the defense suggests. Deft. Sent. Ltr. at 12.¹⁷ Rather, the effect of the enhancement on the applicable CHC

¹⁷ It should be noted that Hasanoff’s argument for a downward departure based on his Criminal History Category is expressly barred by his Plea Agreement and should be denied. Deft. Sent. Ltr. at 12, 14. As made clear on page 4 of Hasanoff’s Plea Agreement:

reflects the Commission's assessment of the need for deterrence and likelihood of recidivism in terrorist offenses. As the Second Circuit has previously recognized, "the Sentencing Commission had a rational basis for creating a uniform criminal history category for all terrorists under [U.S.S.G.] § 3A1.4(b), because even terrorists with no prior criminal behavior are unique among criminals in the likelihood of recidivism, the difficulty of rehabilitation, and the need for incapacitation." *Stewart*, 590 F.3d at 143 (citing *Meskini*, 319 F.3d at 92).

The enhancement accurately reflects the risk of recidivism in this case. The defense articulates numerous factors which, they contend, suggest that Hasanoff is unlikely to recidivate, including his age, "long history as a productive member of society," and the punishment he has already suffered, including the loss of his business and the strain on his loved ones. Def. Sent. Ltr. at 51, 53. However, almost all of those considerations were present before and during the time period of the offense and did not serve to deter Hasanoff's conduct in any way. If anything, the fact that Hasanoff enjoyed a supportive family, work and social life and was an integral, if not essential, contributor to the financial and personal well-being of so many family members and associates, yet was nonetheless willing to abandon all of that for the opportunity to fight on behalf of a terrorist organization, suggests a likelihood of recidivism. Moreover, his contention that no actual harm resulted from his conduct, and his failure to acknowledge the significance of

The parties agree that neither a downward nor an upward departure from the Stipulated Guidelines Sentence set forth above is warranted. Accordingly, neither party will seek any departure or adjustment pursuant to the Guidelines that is not set forth herein. Nor will either party suggest that the Probation Office consider such a departure or adjustment under the Guidelines, or suggest that the Court *sua sponte* consider any such departure or adjustment.

When Hasanoff entered his guilty plea before this Court on June 4, 2012, he confirmed that he fully understood the terms of the plea agreement that he entered with the Government. *See* Transcript, June 4, 2012, at p. 14. To the extent the defense wishes to argue that the Guidelines overstate the defendant's criminal history, the argument should be made under 18 U.S.C. § 3553(a).

his surveillance of the New York Stock Exchange, discussed *infra*, suggest that Hasanoff still lacks a full appreciation of his criminal conduct.

Furthermore, despite the defense's contrary assertion, a Guidelines sentence here would not run afoul of the concerns articulated in *United States v. Dorvee*, 616 F.3d 174 (2d Cir. 2010). The Second Circuit's decision in that case was based in part on its assessment that the relevant Guideline was "irrational[]" and, "unless carefully applied, [could] easily generate unreasonable results." 616 F.3d at 187-88. By contrast, the Second Circuit has expressly *endorsed* the "rational[ity]" of the terrorism enhancement. *See Meskini*, 319 F.3d at 92. Further, this case does not implicate *Dorvee's* concern about "Guidelines projections near or exceeding the statutory maximum, even in run-of-the mill cases." *See* Def. Sent. Ltr. at 8-11 (quoting *Dorvee*, 616 F.3d at 186). As described at length in the Government's submission, this case is not "run-of-the-mill." The defendant's U.S. citizenship, the length of his involvement in the conspiracy, the various kinds of support provided, his willingness to travel to fight on behalf of al Qaeda overseas, and his provision of information concerning the New York Stock Exchange merit a sentence at the statutory maximum.

2. A Term of Imprisonment of Twenty Years Would Not Create Unwarranted Sentencing Disparities

The defendant contends that a sentence of twenty years would create an unwarranted disparity as compared to sentences handed down to similarly situated defendants, and even defendants who have committed more serious crimes. *See* Def. Ltr. at 30-39. As set forth below, a twenty-year sentence is commensurate with the defendant's criminal conduct and would not create unwarranted sentencing disparities. A term of imprisonment of 20 years would properly reflect the seriousness of the conduct at issue. In advocating for a sentence of 13 years' imprisonment, and emphasizing "the need to avoid unwarranted sentence disparities among

defendants with similar records who have been found guilty of similar conduct,” 18 U.S.C. § 3553(a)(6), Hasanoff cites an extensive list of sentences imposed in prior terrorism cases across the country. *See* Deft. Sent. Ltr. at 30-39. Hasanoff, however, fails to demonstrate that his conduct – providing material support and resources for al Qaeda, including surveillance of a high-profile institution in a major metropolitan area for purposes of a potential future attack – is any way similar to the conduct of the defendants in the panoply of cases he cites.

Moreover, a number of the defendants that Hasanoff refers to who were convicted of providing material support to a terrorist organization received sentences either at or close to the applicable statutory maximum. *See, e.g., United States v. Shah*, 05 Cr 673-LAP (S.D.N.Y.); *United States v. Hashmi*, 06 Cr. 442-LAP (S.D.N.Y.). In addition, unlike Hasanoff, a number of the defendants mentioned by Hasanoff had cooperated with the Government and received the benefit of their cooperation at sentencing. *See United States v. Lindh*, 02-Cr-00037-TSE (E.D. Va.); *United States v. Goba*, 02-cr-00214-WMS-HKS (N.D.N.Y.); *United States v. Alwan*, 02-cr-00214-WMS-HKS (N.D.N.Y.); *United States v. Mosed*, 02-cr-00214-WMS-HKS (N.D.N.Y.); *United States v. Taher*, 02-cr-00214-WMS-HKS (N.D.N.Y.); *United States v. Galab*, 02-cr-00214-WMS-HKS (N.D.N.Y.); *United States v. al-Bakri*, 02-cr-00214-WMS-HKS (N.D.N.Y.)

Finally, the defendant purports to compare his case to those prosecutions that were the result of undercover or “sting” operations. While there is no doubt that the defendants in those cases engaged in serious, criminal conduct, those cases are inapposite to the facts here because, in the vast majority of sting operations, the terrorist plot does not pose a risk of harm to the

public because of the involvement of undercover law enforcement personnel. Such was not the case here.¹⁸

3. This Court Should Reject Hasanoff's Purported Lack of Harm and Terrorism Contacts as a Basis for a Non-Guidelines Sentence

The defense contention that “[no] negative consequences result[ed] from Mr. Hasanoff’s offense conduct,” Deft. Sent. Ltr. at 21, and that he was a “victim[] of a rudimentary fraud to a greater degree than [he] ever [was a] perpetrator[] of terrorism-related crimes,” Deft. Sent. Ltr. at 27, is neither factually supported nor a sound basis for leniency in this case. First, Hasanoff and his co-conspirators provided a significant sum of money and numerous other goods --- including an advanced remote control device, boots, binoculars, and GPS equipment --- to Suffian and the Doctor, a self-described jihadist. However these items were ultimately used, it was plainly Hasanoff’s intention that they be used to assist al Qaeda.

Further, at least some portion of the money Hasanoff and his co-conspirators provided was passed along to “needy” individuals, which were described to include the families of martyrs, “the brothers,” and others “in need.” Such payments to support the families of individuals who died in support of al Qaeda’s terrorist agenda are clearly harmful in that they incentivize and support terrorist activity. In addition, Suffian reported that the remote controlled car with advanced remote and receiver that Hasanoff purchased, which was requested for the purpose of an explosive operation, was passed on to another individual between October and December 2008. What use was made of that device cannot be definitively known, but certainly could be devastating. Finally, Hasanoff’s co-conspirator, El-Hanafi, who has sophisticated

¹⁸ The Government further notes that Hasanoff’s citation to “the average sentence for persons charged with terrorism” as 236 months or 19.7 years is slightly misleading. *See* Deft. Sent. Ltr. at 40. As the report to which Hasanoff cites points out, that average was not a true average because it did not adequately account for life sentences, but instead treated each life sentence as if it was a sentence of 30 years’ imprisonment.

technical know-how, instructed the Doctor on ways to covertly communicate over the internet. Such technical instruction is valuable and serves to potentially thwart future law enforcement efforts to combat terrorism. In sum, while the specific consequences of Hasanoff and his co-conspirator's support cannot be known for certain, the potential impact of his contributions and his unwavering intent to provide them is significant, and his categorical assertion that no negative consequences flowed from his actions is patently inaccurate. Moreover, it certainly cannot be said that the Doctor's request for information concerning the New York Stock Exchange, and Hasanoff's willing provision of same, amounts to some sort of fraud perpetrated on him. Although Hasanoff's information was ultimately discarded, the Doctor described a sincere interest in targeting locations in the United States and further stated that he, lacked information about the Stock Exchange, including such rudimentary information as its location, size, and security and had tasked Hasanoff to collect information for that reason.

In particular, Hasanoff's contention that he "never had any access to terrorism networks or Islamic extremists," Deft. Sent. Ltr. at 27, is simply inaccurate. El-Hanafi and Hasanoff made contact in the UAE with CC-1 --- an individual affiliated with al Qaeda who was able to facilitate an introduction for El-Hanafi and Hasanoff to the Doctor and Suffian. Indeed, CC-1 in fact put El-Hanafi in contact with Suffian and Suffian then arranged for El-Hanafi to travel to Yemen to meet with Doctor. As the Doctor admitted during his FBI interview, he is a career jihadist who has fought in Afghanistan against the Soviets, has knowledge about explosives, and was dedicated to conducting a terrorist attack on U.S. soil because of his deep-seated hatred for America. To be clear, Hasanoff aspired to make contact with "terrorism networks" --- and he succeeded.

Second, to the extent that the harm caused by Hasanoff's conduct was not as significant as it could have been, the Court should not discount his sentence because --- despite his genuine efforts and due to events beyond his control --- he did not fully accomplish his criminal intentions. Congress and the Sentencing Commission did not condition application of the terrorism enhancement on the achievement of actual harm. While the Second Circuit has noted that it is not unreasonable for the sentencing court to consider the absence of harm or injury when determining a just sentence, *Stewart*, 590 F.3d at 139, the Court nonetheless noted that the existence of actual injury is often a "fortuitous" result unrelated to the defendant's actual intentions. It is for this reason that Judge Walker commented:

Actual harm is a flawed metric when determining culpability in material support prosecutions. Precisely because of the devastating consequences at stake, it is, and should be, the focus of enforcement authorities to make every effort to prevent those consequences before they occur. When enforcement authorities are successful, it is to their great credit and their efforts should in no sense lessen the deterrent effect of punishment by conferring a sentencing benefit on those whose efforts were thwarted.

Id. at 178. While Hasanoff could not control how the recipients of his support would utilize those materials, he certainly intended for those materials to be used to support al Qaeda's goals and to facilitate his pathway to fight on behalf of al Qaeda.

Finally, Hasanoff's conduct with respect to the New York Stock Exchange bears noting in this context. It is not disputed that Hasanoff was asked to provide certain information concerning the New York Stock Exchange, which presumably would be used in connection with a terrorist attack. It is also not disputed that Hasanoff did perform that task, and provided at least some information to the Doctor, whom Hasanoff believed was a seasoned anti-American jihadist who could secure Hasanoff and his co-conspirators access to fighting American forces abroad. In his submission, Hasanoff attempts to downplay this egregious conduct with the self-serving assertion that he "did not intend to join or participate in, any plan to conduct any violent activity

within the U.S.,” but provided certain information about the New York Stock Exchange because he believed the request was in reality an attempt to assess his “commitment to engage in jihad overseas.” Deft. Sent. Ltr. at 30. Accordingly, Hasanoff claims to have attempted to strike a delicate balance between providing information that would “satisfy the Yemeni detainees that [Hasanoff] was indeed committed to *jihad*” but that he “believed would not be helpful” for an actual attack. Deft. Sent. Ltr. at 30. Neither the Government nor the Court can divine Hasanoff’s true intent. But, even accepting Hasanoff’s self-serving explanation as true, this incident is extremely telling for two important reasons. First, it exhibits the sheer strength of Hasanoff’s personal desire to engage in *jihad*. It is simply appalling that Hasanoff, a U.S. citizen, would willingly travel from the UAE to the United States and perform surveillance of a high-profile and well-trafficked location to provide to an individual bent on harming Americans as the price of his admission to himself fight Americans abroad. Second, this incident reveals that Hasanoff was willing to take the risk that he would contribute to a potentially devastating attack in New York City in order to achieve his objective of overseas *jihad*. In sum, this incident exhibits the force of Hasanoff’s desire and commitment to further the anti-American objectives of a terrorist organization. Hasanoff should not receive a sentencing benefit simply because his criminal conduct was thankfully not as devastating to the public safety as it might have been.

4. This Court Should Consider the Information Provided by Suffian and the Doctor When Imposing Hasanoff’s Sentence

Hasanoff argues that the Court should not consider the interviews of the Doctor and Suffian, as reported in FBI interview reports, arguing that the information is hearsay and violates Hasanoff’s rights under the Fifth and Sixth Amendments. *See* Deft. Sent. Ltr. at 22-24. Hasanoff does not appear to dispute the accuracy of the information contained in the interview reports of the Doctor and Suffian, but rather contends that the Court should decline to take that

information into consideration as a matter of law. He is wrong. Under well-settled law, the Court should consider these statements as they contain powerful indicia of reliability.

The two detainees --- known to Hasanoff as the Doctor and Suffian --- are not available and cannot be called as witnesses at a sentencing hearing. However, while their statements would not have been admissible at trial, they may be considered at sentencing, where hearsay is admissible. The defendant's argument that reliance on the testimony regarding detainee interviews would violate the Confrontation Clause of the Sixth Amendment is wrong. The Second Circuit has squarely rejected this argument.

In *United States v. Martinez*, 413 F.3d 239 (2d Cir. 2005), the defendant appealed his sentence on the ground that the district court relied on hearsay testimony in determining the application of a sentencing enhancement in violation of his Fifth and Sixth Amendment rights. *Martinez*, 413 F.3d at 241. As to the Sixth Amendment claim, the Second Circuit affirmed the district court's sentencing decision in which it relied on hearsay testimony at the *Fatico*. The Second Circuit noted that the Confrontation Clause does not apply in the sentencing context as it does at trial. The *Martinez* court stated,

Both the Supreme Court and this Court . . . have consistently held that the right of confrontation does not apply to the sentencing context and does not prohibit the consideration of hearsay testimony in sentencing proceedings.

Id. at 242. See also *United States v. Reese*, 33 F.3d 166, 174 (2d Cir. 1994) (“when determining sentence, a sentencing court is free to consider hearsay evidence”); Fed. R. Evid. 1101(d)(3) (hearsay rule inapplicable at sentencing); 18 U.S.C. § 3661 (“No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.”).

Hasanoff also contends that the statements by the Doctor and Suffian are unreliable and therefore should not be considered. *See* Def. Sent. Ltr. at 22, 25. Hasanoff primarily argues that the Doctor and Suffian's statements should not be credited because they were likely tortured while in custody by foreign officials at times other than when the FBI conducted its interviews. *See id.* at 25-27. The defendant, however, provides nothing beyond pure speculation as to whether these particular detainees (the Doctor and Suffian) were in fact tortured. Such speculation is insufficient as a grounds to discount the statements. *Cf. United States v. Holy Land Foundation for Relief and Development*, 3:04-CR-240-G, 2007 WL 2059722, at *5-6 (N.D. Tex. July 16, 2007) (rejecting motion by defendant to preclude expert from relying on hearsay allegedly obtained as a result of torture in absence of evidence of torture).¹⁹ Importantly, the detainees' statements bear powerful "indicia of reliability," *United States v. Slevin*, 106 F.3d 1086, 1091 (2d Cir. 1996), as the statements are strongly corroborated by other evidence in this case. First, both detainees were interviewed separately and on different dates, and, as described *supra*, their accounts of their dealings with El-Hanafi and Hasanoff, including Hasanoff's surveillance of the New York Stock Exchange, are remarkably consistent. Second, the CW provided information entirely consistent with that provided by both the Doctor and Suffian, regarding El-Hanafi's trip to Yemen in February 2008; the support Hasanoff, El-Hanafi, and the CW provided to the Doctor and Suffian; and the taskings they received from the Doctor and Suffian.

¹⁹ The facts of *United States v. Ghailani*, 743 F.Supp.2d 261 (S.D.N.Y. 2010), which the defendant cites to in support of his argument to disregard the statements of the Doctor and Suffian are not instructive. Def. Sent. Ltr. at 27. For example, in *Ghailani*, for purposes of the motion to preclude the testimony of a Government witness, the Government did not dispute that the statements of the defendant that led to the discovery of the witness were obtained through coercion. *See Ghailani*, 743 F.Supp.2d at 267. Here, there is no evidence of such coercion.

And in particular, the information that both the Doctor and Suffian provided about the surveillance of the New York Stock Exchange is particularly reliable in light of the extensive corroboration from independent evidence. First, travel records show that Hasanoff flew from Dubai to John F. Kennedy Airport in New York City on July 29, 2008, and that he flew back from John F. Kennedy Airport to Dubai on August 15, 2008. In addition, there were multiple communications over email by Hasanoff and El-Hanafi regarding Hasanoff's surveillance of the New York Stock Exchange. On August 4, 2008, Hasanoff wrote to Suffian, explaining that he had not yet been able to conduct the surveillance because he had been sick, but "am visiting the place you asked about in two days." Three days later, on August 7, 2008, Hasanoff wrote another message to Suffian confirming that he had conducted the surveillance, stating that he had "visited the tourist locations you asked me about and will report to you after two weeks in more detail." Then, on August 18, 2008, after Hasanoff had returned to Dubai, El-Hanafi wrote to Suffian confirming that Hasanoff returned ("Tariq is back") and promising that he "will give you information from him on his visit and update you in a few days."

IV. CONCLUSION

For the reasons set forth above, the Court should impose a sentence at the statutory maximum of twenty years' imprisonment, should order forfeiture in the amount of \$70,000 for which the defendant are jointly and severally liable, and should impose a fine.

Dated: New York, New York
May 31, 2013

Respectfully submitted,

PREET BHARARA
United States Attorney for the
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Attorney for the United States of America

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Affirmation of Service

GLEN A. KOPP, pursuant to Title 28, United States Code, Section 1746, hereby declares under the penalty of perjury, that he is employed as an Assistant U.S. Attorney in the Southern District of New York, and that, on May 31, 2013, he caused copies of The Government's Sentencing Memorandum For Sabirhan Hasanoff to be served via electronic notification and email:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
May 31, 2013

/s/
GLEN A. KOPP
Assistant United States Attorney

(Rev. 05-01-2008)

[REDACTED]

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 03/12/2009

To:

[REDACTED]

From:

[REDACTED]
Contact: [REDACTED]

Approved By:

[REDACTED]

Drafted By:

[REDACTED]

Case ID #:

[REDACTED]

Title:

[REDACTED]

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

Synopsis: [REDACTED] To document interviews conducted on 03/10/2009, 03/11/2009, and 03/14/2009 of captioned subject [REDACTED] in [REDACTED].

[REDACTED]

Administrative: [REDACTED], who was acting in the capacity as an FBI detailee [REDACTED], was also present during the interviews.

Details: [REDACTED] On 03/10, 03/11, and 03/14/2009, FBI personnel conducted direct interviews of captioned subject [REDACTED] Detainee-1 (hereinafter referred to as Subject).

[REDACTED]

[REDACTED] The interview on 03/10/2009 began at approximately 4:35pm and lasted until approximately 10:30pm (there was a prayer break from 6:30pm until approximately 7:30pm). On 03/11/2009, the interview began at approximately 4:00pm and concluded at approximately 9:00pm (there was a prayer break from 6:30pm until approximately 7:45pm). On 03/14/2009, the interview began at approximately 3:50pm and was concluded at 9:00pm (there was a prayer break from 6:30 - 7:30pm). During the interviews, Subject was offered food and water. The interviews were conducted with the interviewers primarily speaking in English and the Subject speaking in Arabic (mostly Egyptian dialect), with FBI Linguist providing translation. Subject comprehends English rather well and provided some responses in English.

Methods of Communication by Subject and His Associates:

[REDACTED] Subject provided the following information regarding his and his associates' methods for communication:

[REDACTED]

[REDACTED]

[REDACTED]
To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED]

[REDACTED]

[REDACTED]

5. [REDACTED]

[REDACTED]

6. [REDACTED] was created by "Khaled" and Subject to communicate with each other. Subject advised that the "k" is for Khaled and the "s" is for "Salah." Salah is Subject's alias, which Subject provided to the Americans (Khaled, Tariq and Umar). Subject advised that the last letter in the email address before [REDACTED] would be changed from time to time, along with the password. Khaled would be responsible for creating a new email account and password and providing it to Subject. Khaled would write an encrypted message, [REDACTED], advising Subject of the new account and password. Subject used this email account the last time he communicated with Khaled, approximately 2 days before he was arrested. Subject stated he believed that Khaled must know Subject was arrested because communication between the two was stopped. Subject further explained that Khaled would check the [REDACTED] almost every day. If Subject were to be released from prison, he did not think the Americans (Khaled, Tariq, and Umar) would continue to check the account, or they would be suspicious, due to the length of time with no contact in the account. Additionally, Subject advised that Detainee-2 [REDACTED] had access to this email account and password.

[REDACTED] Subject advised that he and Khaled utilized approximately 20, maybe more, variations of the [REDACTED]@yahoo.com [REDACTED] email accounts. He clarified that all of the variants of the email account started with "kandscompany" [REDACTED] (with no variants in that portion). The only changes were between the "y" in company and the "@" symbol prior

[REDACTED]

[REDACTED]
To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

the [REDACTED], Subject stated that Khaled (who controlled all the changes in the variants) would either enter a letter, two letters, a letter and number, or two numbers (in the space between the [REDACTED] and the @ sign). Letters "a" through "j" were possible variations used between the [REDACTED] and the @ sign. Additionally, Subject specifically indicated that email accounts utilizing "c", "d", "j" were possibly utilized (as such kandscompanyc@yahoo.com; kandscompanyd@yahoo.com; and kandscompanyj@yahoo.com) were all possible variants of the email he used to communicate with Khaled. Also, the passwords of these new email accounts varied significantly from the previous passwords and were usually "long sentences".

(Note: Subject positively identified a photograph (E.42) of Wesam Al-Hanafi as "Khaled".)

[REDACTED]
[REDACTED]
[REDACTED] In addition to Subject's email accounts, he utilized the following mail box in [REDACTED] to receive three packages from Khaled sent from the government post office in the U.A.E.

[REDACTED]
11680 (or 11860, his recollection was unclear)
This box was located at an Express Mail Service store in [REDACTED]
[REDACTED].

[REDACTED] Subject also maintained three cellular telephones.

Subject had 3 mobile telephone numbers:

- One he used to contact [REDACTED].
- One he used to contact [REDACTED].
- Personal cell phone [REDACTED].

[REDACTED] Subject utilized public telephones (call centers) to contact Khaled. Subject clarified that he was in regular telephonic contact with [REDACTED] and that is why he had special designated telephones to contact them. Meanwhile, Subject primarily utilized email to communicate with Khaled. Subject explained that he had telephoned Khaled less than ten times and the last time he called Khaled was approximately two months before Subject was arrested (this would put the last telephonic contact

[REDACTED]

[REDACTED]
To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

circa approx. November 2008). Additionally, Subject stated he only used his personal cellular phone for personal matters, while using the other two phones for matters related to the jihad. Subject advised that he stored [REDACTED] telephone number in Subject's phone and saved it under another name (unspecified). [REDACTED] numbers were the only numbers stored in his phone designated for those two associates.

[REDACTED] Separately, Subject denied ever calling the United States. He claimed he had distant relatives in the U.S. from his father's side but never called them. Subject further stated that he never let anyone use his mobile phones to call the U.S. or anywhere else. Subject stated his relatives previously resided in Manhattan and now resided in the U.A.E. Subject identified his relatives as [REDACTED].

[REDACTED] Subject would purchase new SIM cards/new phone numbers by using other people's identification documents. Subject would go to an internet cafe and go into the cafe's server and retrieve digital copies of identification documents scanned by other cafe customers. These copies would be of [REDACTED] identification cards which other customers were making copies of to provide to merchants in order to satisfy requirements to purchase SIM cards. Subject would print the digital copy and give it to [REDACTED], who attached it to the application to get a SIM card for a cellular telephone. Subject advised that cellular telephone number merchants did not care if the photo/ID card was of the person attempting to get the number or not, they were simply required to attach a copy of the photo identification card to the application.

[REDACTED] Subject changed his phone and phone numbers approximately two to three times. Subject advised he had numerous fake identification cards.

Subject's Proposed Travel fo Jihad/Connections to Pakistan:

[REDACTED] Subject advised that he was arrested on 01/01/2009 for communicating with individuals in Pakistan for his scheduled travel to Pakistan for jihad. Approximately three to four months before Subject was arrested and detained, Subject decided that he wanted to travel for jihad. Subject's friend, identified as [REDACTED], was going to facilitate this travel. [REDACTED]

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED]. Subject had known [REDACTED] for over two years, but lost contact with him until approximately three to four months before being arrested. When asked where Subject thought [REDACTED] was currently located, Subject stated that he was either captured or a fugitive. Furthermore, [REDACTED] was planning on traveling to Somalia for jihad, and the last time Subject saw [REDACTED] was in December 2008.

[REDACTED] Subject advised that [REDACTED] was in direct communication with a Pakistan-based individual identified as [REDACTED]. Additionally, Subject was introduced to [REDACTED] and Subject were in telephonic contact on approximately ten occasions in December 2008. Subject utilized telephone numbers in other people's names to contact [REDACTED].

[REDACTED] Subject also utilized the internet to communicate with [REDACTED]. Subject opened the email account [REDACTED]. [REDACTED] provided this email account to [REDACTED] subsequently added Subject to his Yahoo messenger buddy list. Subject [REDACTED] communicated together utilizing Yahoo messenger and email.

[REDACTED] Approximately five to six days after Subject was arrested (Subject stated he was arrested on Thursday, 01/01/2009), he was supposed to travel for jihad. On Saturday, 01/03/2009, Subject was planning on going to the [REDACTED] in [REDACTED], where he expected to obtain a student visa to [REDACTED] valid for one year. After that, he was planning on purchasing an airline ticket to fly to [REDACTED]. Once in [REDACTED], he would obtain an [REDACTED] visa and proceed to fly to [REDACTED]. Once in [REDACTED], he would meet an unidentified individual who would smuggle Subject into [REDACTED]. Subject advised that prior to his departure from [REDACTED] was going to send Subject the phone number and address of the "cut-out" in [REDACTED]. [REDACTED] were going to travel with Subject to [REDACTED] for jihad. Subject also explained that the trip to [REDACTED] was his idea and that the plan to go to [REDACTED].

Subjects Thoughts on Suicide and Martyrdom:

[REDACTED] Prior to Subject's planned travel, he stated that he applied to an English Academy in [REDACTED] (unspecified) and received a letter

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

from the school showing that he applied to attend. Subject claims that this letter (that he claimed was on his person when he was arrested) would certainly enable him to get a student visa to [REDACTED]. Subject indicated that an individual only identified as [REDACTED], who subject met on a bus traveling from [REDACTED], advised Subject that [REDACTED] had studied at an unspecified English Academy in [REDACTED] and that he still had an associate there named [REDACTED] got Subject in contact with [REDACTED] (NFI) and Subject requested that [REDACTED] help him apply to the Academy. Subsequently, [REDACTED] provided Subject with steps on how to apply. The Academy allegedly sent a letter to Subject, who claimed that it could be used to get him a visa to [REDACTED].

[REDACTED] With respect to martyrdom operations, Subject advised that there is a disagreement in the Muslim world with regard to its acceptability and there are two or three schools of thought. The first group condones martyrdom operations and considers it *halal* (acceptable under Islamic code), but anyone committing suicide out of despair would burn in hell. The second group considers martyrdom operations to be suicide, therefore it is considered *haram* (unacceptable under Islamic code) under all circumstances. The third group considers that martyrdom operations could be considered *halal* if the operation was conducted for the right reasons and targeted the appropriate individuals, which Subject explained was the Americans and non-believers. Subject stated he was aligned with the third group, and Subject further explained that Islam forbids the intent of killing women and children or innocents. If they are killed, and it is not the attackers intention, but they happened to be in the way of an appropriate target it is acceptable. Additionally, Subject cited an Egyptian cleric who condoned 9/11. This cleric stated that martyrdom was *haram* but said that the 9/11 operation was "our destiny" and was therefore *halal*. Subject indicated that he would not personally do a martyrdom operation because he would rather be killed by someone else's hand and not his own. He also advised that [REDACTED] had offered a martyrdom operation to Subject but Subject declined.

[REDACTED] Subject stated "every day I want to die and to be killed by Americans during battle would be best". Subject further elaborated he would want to kill as many Americans as he possible could, the more the better. This would give him greater rewards in heaven. At one point during the interview, Subject stated that it would be impossible for him to have a friendly relationship with the

[REDACTED]

[REDACTED]
To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

American investigators, because if he would have met them under different circumstance outside, for example in Afghanistan, only one of them would survive the meeting, stating "I would kill you or you would kill me", therefore, "we could never be friends."

[REDACTED] Prior to his planned travel to [REDACTED], Subject stated that he was going to provide Khaled and the Americans the telephone number and email address of [REDACTED], but was unable to do so because of his capture and detention.

Subject and Americans/Americans Travel for Jihad:

[REDACTED]

[REDACTED] advised Subject that he knew Americans who wanted to travel to jihad and these individuals also had money they wanted to provide to the mujahideen. [REDACTED] knew Khaled from his time in the U.A.E. Upon his return to [REDACTED], [REDACTED] communicated with the U.A.E.-based Americans by telephone and email (NFI). While in [REDACTED] provided Subject with Khaled's email address (NFI). Khaled advised Subject that he wanted to send money to Subject to support the mujahideen until it was his time to travel for jihad. As a result, Khaled sent money, via Western Union, to Subject. [REDACTED]

[REDACTED] Subject stated that Khaled sent the money using fraudulent identities, but Subject could not recall the names Khaled utilized. Khaled sent approximately \$10,000 before he traveled to [REDACTED] in February 2008. Each transfer was for \$500 and Khaled transmitted \$2,000 per month. Subject advised that he received the transfer number and Khaled's fraudulent name by email. Subject utilized his own name to receive the funds in [REDACTED] at Western Union and affiliated money exchanges [REDACTED]. Subject used several money exchange offices in [REDACTED], never utilizing the same one more than once.

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: ([REDACTED], 03/12/2009

[REDACTED] In February 2008, Khaled purchased his airline ticket and provided the arrival information to Subject via email (Subject does not recall which email account he used). Khaled then traveled from the U.A.E. to meet Subject and Detainee-2 [REDACTED]. Khaled stayed [REDACTED] where Detainee-2 advised him to stay. Upon his arrival, Khaled emailed Subject to notify him that he had arrived, and Subject provided Khaled with a meeting time and place. Subject met with Khaled on [REDACTED] where they went into an internet cafe. In the internet cafe, Subject and Khaled opened the [REDACTED] email account to communicate with each other upon Khaled's departure from [REDACTED]. Khaled advised subject that he would occasionally create a new email account and the account name would be similar to [REDACTED] except that he would insert a letter, two letters, a letter and a number, or two numbers before the [REDACTED].

[REDACTED]

[REDACTED] After the internet cafe, the two met Detainee-2 [REDACTED] who brought Khaled to his (Detainee-2's) home [REDACTED]. Khaled spent two to three days at Detainee-2's home, after which he returned to the hotel in [REDACTED]. At Detainee-2's house, Khaled gave Detainee-2 \$12,000 USD that he brought with him from [REDACTED]. Additionally, Subject advised that Khaled swore *bayat* to Detainee-2 while at Detainee-2's home [REDACTED]. Subject claimed that it was also understood that Subject had promised obedience to Detainee-2 concerning travel for jihad. Khaled spent approximately five to six days in [REDACTED].

[REDACTED] When Khaled returned to U.A.E. [REDACTED], he sent an additional \$2,000 to Subject to the [REDACTED]. In approximately November 2008, Khaled wanted to have someone hand carry money to [REDACTED]. Khaled provided \$45,000 USD to an unidentified man who delivered it to Subject in [REDACTED]. Subject stated that his associate [REDACTED] sent this unidentified man to the U.A.E. to directly receive \$45,000 in cash from Khaled. Subject added that [REDACTED] introduced [REDACTED] to Subject. The money was to support the mujahideen (NFI).

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED] gave Subject the \$45,000 from Khaled. Subject held on to \$20,000, which was taken during his arrest. \$11,000 went to [REDACTED]. [REDACTED] received \$9,000. [REDACTED] got \$2,100, who provided the money to the wife of [REDACTED], who is in [REDACTED]. Subject was planning on taking the \$20,000 with him to [REDACTED]. Separately, Khaled wanted to take an additional \$15,000 to [REDACTED]. Since Detainee-2 [REDACTED] was out fo the picture at this point, he never received any of this money. Separately, [REDACTED] requested \$15,000 from Subject for someone to undertake an explosive operation in Afghanistan (NFI).

[REDACTED] Subject advised that the three Americans wanted to travel to jihad and that he was not aware of any additional Americans that wanted to travel. Subject claimed that Detainee-2 [REDACTED] did not want the Americans to travel to [REDACTED] for training because [REDACTED] was a dangerous place for Americans and it would be suspicious for them to be in [REDACTED].

[REDACTED] Subject provided the following descriptive information on the three Americans:

[REDACTED] Subject explained that the Americans travel between the United States, Europe, and Australia and have businesses there (NFI). Subject stated that Khaled is American of Egyptian ancestry, who works in the U.A.E. in "Information Technology", and has a high income. Subject stated that Khaled can not write Arabic but can speak and read it. Furthermore, Subject stated that he did not feel that Khaled would not make a good jihadi (NFI). Subject added that when Arabs go to the U.S., they "become worse than the Americans and would drink and chase girls..." However, Subject did believe Khaled was serious about traveling for jihad.

[REDACTED] Tariq was located in the U.A.E., his ancestry is Uzbeki, travels to Australia and has a business there. In addition to American citizenship, Tariq also has Australian citizenship. Tariq visited the United States on two occasions between February 2008 and the time Subject was arrested.

[REDACTED] Umar was identified as an Arab American located in the United States, but who moved around (NFI).

[REDACTED] Subject added that the Americans were supposed to travel to Pakistan sometime shortly after Subject traveled to Pakistan in [REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

January 2009. Subject was supposed to get the Americans in touch with [REDACTED].

[REDACTED] The Americans (Khaled, Tariq, and Umar) wanted to go to Afghanistan and "not come back". Subject further explained that the Americans had the desire and expectation to die fighting in Afghanistan. The Americans planned on selling their homes and belongings. When asked if it was possible that the Americans could go to Pakistan for training and return, Subject stated that it was not possible because when the Americans sold their belongings, their families undoubtedly became suspicious and this might make the authorities aware of their activities abroad. Additionally, [REDACTED] told Subject that if anyone wanted to conduct a martyrdom operation, he would receive them right away. Subject asked Khaled (via email), who in turn asked Tariq and Umar, if they would be willing to conduct a martyrdom operation. The Americans, via Khaled, advised Subject that they did not want to do a martyrdom operation but still wanted to travel for jihad. Additionally, Subject was certain the Americans knew he was arrested because his communication with them had ceased.

(Note: During the first interview of Subject, he jumped to the conclusion that all of the Americans were arrested.)

New York Stock Exchange Plot:

[REDACTED] Tariq went to New York shortly after Khaled's visit to [REDACTED] (February 2008). [REDACTED] Detainee-2 asked Tariq, via Subject and Khaled, to "check out" the New York Stock Exchange (NYSE) and the "biggest dam" in the United States, but did not specify to Tariq which dam that would be. [REDACTED] Detainee-2 also requested that Tariq get "us" some information on the NSYE and dam. Subject advised that Tariq sent back, via email, "silly" and simple information on the NYSE and never actually visited any dam, and therefore, no information was provided concerning any dam.

[REDACTED] Tariq's report on the NYSE was sent to Khaled by email. The report was less than one page and written in English, which Subject translated into Arabic using computer software. The report contained information stating the it was forbidden for automobiles to park next to the NYSE, and Police dogs and "civilian" police conducted patrols. Subject stated (sarcastically) that [REDACTED] Detainee-2

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

probably burned the report and "warmed his hands with it", and did not transmit it to any one. (This response seemed to be from the frustration that Detainee-2 had been stringing them along with no real plans for an operation).

[REDACTED] Subject advised that Tariq and Khaled both knew they were collecting information on the NYSE for a possible operation.

[REDACTED] When asked if there was a planned operation against the NYSE by the Americans, Subject responded with a definitive "No". Subject stated that the three Americans had no experience "in security or movement". Furthermore, Detainee-2 did not have any real intention to plan or coordinate such an operation. Detainee-2 plan was to take the Americans' money. For example, Detainee-2 was planning on using the \$45,000 to open an appliance store in [REDACTED]. (Note: Subject stated Detainee-2 never received any of the \$45,000.) Additionally, Subject claimed he did not discuss the NYSE plan with [REDACTED] or anyone else. However, Subject did state that [REDACTED] and his associates were interested in recruiting and utilizing Americans for operations. Furthermore, Al-Qa'ida (AQ) in Pakistan would like to have operatives in the United States. Subject added that whoever goes to AQ, if his circumstances (i.e.: desire) and security circumstances in his home country permit him to go back to his home country, that AQ member would go back home for the purpose of conducting operations.

Disagreement Between Subject, Americans, and Detainee-2 :

[REDACTED] Subject advised that in October/November 2008 Subject, the Americans (Khaled, Tariq, and Umar), and Detainee-2 began to disagree (i.e.: "the problem") due to Detainee-2's perceived manipulation and deception. Subject advised that he and the Americans were frustrated with Detainee-2's lack of assistance to get them to travel for jihad. Additionally, Subject and Khaled, in particular, felt that Detainee-2 was using the money Khaled sent to only help Detainee-2's "needy friends". Subject stated that Detainee-2 was "stringing" the Americans along in order to keep the flow of money coming into [REDACTED]. To keep the money coming in, Detainee-2 wanted to make Subject and the Americans think they were going to travel sometime soon and to keep them feeling like they were involved in an important operation. Subject was also angry and frustrated with Detainee-2 because Subject felt that he (Subject) would be blamed by the Americans due to their lack of travel to jihad because they primarily dealt with Subject.

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED] Additionally, Subject claimed [Detainee-2] put him in danger because Subject was the conduit between the Americans and [Detainee-2] and no one knew [Detainee-2's] real name, where he lived, etc, and Subject would become the "scapegoat" (subject used the word "scapegoat" in English) if he were captured. Subject also stated that if Subject were able to travel to jihad, [Detainee-2] would lose his "servant" (referring to himself).

[REDACTED] Khaled agreed with Subject to end their relationship with [Detainee-2]. Khaled and Subject both agreed that [Detainee-2] was taking the money for his own agenda. [Detainee-2] contacted Khaled by telephone and email to explain his side of the story. [Detainee-2] created a new email account to communicate with Khaled.

[REDACTED] Subject advised that he had a verbal argument with [Detainee-2] and that Subject cursed him ([Detainee-2]).

Equipment Sent By Americans to [REDACTED]:

[REDACTED] Khaled and Tariq sent, by mail from the U.A.E., three GPS units, a pair of binoculars, a remote control car with remote and an additional, more advanced remote control and receiver, three jackets, three pairs of boots, and two watches. Khaled sent the equipment from a post office in the [U.A.E.] (NFI) and Subject utilized a mailbox located at "Express Mail Service", with the following address: [REDACTED]

[REDACTED]. It would usually take between two and three days to receive the package once it was shipped from [REDACTED] Khaled would also email Subject and notify him that a package was en route. Subject advised that four packages were shipped to [REDACTED], and Subject received three and [REDACTED] received one at his post office box on [REDACTED] and provided it to [REDACTED] [Detainee-2]. Subject received the last package between November and December 2008. This package contained a GPS unit, a pair of boots, and a watch.

[REDACTED] In addition to the items Khaled mailed to subject, Khaled also hand carried a laptop computer and Atlas translation device during his visit to [REDACTED] in February 2008.

[REDACTED] To summarize, the following items were sent from Khaled to Subject through the mail on separate occasions:

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

Three Jackets:

[REDACTED] The jackets were purchased in the U.S. during Khaled's trip there (NFI). Khaled subsequently mailed them from [REDACTED] the U.A.E. [REDACTED] to Subject. The jackets were described as heavy jackets designed for extremely cold weather. The brand name of the jackets was "Columbia". Subject stated that he kept a jacket and [REDACTED] Detainee-2 and [REDACTED] each kept a jacket as well.

Three Pairs of Boots:

[REDACTED] Khaled bought the boots in the U.A.E. and mailed them to Subject. Subject advised the brand name of the boots were Columbia.

Three GPS Units:

[REDACTED] The GPS units were sent after Khaled's visit. Khaled purchased the units in the U.A.E. and mailed them to Subject. The devices were handheld "Garmin" units. [REDACTED] had two of the GPS devices and [REDACTED] Detainee-2 [REDACTED] had one as well.

Remote-Controlled Car with Remote and an Additional Advanced Remote Control and Receiver:

[REDACTED] Detainee-2 [REDACTED] requested a remote-controlled toy care, an advanced remote control, and receiver for an explosive operation (NFI). The toy car was supposed to be used as "cover", because it would look suspicious if the advance remote and receiver were sent alone. Tariq bought the toy car and advanced remote control in the United States. Khaled sent an internet link with information about the remote control to Subject, who wrote down its specifications and showed them to [REDACTED] Detainee-2 [REDACTED]. Tariq sent the remote-controlled toy car, along with a separate "advanced remote control" and receiver from [REDACTED] the U.A.E. [REDACTED] to Subject. Subject admitted that the advanced remote would be used for "explosions". The range for the advanced remote is "line of sight" or within one's "eye sight".

[REDACTED] Subject advised that he gave the advanced remote and receiver to [REDACTED] between October and December 2008. [REDACTED] took them so he could send them to the mujahideen in Somalia. Subject is unaware if the advanced remote and receiver were ever sent to Somalia.

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED] The car and its original remote are with [Detainee-2]. The remote for the car is not very powerful and had a small range and could not be used for operations.

Laptop Computer:

[REDACTED] Khaled bought the computer which was a "Le nouveau" (phonetic) brand. Khaled brought the computer from [the U.A.E.] to [REDACTED] in February 2008. [Detainee-2] was supposed to send the computer to Afghanistan (NFI); however, Subject took the computer back during the "problem"/argument with [Detainee-2].

[REDACTED] Subject made conflicting statements, at one time he stated that [REDACTED] currently has the laptop, and later advised that Subject's associate [REDACTED] had the laptop for internet use.

Binoculars:

[REDACTED] Tariq purchased the set of binoculars in the U.S. during one of his trips. He then mailed them to Subject from the [REDACTED] [REDACTED] had them most recently, as far as Subject knew. These binoculars were described as "regular" and did not have night vision.

Two Watches:

[REDACTED] Khaled bought the two watches in the U.S. and mailed them from the U.A.E. [REDACTED] to Subject. The watches were described as "Casio - G Shock" watches. [REDACTED] had one watch and Subject kept the other.

[REDACTED] During the "problem"/argument between the Subject/Americans and [Detainee-2], Subject took back the Atlas translation device, laptop computer, advanced remote control, two watches, and the two GPS units.

[REDACTED] From the items retrieved from [Detainee-2], Subject sent [REDACTED] 2 GPS units, the advanced remote control, one Columbia jacket and 2 pairs of Columbia boots. Subject sent [REDACTED] the laptop computer. Subject kept the Atlas device, one watch, one jacket, and one pair of boots.

[REDACTED]

[REDACTED]
To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED] Separately, after the problem and subsequent realignment of allegiance to [REDACTED] requested GPS devices, an electrical toolbox, walkie-talkies, a laptop computer, a video camera, a "scegnal generator" (to create certain waves (NFI)), and a "mobile factory". However, these items were never purchased or sent. [REDACTED] requested a high quality set of electrical tools in a toolbox, containing such items as an ampmeter and voltmeter. These tools would be used for explosive manufacturing (electrical circuitry). Subject has researched the items online, ut they were never purchased or sent.

[REDACTED] The "mobile factory" was for manufacturing chemicals for explosives production. Subject asked Khaled to look for one, but Khaled did not know what the item was. This ocurred right before Subject was captured. [REDACTED]

[REDACTED] would send the item to Pakistan for Khaled, if he were to purchase the item.

Summary of Khaled's Financial Support:

[REDACTED] Khaled provided [Detainee-2] and/or Subject; \$10,000 by wire transfer, \$12,000 hand carried by Khaled, and \$45,000 hand carried from the U.A.E. by [REDACTED] unspecified. When Subject was asked what Khaled expected from providing approximately \$67,000 to [Detainee-2], Subject stated that Khaled expected to go to "paradise".

Subject's Associates/Miscellanous Individuals:

[REDACTED]:
[REDACTED]

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: [REDACTED] From: [REDACTED]
Re: [REDACTED], 03/12/2009

[REDACTED]

[REDACTED]

(Rev. 05-01-2008)

[REDACTED]

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 03/02/2009

To: [REDACTED]

From: [REDACTED]

Contact: TDY SSA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: [REDACTED]

Title: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/02/2009

Synopsis: [REDACTED] To document an interview conducted on 03/02/2009 of captioned subject [REDACTED].

[REDACTED]

Details: [REDACTED] On 03/02/2009, FBI personnel conducted a direct interview of captioned subject [REDACTED] Detainee-2 (hereinafter referred to as Subject).

[REDACTED]

[REDACTED] The interview began at approximately 5:30pm local time as the Subject was brought to the interview room in handcuffs and was blindfolded. The Subject's blindfold was removed and FBI personnel introduced themselves as employees of the U.S. Department of Justice and the subject was not/not provided Miranda warnings. After greetings were exchanged, interviewers asked subject how long he has been detained, to which he replied that he had been detained for approximately 7 weeks.

[REDACTED] The FBI interviewers spent the majority of the interview session building rapport with the Subject and to make him feel comfortable. The Subject was told that the "Department of Justice" was here in [REDACTED] to obtain information from the Subject pertaining to a group of Americans that the Subject was associated with and their alleged plot to attack the U.S. Homeland. The Subject was advised, by FBI interviewers, that they were not there to file charges against him but rather seeking information on the Americans and others that the subject is associated with and their potential plans to attack the U.S.

As interviewers mentioned names of former Egyptian Islamic Jihad members that we felt that Subject would be familiar with, Subject nodded his agreement that he was familiar with them. Some of the names mentioned were: [REDACTED]

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/02/2009

[REDACTED] At approximately 6:20pm local time, Subject said he would like to make a statement, but subsequently requested a prayer break. The subject was escorted by [REDACTED] personnel out of the room for his prayer.

[REDACTED] At approximately 7:40pm local time, the subject was brought back in the interview room. (Note: During the prayer break, the [REDACTED] facility lost power and most of the remainder of the interview was conducted by candle light.) Upon his return to the room, the subject explained why he has committed jihad and made statements justifying attacks against American interests.

[REDACTED] The subject stated that Islam is peaceful and that attacks against American interests were only reactions to America's actions and policies directed against Muslims. He added that attacks against American interests were not out of hatred of American citizens, but were rather attacks against America's policies, particularly its Middle Eastern policies, policies against "Muslims", and American "Imperialism". He explained that Muslims are only defending themselves against America's oppression of them and America's attempts to steal their land. Furthermore, the subject advised that he was not a member of Al-Qa'ida, but that he had fought in Afghanistan against the Soviets and communism, had been in the Sudan with Usama Bin Laden and had traveled to [REDACTED].

[REDACTED] FBI interviewers thanked the subject for sharing his views with them and advised that they understood his frustrations.

[REDACTED] Subject agreed to provide the FBI interviewers with the information they needed and he stated he would answer any questions they had in future sessions. At this point, FBI interviewers thanked the Subject for speaking with them this day and looked forward to meeting with him again. The interview was terminated at that point and [REDACTED] officials then blindfolded Subject and escorted him out of the room at approximately 9:30pm local time.

[REDACTED] Throughout the interview, the Subject was provided with water, juice and food. He ate a chocolate "Kit Kat" bar with the interviewers. At the conclusion of the interview, the Subject hugged and kissed the interviewers on the cheek. Throughout the entire interview session, Subject made no complaints regarding his treatment pertaining to his detention.

[REDACTED]

[REDACTED]
To: New York From: [REDACTED]
Re: [REDACTED], 03/02/2009

[REDACTED] personnel advised that FBI could interview the subject again on 03/03/2009 at a time to be determined.

[REDACTED]

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/02/2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

◆◆

[REDACTED]

(Rev. 05-01-2008)

[REDACTED]

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 03/04/2009

To:

[REDACTED]

From:

[REDACTED]
Contact: TDY SSA [REDACTED]

Approved By:

[REDACTED]

Drafted By:

[REDACTED]

Case ID #:

[REDACTED]

Title:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/04/2009

Synopsis: [REDACTED] To document interviews conducted on 03/03/2009 and 03/04/2009 of captioned subject [REDACTED] (second and third interviews).

[REDACTED]

Administrative: [REDACTED] SSA [REDACTED], [REDACTED], [REDACTED], was also present during the interviews.

Details: [REDACTED] On 03/03/2009 and 03/04/2009, FBI personnel conducted direct interviews of captioned subject [REDACTED] Detainee-2 (hereinafter referred to as Subject).

[REDACTED]

[REDACTED] The interview on 03/03/2009 began at approximately 2:30pm and lasted until approximately 7:30pm and the interview on 03/04/2009 began at approximately 2:45pm and lasted until approximately 10:30pm. During both days, Subject was allowed two prayer breaks and was provided with food and water throughout the interviews which he accepted. The interviews were conducted with the interviewers primarily speaking in English and the Subject speaking in Arabic (a combination of Egyptian and Yemeni dialect as well as standard Arabic). Communication was successful and the Subject was asked on several occasions whether he understood the translator. In every instance, the Subject stated that he had very good understanding of the translation.

[REDACTED] The Subject stated that he was primarily concerned about his family. He has a wife and four children [REDACTED]. He is concerned about spending his life away from them and most concerned about being deported and handed over to the Egyptian Government due to his Egyptian Citizenship.

[REDACTED]

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/04/2009

[REDACTED]

[REDACTED]

[REDACTED]

As a seasoned jihadi, the Subject had long hoped for an opportunity to create an attack on US soil. The Subject is very clear in his desire to attack the US homeland and US interests anywhere and feels completely justified in his hatred of the US and its policies. He feels that all of the mistreatment of Muslims worldwide is the result of US policy and imperialism and that it is his clear duty to destroy US interests. During discussions regarding the conceptualized attacks on the New York Stock Exchange, the Subject made the comment that although his plan never materialized, he thanks "Allah" that Allah is already destroying the US economy.

In mid 2007, shortly after **Detainee-1's** release from prison, **Detainee-1** told the Subject that he was aware of three young men who wanted to become jihadis. **Detainee-1** told Subject that he had learned about these three young men from [REDACTED]. According to what **Detainee-1** told Subject, the three young men had US passports and were

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/04/2009

also willing to provide financial assistance to the "brothers" and to the jihad. The subject had long hoped for an opportunity to create an attack on US soil, and began to think of opportunities where he could use these individuals. The subject began thinking about or conceptualizing an attack somewhere in the US, and specifically began thinking about the New York Stock Exchange. The Subject had very little idea about the Stock Exchange, i.e. it's location, security measures, size, etc., but advised that his motivation to do an attack there was because it represented to him the world's economy so it was a highly desirable target.

The Subject had another associate [REDACTED], a fellow jihadi, [REDACTED], who also fought against the Soviets in Afghanistan. Subject worked with [REDACTED], as they both were in the car business. [REDACTED] and the Subject had multiple conversations regarding getting the Americans to travel for jihad. It was agreed by them that they (the Americans) would be better used for attacks on US soil than to allow them to travel into Afghanistan, Pakistan, Somalia or any other front because they are potentially a valuable asset for attacks within the US. Through [REDACTED], the Americans continued to make requests to travel for training and jihad, but the Subject continued to state that the path for them to travel was not clear (NFI). Subject and [REDACTED] discussed that if the Americans were going to do jihad, they should do it in America.

In February of 2008, one of the three young men (hereinafter referred to as Khaled), who lived in Dubai, wanted to come meet directly with the Subject [REDACTED]. Khaled offered to bring cash for the jihad and the Subject asked Khaled to bring a computer and an Atlas electronic translation device. All communications on this matter were done through [REDACTED] to Khaled at this point and the Subject did not have direct contact with Khaled. Subject also stated that he provided instructions for Khaled (via [REDACTED]) regarding Khaled's travel and routine, advising that Khaled should shave his beard and avoid suspicious relationships.

Sometime in early February, 2008, Khaled traveled to [REDACTED] to meet directly with the Subject. Khaled was instructed to travel to [REDACTED] and upon arrival to send an email to [REDACTED], at which point he would be given a telephone number to call. Upon arriving in [REDACTED], Khaled checked into the [REDACTED] and followed the instructions to contact [REDACTED]. [REDACTED] then went to meet Khaled at the hotel and the two had lunch. Later that day, [REDACTED] brought

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/04/2009

Khaled to meet Subject at a restaurant on [REDACTED], where the three of them had dinner. The Subject advised that he was aware of two other associates of Khaled's, both US citizens. The Subject did not give Khaled his true name but instead said that he should be referred to as [REDACTED]. Subject also said that he did not want to know Khaled's real name nor the real names of Khaled's two American associates, who, Khaled advised Subject, also wanted to travel to jihad. Subject then assigned fake names for Khaled's American associates, stating that they would be known as Tareq and Umar. The Subject claimed that Khaled was the only one of the three Americans that he ever met face to face.

[REDACTED] After this dinner, the Subject invited Khaled to check out of the hotel and stay at the Subject's house [REDACTED] as a guest. For the next two days at Subject's house, the two discussed Khaled's life in the UAE, Islam and jihad, and read together from [REDACTED].

[REDACTED] During this stay at Subject's house, Khaled gave the Subject \$12,000USD in cash with the understanding that it would go to support the families of the martyrs, "the brothers" and for others "in need." Khaled also gave Subject a laptop computer and an Atlas translation device. Subject advised that the laptop and Atlas were for his use. Additionally, Khaled also agreed to continue to send more money to Subject in the future. Also during his stay, Khaled advised Subject that he had attempted to travel to Iraq (via Syria) to engage in jihad but was unsuccessful getting to Iraq (NFI). Khaled told Subject that he has two children, a boy and a girl ([REDACTED]), and is married to an Egyptian woman. Khaled showed the Subject his US passport. Khaled can speak Arabic, but does not read or write it well. Khaled attended school in the US and moved to Dubai, where he worked in the field of computers and information security. Furthermore, Subject advised Khaled to tell his two American associates, who also wanted to travel with Khaled for jihad, that they should all avoid [REDACTED] and not communicate with him from that point forward. Subject believed that [REDACTED] was "hasty" and a security risk.

[REDACTED] At the end the two day visit at Subject's house, Subject drove Khaled to meet Detainee-1 so that he could leave [REDACTED] to go back to work in UAE. Subject estimated that Khaled spent about one week in [REDACTED]. Prior to leaving [REDACTED], Subject made the arrangement that all communication between he and Khaled would be through Detainee-1. Detainee-1 provided Subject with Khaled's UAE mobile

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/04/2009

phone number on a sheet of paper. Subject stated that he kept this sheet of paper in his house.

[REDACTED] Subject claimed that he did not keep records of who he gave the money to. Subject also stated that in 2008 he estimated that Khaled sent several Western Union transfers totalling approximately \$8,000 USD. In all, subject advised he received about 20,000 USD from Khaled. The Subject gave some of the \$12,000 given to him by Khaled to the families in need and bought two cars with the remainder. Subject advised that his intention on using Khaled's money to buy the two cars was to sell the cars for profit and thereby expand the money given to him by Khaled to increase the funds for the "families."

[REDACTED] Subject continued to request items from the Americans via Detainee-1. Subject wanted to send shoes and jackets to the "brothers", so he asked Khaled to send these items through Detainee-1. Additionally, Subject requested of Khaled (in addition to the laptop and Atlas translator which was previously delivered), a toy with a remote control, a GPS and binoculars. Subject stated that these things remained at his house, and were eventually given to [REDACTED]

[REDACTED] In approximately May or June of 2008, Khaled advised the Subject (via Detainee-1) that Tareq would be traveling to the US from the UAE. Via Detainee-1, the Subject requested Khaled to tell Tareq that while he (Tareq) was in New York, Tareq should collect information at the New York Stock Exchange and provide the information to Subject. Subject stated that he would like to make an attack of some sort (explosive) against the Stock Exchange. Tareq reported via Detainee-1 that the Stock Exchange was made up of about four streets that were blocked off from vehicular traffic. The Subject maintains that there was no further operational planning of that target after Tareq's reconnaissance.

[REDACTED] Sometime in November, 2008, a problem arose between the Subject, Detainee-1 and the Americans which appears to revolve around the Subject's use of the money and equipment sent to the Subject. It seems that the Americans and Detainee-1 were becoming impatient with the Subject and his lack of facilitation of their travel and training for jihad. Due to this problem, hard feelings occurred between the Subject and Detainee-1. The Subject stated that [REDACTED] acted as a mediator to fix this problem between Detainee-1 and Subject.

Direct Communication with Khaled/Hanafi:

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/04/2009

[REDACTED] Subject advised in approximately December, 2008 he made the first of his several calls to Khaled's UAE mobile phone, but Khaled did not answer these calls. At this point, Subject saved Khaled's phone number into the memory of his (Subject's) mobile phone under the title of "al amer" (phonetic). (Note: Subject explained that his mobile phone was taken by the [REDACTED] authorities upon his arrest in early January 2009). Subject then advised that soon after his attempts to reach Khaled's UAE mobile phone, Khaled used another UAE phone number unfamiliar to Subject and called Subject on his [REDACTED] mobile phone. During this phone call, Khaled told Subject to open an email account so that they could communicate via email. Khaled also told subject that once he opened this email he should call Khaled and tell him the name of the account and its password. Subject stated that he then went to an internet cafe in the [REDACTED], near a private school, and created the email account: [REDACTED]. Subject advised that this was the first email account he had created in at least a year and decided to use gmail because [REDACTED] had previously told him that gmail was a good type of email. Subject also stated that he had a hard time creating this email account because of his unfamiliarity with gmail. Upon creating this email account, Subject then called Khaled's UAE mobile phone, which Khaled again did not answer. Khaled then used a different UAE based phone to call Subject's mobile phone at which point, Subject provided Khaled the email account and password. Khaled also instructed Subject to write messages to him in this account but then not to send the email but instead save the messages [REDACTED] that Khaled would later check from his location. [REDACTED]

Subject also stated that these messages to Khaled were in an attempt to alleviate their problem. Subject also said that at some point later he changed the password to this email account to [REDACTED] using Arabic script, not English, and did not tell Khaled the new password. Subject also advised that he created a second email account: [REDACTED]. Subject claimed that he never used this second email account.

Subject claimed that he did not communicate via email with anyone during all of 2008 other than Khaled as stated above.

Subject claimed that he did not access the internet from his home because he did not have internet service at his house. He further explained that he used about twenty different internet sites in [REDACTED] to access the internet in order to research news. Subject stated that he primarily used "Google" while searching the internet for news. Subject advised that he did not conduct any internet searches regarding the New York Stock Exchange, again claiming that he only used the internet to obtain news.

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/04/2009

Subject advised that he does not remember any of Khaled's phone numbers but some of the calls to/from Khaled could still be saved in the memory of his mobile phone that was taken from him by the [REDACTED] authorities during his arrest.

Others known to Subject:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/04/2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/04/2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/04/2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/04/2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

◆◆

[REDACTED]

(Rev. 05-01-2008)

[REDACTED]

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 03/09/2009

To:

[REDACTED]

From:

[REDACTED]

Contact: TDY SSA [REDACTED]

Approved By:

[REDACTED]

Drafted By:

[REDACTED]

Case ID #:

[REDACTED]

(Pending)
(Pending)

Title:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
To: New York From: [REDACTED]
Re: [REDACTED], 03/09/2009

Synopsis: [REDACTED] To document interviews conducted on 03/07/2009 and 03/08/2009 of captioned subject [REDACTED] (fourth and fifth interviews).

[REDACTED]
Administrative: [REDACTED] SSA [REDACTED], [REDACTED] was also present during the interviews.

Details: [REDACTED] On 03/07/2009 and 03/08/2009, FBI personnel conducted direct interviews of captioned subject [REDACTED] Detainee-2

[REDACTED] (hereinafter referred to as Subject) at a "safe house" facility operated by [REDACTED]

[REDACTED] The interview on 03/07/2009 began at approximately 2:30pm and lasted until approximately 7:00pm, while the interview on 03/08/2009 began at approximately 3:30pm and lasted until approximately 7:00pm. On 03/08/2009, a traditional [REDACTED] dinner was arranged at the "safe house" and investigators from both services dined with the Subject. During the interviews, Subject was provided with food and water throughout, which he accepted. The interviews were conducted with the interviewers primarily speaking in English and the Subject speaking in Arabic (a combination of [REDACTED] and [REDACTED] dialect as well as standard Arabic), with FBI Linguist providing translation.

Subject's Meeting with "Khaled"/Americans Swearing bayat to Subject/U.S.-based Operations:

[REDACTED] Subject advised that he had sworn *bayat* (oath/pledge of loyalty and obedience) to Egyptian Islamic Jihad (EIJ) leader (who later became Al-Qa'ida's second-in-command) [REDACTED] in the early to mid-1990s. Subject added that he swore to listen and obey [REDACTED] for jihad in all "activities and hatred." Of significance, upon Khaled's entrance to Subject's house in February 2008, Khaled swore *bayat* to Subject and swore to obey the Subject

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/09/2009

and to "listen to him." Per Subject, Khaled spoke to "Tariq" and "Umar" and told them that "a brother (Subject) in jihad" could help travel for jihad. Additionally, Tariq and Umar pledged *bayat* to Khaled and stated they were "with" Subject, which Subject believed was a swearing of *bayat* to Subject through Khaled. Subject stated that Khaled was in his (Subject's) command for all matters of jihad. While Khaled was staying with Subject in February 2008, Subject told Khaled to refer to Subject as [REDACTED] (phonetic) and to refer to Detainee-1 [REDACTED] (hereinafter referred to as [REDACTED] as [REDACTED] (phonetic). Detainee-1 had also sworn *bayat* to Subject and promised to obey and listen to Subject. Khaled asked Subject to get Khaled and the Americans into any jihad arena (Iraq, Afghanistan, or Somalia). Subject advised that wherever they went, they would receive military-style training, followed by actual fighting.

[REDACTED] At the Subject's house, Khaled and Subject discussed jihad and ways of traveling to jihad. Subject advised that he had desired to have Americans travel to America to conduct terrorist operations. His idea of an operation in America came from the possibility of Khaled and the other Americans being able to travel to conduct operations in the United States.

[REDACTED] Approximately two months after Khaled left [REDACTED], Khaled told Subject (via Detainee-1's email) [REDACTED] that Tariq was traveling to the United States, and Khaled asked Subject if there was anything he needed. Subject told Khaled to have Tariq "visit" the New York Stock Exchange (NYSE). Khaled was not surprised by this request. Subject advised that Tariq did visit the NYSE and Tariq sent a one-page report to Detainee-1 [REDACTED] (via email) on the NYSE, which Detainee-1 printed out and gave to Subject. From the report, Subject advised that the "building has four streets and no one can reach it by car and you would have to walk to it." Subject was not happy with the information, as it did not add to what Subject knew about the NYSE. Subject reported that he tore up the report and "threw it in the street" and never showed it to any one. Subject admitted that the information could be used by someone who wanted to do an operation (NFI).

[REDACTED] Subject told [REDACTED] that the three Americans could be used in jihad and Subject asked [REDACTED] if it would be possible for Subject and [REDACTED] to train the Americans. They discussed that the Americans would be trained in the "primary phase", which consisted of rifle training/shooting, as well as other subjects to be determined. It was determined that [REDACTED] and Subject could not

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/09/2009

provide training for the Americans. Subject advised that he checked with [REDACTED] to see if the paths to jihad were open. [REDACTED] advised that they were closed. Regarding the routes to jihad, Subject stated he did not check with any [REDACTED] who were former jihadis or anyone else outside [REDACTED] for that matter.

(Note: Subject previously identified a photograph of Wesam Al-Hanafi as "Khaled". [REDACTED]

Subject Chat Sessions:

[REDACTED] Between February and November 2008, Subject "chatted" with Khaled, using [REDACTED] Detainee-1's email account. [REDACTED] Detainee-1 was present to facilitate the chat session. Subject discussed methods for Khaled to send money to [REDACTED]. One suggestion was for Khaled to send a used car to [REDACTED] and the Subject would sell it. Subject advised that it was determined that this method was not profitable and they abandoned this option. Khaled also offered to hand carry money to Subject, to which Subject answered in the negative, telling Khaled not to send anyone from the U.A.E. Furthermore, Subject discovered that Khaled had compiled approximately \$50,000 around November 2008. According to Subject, Khaled never sent him the \$50,000. Subject advised that he did not know if [REDACTED] every received the money.

Money Transfers from U.A.E. to [REDACTED]:

[REDACTED] Subject claimed that between mid 2007 and November, 2008, Subject had received approximately \$20,000 from Khaled as follows: Approximately \$4,000 via wire transfers prior to Khaled's visit in February 2008; \$12,000 in cash which was delivered personally to Subject by Khaled during Khaled's visit to [REDACTED] and the remaining approximately \$4,000 via wire transfers which occurred between February and November, 2008. The wire transfers took place as follows:

[REDACTED] Subject would request the transfer of money via [REDACTED] Detainee-1 to Khaled. Khaled would prepare the money, generally the sum of \$1,000. Khaled would split the transaction into two \$500 parts - one part would be sent through Western Union and the other part would be sent through Saifi money exchange.

[REDACTED] The two transfers which occurred prior to Khaled's visit were both received by [REDACTED] Detainee-1. [REDACTED] Detainee-1 used his true name, [REDACTED] to receive the transfers. Per Subject, Khaled used fictitious names, but Subject claims ignorance of the names.

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/09/2009

Detainee-1 picked up the money at either the Hasaba Western Union location, the Western Union next to the [REDACTED], the [REDACTED] office near [REDACTED] University, or the [REDACTED] office on [REDACTED] Street.

[REDACTED] Transfers occurred after Khaled's visit in 2008. Two of the transfers (each transfer split into two as detailed above) were received personally by Subject using a fraudulent [REDACTED] personal identification card in the name of [REDACTED]. This ID card was created by a [REDACTED]. Each time, Khaled sent \$1,000 USD to Subject, the \$1,000 was split into two separate transactions, one for \$500 USD went to the Western Union office next to the [REDACTED], and the second went to the [REDACTED] in [REDACTED]. This process was repeated a second time at an unspecified date.

[REDACTED] Further transactions were sent to **Detainee-1** (using his true name) and an additional subject, identified as [REDACTED] (who Subject says is a grocer), who was introduced to Subject by [REDACTED]. Subject added that [REDACTED] married the [REDACTED]

[REDACTED] received a total of \$1,000 USD from Khaled at an unspecified time. Again, Khaled used an unspecified fraudulent identity and sent two separate transfers to [REDACTED], one to the Western Union in the [REDACTED], and the other transfer went to the [REDACTED]. [REDACTED] used his own name when receiving the money.

[REDACTED] In each instance, Khaled would use a different, fraudulent name (NFI). Subject advised that Khaled would choose which name to utilize. Khaled would send the money when Subject/**Detainee-1** would request it (via **Detainee-1's** email account), when they "needed it." The money transfer would occur approximately two to three days after receiving the request from Subject/**Detainee-1**.

Use of the Money

[REDACTED] Per Subject, every month "Khaled" had arranged to set aside part of his salary to ultimately send to Subject to help the mujihadeen and the families of the martyrs and deceased jihadis.

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/09/2009

Subject believes that Khaled and the Americans thought the money they were sending to Subject was for the Americans' future training.

[REDACTED] Subject indicated that \$16,000 of the \$20,000 received from Khaled was used to buy two cars (NFI). Subject bought one car in early November 2008 and one in December 2008. The remaining \$4,000 was in his possession. \$2,000 went to [REDACTED] (NFI). And \$1,500 went to help Subject's Egyptian friend who had cancer. This friend was identified as [REDACTED] and was a veteran of the anti-Soviet jihad in Afghanistan. [REDACTED] was in an Egyptian prison but was released (NFI). Subject gave the money to former jihadist and Egyptian [REDACTED] who taught Arabic in [REDACTED]. [REDACTED] subsequently provided the money to [REDACTED], who brought it to Egypt.

Equipment and clothing sent to Subject by Khaled and Americans:

[REDACTED] Subject received three heavy, cold weather jackets (reversible) and three pairs of boots from Khaled before he visited [REDACTED] in February 2008. The boots and jackets were for the Americans for jihad. A jacket and pair of boots were distributed to [REDACTED], Detainee-1, and Subject.

[REDACTED] Khaled brought the laptop computer, which was requested by Subject, to Subject in February 2008. Additionally, Khaled sent, at different times, a GPS device, binoculars, and a remote-controlled toy car to Subject (via mail to Detainee-1 [REDACTED]). Subject received the toy car less than a month before Khaled arrived in [REDACTED]. The toy car was approximately a foot long, battery-powered, had a "rod or button" to activate it, had a remote control with it, and three other small pieces (NFI). The remote and car were in separate boxes. Subject advised that the car was not for his children and that the box the car came packaged in was never opened and Subject didn't know how to operate it. Khaled told the Subject that the remote had a long range, but Subject believed the remote had a range less than a kilometer. Upon Khaled's arrival to Subject's house, Subject asked Khaled how to use it, but Khaled was unable to figure out how to operate it. Lastly, the toy car was given back to Detainee-1 in approximately November 2008.

[REDACTED] Subject stated that during his time conducting jihad in Afghanistan against the Soviets, he learned about explosives and the toy car was an effort to learn about new technology for explosives, not for a specific operation. Subject stated that he wanted to learn how to operate the remote control.

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/09/2009

Problem between Subject, Detainee-1 and the Americans

[REDACTED] Subject explained that the "problem" was regarding Detainee-1 telling the UAE-based Americans that Subject was the hindrance in their path to jihad. Detainee-1 had been telling the Americans that Subject was the reason that they had not been sent to jihad. Subject advised that he repeatedly told the Americans that the "path" to jihad was not open. Furthermore, as a result of the Subject not being able to assist the Americans, the Americans wanted the money and items that they provided to Subject. Subject also stated that he felt Khaled was siding with Detainee-1, and Khaled was accusing Subject of misusing the money he had sent to Subject.

[REDACTED] In December 2008, Subject, using his cellular telephone [REDACTED], called Khaled to open up a dialogue. This is when Khaled instructed Subject to open a new email account [REDACTED] to communicate further.

[REDACTED] When Subject emailed Khaled in December 2008, Khaled told Subject that he was going to jihad. Subject responded and told him that he wanted to take advantage of Khaled and had long-term plans for him and the Americans. Furthermore, Subject told Khaled that Khaled and the Americans would be used in the future in America.

[REDACTED] During the December 2008 email exchanges, [REDACTED], Subject emailed Khaled to "tell him the truth" and to tell Khaled his side of the story. Subject stated that it is hard to deal with someone accusing you of taking money. Subject told Khaled that he would bring Khaled the money to solve the "problem." Subject told Khaled that he (Subject) did not meet with Khaled simply for the money. Additionally, Subject continued to advise Khaled to be patient and that he (Subject) had long-term plans for him and the Americans for the future.

[REDACTED] Per Subject, the last message he received from Khaled stated that he (Khaled) would think about the what Subject said and respond to [REDACTED]. After a week passed, Subject reportedly changed the password of his email account, [REDACTED]. Subject changed the password to [REDACTED]. Subject explained that he had changed the password because he was frustrated with Khaled and no longer wished to communicate with him.

[REDACTED]

[REDACTED]
To: New York From: [REDACTED]
Re: [REDACTED], 03/09/2009

Potential for Future Communications with the Americans

(Note: In previous interviews, Subject stated in December 2008 he created a second email account, [REDACTED], [REDACTED] and claimed never to have used the account.)

[REDACTED] Subject advised he would not be ready or willing to communicate with Khaled. Conversely, Subject felt Khaled would not be eager to speak with Subject. When asked how he would contact Khaled in the future or if he were not imprisoned, Subject advised he would not contact Khaled and he would not think about doing so.

Photographs Shown to Subject:

[REDACTED] Subject was shown a series of photographs of senior Al-Qa'ida and Egyptian Islamic Jihad members:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
To: New York From: [REDACTED]
Re: [REDACTED], 03/09/2009

[REDACTED] Subject explained that the attacks on September 11th were a warning and stated that much bigger things would happen to America in the future. Subject began to recite segments of the Quran, specifically he mentioned a story in which "God's people" believed no one was above them and had become consumed by materialistic things. Subject stated that "God created these people, how can they be above God?" Subject went on to say that God "punished and tormented" these people for days and they disappeared and were now "like the wind." Subject advised that this story reminded him of the American people and they would receive a similar punishment. Subject concluded by stating that the American people need to oppose politicians and have mercy on the Muslims.

DRAFT COPY

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To: New York From: [REDACTED]
Re: [REDACTED], 03/09/2009

[REDACTED]

[REDACTED]

♦♦

DRAFT COPY

[REDACTED]

1



Kala eww <mahkabab1@gmail.com>

Chat with mahkabab2@gmail.com

1 message

mahkabab2@gmail.com <mahkabab2@gmail.com>
To: mahkabab1@gmail.com

10:48 AM mahkabab2: what's up my man?
u r here early?
u there?

10:50 AM me: yes

10:51 AM shooting some breeze
mahkabab2: sounds good
me: whatup?
mahkabab2: how's everything?
all is well here
me: cool!
mahkabab2: u?
me: good
any news?
mahkabab2: no
me: nothing here
mahkabab2: i lost contact completely
i think something happened over there
me: well, now it's time to move on
we got couple of options
mahkabab2: i think he's been hospitalized
i ready your message
and i totally agree
option #1
me: ohh...well may Allah grant him quick recovery
yup

10:53 AM mahkabab2: i had already discussed it with our friend here
me: we either can go visit ur hospitalized friend first and then from there
mahkabab2: i don't understand what that means
me: we can go to his city
mahkabab2: ok
and then?

10:54 AM we have no contact there
me: and from there we can pick up a nice trip
mahkabab2: i lost both contacts
me: thats fine
mahkabab2: why do we need to go to his city?
me: well to the region
mahkabab2: i think in a short amount of time we can go directly there
me: fine with me

10:55 AM mahkabab2: i think the young guys in option number 1
me: i just think from there it's easier and closer
mahkabab2: will have the airport soon
ok
we still need a reason to travel there
any business ideas?
me: sure...we always do have one
mahkabab2: we had two ideas
1) send a car there 4x4 and try to sell it
me: ?
mahkabab2: 2) send women's clothing
like the ones our friend is doing business in
me: or children's clothing
good
mahkabab2: even better
ok
me: i also got this guy who sells egyptian cotton towels
mahkabab2: where is he?
me: egypt
mahkabab2: in your city?
me: yup
mahkabab2: he will send them to u
?
me: yup
mahkabab2: and u take them with u?
me: yup
mahkabab2: sounds good
so let
me: he can send them directly to ur city now
mahkabab2: so let's do clothing business
me: okay
mahkabab2: ok
just wait
until we discuss cost, etc.
me: a towel cost about a \$1
mahkabab2: perfect.....
thats very cheap

10:58 AM me: it maybe the cheapest thing to do, and we can use the women stuff too
mahkabab2: ok
so the plan is to sell clothing
me: yup
mahkabab2: we will send the merchandise there and then we travel to pick it up?
or we take the merchandise with us?

10:59 AM me: with us
mahkabab2: maybe we take samples?
me: easier
mahkabab2: ok
me: of course
mahkabab2: okay
me: we're not taking any large quantities until we find buyers

11:00 AM



mahkabab2: sounds good
 I will also try to find some businesses there
 maybe someone has an email or something
 u never know
 11:01 AM me: I'm dying for a safari trip after that
 mahkabab2: this way we can have a business appointment
 me: good
 mahkabab2: i think that's also a good idea
 we can do a safari in several countries
 and option #1 is just one of them
 me: west of it u mean
 mahkabab2: does not matter
 me: thats the easiest
 11:02 AM mahkabab2: as long as we can show that we have more than one destination
 me: yup
 and they even still have some cruises
 mahkabab2: we're not only there for one country
 ;)
 me: aha
 I believe we got a plan
 mahkabab2: agree
 me: we should be able to make some serious money
 and also have great fun
 11:03 AM mahkabab2: definitely
 so let me meet with our friend over here
 and give him the details
 me: cool
 mahkabab2: and then we will start buying supplies
 me: and let's keep things as is
 mahkabab2: but I still think it will take a few months before things are under their control
 atleast the airport
 11:04 AM me: and if the business become successful then we can inform other parties on what to do
 mahkabab2: got it
 me: we dont care
 mahkabab2: so our first trip is just to discovery?
 me: noooo
 one way
 and whatever it takes
 11:05 AM mahkabab2: okay
 then when are u ready to go?
 me: just remember if we give it 100%, it'll give us back everything
 end of Feb
 mahkabab2: u don't want to wait until the airport is ready?
 I think atleast until airport is ready?
 11:06 AM right now, u will land in their arms
 it looks strange that someone is doing business in this time
 me: well I'm tired of waiting
 mahkabab2: I know
 me: doing business in the surrounding not inside
 mahkabab2: but it's better to wait a few more weeks
 and have a good plan
 then waiting inside of a hospital
 11:07 AM me: okay we got few weeks anyway, but we need to be ready
 mahkabab2: surrounding?
 what do u mean by doing business surrounding and not inside?
 me: doing our towel business the surrounding, and then once inside, there's no more stories
 someone great will send us the mean
 means
 11:08 AM mahkabab2: I still don't understand
 me: it's okay
 mahkabab2: u mean another neighboring country?
 me: lets just get ready
 get contacts overthere
 mahkabab2: cool
 me: check some programs for fun
 then just be ready
 11:09 AM mahkabab2: safarit programs and cruises.....
 should be plenty
 me: yup
 also remember nothing comes easy
 mahkabab2: ok
 me: and we have to make the first step
 if we dont nothing is going to happen
 11:10 AM mahkabab2: sounds like a good plan
 i agree
 so action items
 me: lets have some balls for once
 mahkabab2: got it
 let's start with the business plan
 and take it from there
 11:11 AM me: good
 mahkabab2: we'll see where things r by end of february
 me: I got the towel deal
 mahkabab2: so u r not coming here as previously planned, right?
 me: end of feb
 and thats one way
 11:12 AM mahkabab2: u r coming to us end of february?
 or straight to that country for business?
 me: and I'll keep going
 mahkabab2: ok
 me: after I stop at ur place
 but no looking back
 am so ashamed of myself...got to recomp for it
 11:13 AM mahkabab2: u will
 when I saw the news
 I got very happy
 me: me22222222222222
 mahkabab2: I think we will be there soon
 me: good
 mahkabab2: we already talked about it here



me: need to make some serious business
mahkabab2: before your email
and we both agreed
but we were waiting until the airport is ready;
11:14 AM me: look
mahkabab2: let's c what happens in the next few weeks
me: sometimes easy things are not worth it
if ur good then the great will send u great things ur way
11:15 AM mahkabab2: agree
that's true
and we have a chance now that may not repeat in a long time
me: if we miss we may just go and weep like girls
mahkabab2: u r right
so from now until next month
11:16 AM me: yup
mahkabab2: we get all of the pieces together for the business
and then just travel and c
me: and let's focus a lot on the safari
cuse ur friend's nurse may have too much info
mahkabab2: why the safer?
if we do a business idea then we don't need to do a safari, right?
me: I know
but just in case of ur friends place is lit bit danger for us
11:17 AM mahkabab2: i don't understand
our friend is in a totally different country?
u r confusing me bro
me: under morphine, ur friend may hallucinate and tell his nurse all
mahkabab2: ok
me: just if we use it for a stop
11:19 AM mahkabab2: but what does that have to do with the safari?
if he tells all then we need to leave regardless
right?
me: the safari are on the west of the destination
mahkabab2: safari or business.....does not matter
me: good
mahkabab2: okay
me: mind just got it done
mahkabab2: i'm still confused with the safari idea
but the business (towels and clothing)
11:20 AM that i got
me: u know just focus on the business
mahkabab2: and we're ready
me: i'll focus on the fun
mahkabab2: good
ok
me: sounds good to me
i thing we're good now
do u need anything from here?
mahkabab2: no.....thanks.
11:21 AM just make it here safe
forgot to tell u
me: ?
mahkabab2: u told me u were going to visit our friend
me: i may not do that
mahkabab2: in the city where i used to live
right?
ok
just be careful
cause he told me when i visited him
me: i changed my mind
11:22 AM mahkabab2: good
if u do c him
just give him an email
to communicate with us
i in case we get good business
but don't tell him anything
maybe even just write down the email on a paper
me: yup
mahkabab2: talking maybe too much
me: anyway...need to remember this
there's no more room for mistakes
11:23 AM anything far or close that may block it, needs to be eliminated
and i believe if our friend wanted business so bad, he has more connections than we do
11:24 AM mahkabab2: what do mean by the last sentence?
me: so lets worry about ourselves
he's got the money
mahkabab2: ok
me: the location
and the contacts
11:25 AM mahkabab2: the money already left him and made it to the destinations
his location is now probably very unhealthy
contacts can't help u if you r hospitalized
we're not waiting for him
we're ready to move
me: i was talking about our friend in ur old city
11:26 AM mahkabab2: oh
ok
sorry about that
i agree
me: anyway, anything else?
mahkabab2: no....that's it
me: talk to u later niggi
mahkabab2: thanks for making this a priority
alright
later man.....
me: we come from the hood noo
11:27 AM mahkabab2: don't worry
i got your back
waaaaaay back
me: lollll



mahkabab2 :?
me: ciao
mahkabab2: peace out yo...
me: okrighthhhhh





klala eww <mahkabab1@gmail.com>

Chat with mahkabab2@gmail.com

1 message

mahkabab2@gmail.com <mahkabab2@gmail.com>
To: mahkabab1@gmail.com

11:14 AM me: ahleen
 sorry for the delay
 mahkabab2: no problem
 how's everything going?
 me: it's going
 mahkabab2: long trip?
 me: alhamdulillah
 mahkabab2: khayir
 me: too much traffic for sat morning
 mahkabab2: thanks for taking the time to chat
 me: how about u?
 11:15 AM mahkabab2: i know it's difficult where u r
 all is well
 3 day weekend
 i took an extra day off
 so relaxing
 me: good
 mahkabab2: i had a discussion about u and our situation in general
 me: n enjoy it with the kids
 mahkabab2: I will inshallah
 11:16 AM me: ok
 mahkabab2: with our consultant
 and asked him for advice
 me: k
 mahkabab2: i told him about our plans and where we want to do business
 he said it is not good to go without business partners over there
 u need a "guide"
 otherwise big problems
 will lose lots of money
 11:17 AM me: k
 any alternatives
 mahkabab2: u remember the trip me and the brother here made
 ?
 we will have the same results
 if we do it again
 me: k
 mahkabab2: so i told him if we can work with him
 me: ok
 11:18 AM mahkabab2: and does business
 he said he will
 but his exact words were it should be less than one year
 but maybe a good chance by this summer
 in the country u wanted to try business in
 me: great
 11:19 AM mahkabab2: if things keep going well
 so r u okay to wait
 ?
 me: summer is almost here
 mahkabab2: or still want to do in two months
 cool
 me: i'd rather wait if this is the case
 mahkabab2: great
 me: sure things are better than 50%
 mahkabab2: yes
 and he knows the business
 11:20 AM me: inx man for the help
 mahkabab2: maybe we can arrange for all of us to meet him before
 anytime
 i still want u to meet him
 me: sure
 mahkabab2: cause he only does business with people he meets
 he needs to see u and spend time with u
 me: but it got be almost at the same time of the trip, because my funds are kinda low
 mahkabab2: so i'm trying to plan a trip for all of us
 no problem
 11:21 AM we'll help out inshallah
 me: maybe u can all come and visit me in Morocco
 it's beautiful now
 mahkabab2: i will c
 he is not able to travel much
 me: but i'm afraid u'll decide to marry a local and stay there
 :)
 11:22 AM mahkabab2: no way
 looooooool
 me: i meant a moroccan local
 mahkabab2: we'll figure out a good meeting place
 me: great
 mahkabab2: but u r going to morocco?
 me: no no
 mahkabab2: it's cheap?
 me: but obviously in my way to u, it's easier to stop by there
 11:23 AM mahkabab2: yeah...
 i will mention it
 me: that's the closest stop from the atlantic
 mahkabab2: but maybe there's another place even closer
 and on your way
 me: good then
 mahkabab2: remember u wanted me u and the brother here to go together somewhere?
 maybe we'll try to bring him



anyway
me: cool
mahkabab2: it's good to meet him
but not requireo
11:24 AM If we do business
me: it's better if we meet
mahkabab2: we will make sure u do business
sure it is
me: business will be easier
mahkabab2: it will be easier
and we already told him a lot about u
from more than two years ago almost
me: wallah i was hoping to hear good news today
mahkabab2: souhnanallah
me: jzk
mahkabab2: Inshallah it will be good
11:25 AM me: inshallah
mahkabab2: this brother is a bit different than the other guys
me: this is good
mahkabab2: he is very open
and u will like him
he is almost your exact personality
when we met him
me: well, we just have to take care of all the precautions
mahkabab2: we told him we have one brother just like u
11:26 AM me: no room for mistakes
mahkabab2: i will give u more info on him before we meet
it's better in person
it took a while to find him again
but al hamdoillallah...we're back in contact
me: hamduillallah
mahkabab2: i'm happy u r willing to wait
11:27 AM me: i was going to get worried if u did not agree
me: i hope the other guys are out of the hospital
mahkabab2: he told me that with your color its impossible to go in there
me: i feel so bad
mahkabab2: he told me one of them is still in
me: lol!
lol!! to the color
mahkabab2: yeah
that was his first question
11:28 AM me: may Allah get him out
mahkabab2: he said only the opposite color can go in now
ameeeeeen
me: wallah akhi i feel so guilty
mahkabab2: it's a tough sickness but inshallah we hope for the best
i know
me: couple of weeks make the difference
mahkabab2: we're out enjoying
11:29 AM he's in hospital in pain
me: no they're enjoying it
mahkabab2: souhnanallah
me: we're the miserables
mahkabab2: u r right
that's the true measure
me: do accounts comparison and u'll figuer it out
mahkabab2: yeah
11:30 AM me: may Allah make things easy
me: ameen
mahkabab2: these opportunities don't come by too often
hopefully we'll get another chance
me: well this is good news
but this time no more discussions
mahkabab2: al hamdoillallah
me: pray 2 rak3as and go
mahkabab2: inshallah
11:31 AM before i forget
me: yup
mahkabab2: he told me that he will not be taking any goods from us
if we want to give any goods
we save as much as we want and we'll take it with us
me: good then
mahkabab2: i told him i will save but i want to give some to him
11:32 AM cause it's too much to carry on me personally
but i wanted to tell u
u should have atleast 5 on the side for yourself
to travel, etc.
business takes money
this is for u.....not for anyone else
11:33 AM me: alhamduillallah i have at least double that with the other bro
so i should be good
mahkabab2: khayir inshallah
may Allah give u baraka in the money
me: ameen to all of us
11:34 AM me: may ALLAh make u as happy as u made me today
mahkabab2: :)
wullehi akhi
me: in the day of the judg
mahkabab2: jzk....for being a brother i can always count on in this path
not too many people i know on this road
me: my nafss before u two
mahkabab2: u r always the encourager
11:35 AM jzk
i love u fiallah ya akhi
me: we just need to get out feet wet
mahkabab2: inshallah
me: may ALLAh love u for thet
mahkabab2: wik
11:36 AM me: man, just thinking about, my heart flies like a little birdie
mahkabab2: akhi al habib



me: yes
mahkabab2: my time is about to run out
me: okay bro!
mahkabab2: and i can't find the store lady to extend:
me: jzk for everything
dang!
mahkabab2: sorry bro but i logged in early
w/k
me: this has to stay to the minimum
mahkabab2: inshallah
11:37 AM me: we're actually taking too much time, which is not good
mahkabab2: I'll keep in touch and we'll update u if anything happens
me: great
mahkabab2: khayir inshallah
me: yallah salam to everson
mahkabab2: inshallah....u too bro
me: sp the other two bros
mahkabab2: take care of yourself
i will.....
11:38 AM me: peace ni
mahkabab2: salaamo halavtoom va ekhi ai habib
me: B)

salem





kdala eww <mahkabab1@gmail.com>

Chat with mahkabab2@gmail.com

1 message

mahkabab2@gmail.com <mahkabab2@gmail.com>
To: mahkabab1@gmail.com

8:09 AM mahkabab2: what's up bro
sorry for the delay
u there?

8:10 AM me: yes
wakeup?
mahkabab2: me and the other brother are here
me: great
mahkabab2: okay

8:11 AM let's start
me: lets keep the language limited
mahkabab2: did u read the last emails?
me: yes
mahkabab2: any thoughts on them?
me: one sec
mahkabab2: ok

8:12 AM me: u know already my opinion

8:14 AM mahkabab2: so u will be ready on july 4th weekend?
me: inshallah

8:15 AM mahkabab2: have u applied for visa already?
me: it maybe late two days, because of some logistics with the family
sending my passport to Ny to get it done
mahkabab2: okay
there's somethings we need to discuss
and get your opinion

8:16 AM me: sure
mahkabab2: ready?
me: yup
mahkabab2: i need to tell u the story from the begining so u can have info
then we can all make a decision
as u know
we met a brother "sammy"
a few years ago while he was here visiting
he's the one that introduced us to the manager and the communicator

8:17 AM me: ok
mahkabab2: we worked with both sammy and these guys for about 8 or 9 months simultaneously
then the manager and the communicator asked us to join their team offically
once we did....they told us not to speak with sammy at all
sammy is a very good brother....but,
he is known all over and watched
anyone who is in contact with him....will get the same treatment
so they said if u want us to help u study abroad
u need to stop contacting sammy

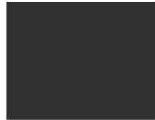
8:19 AM me: guess thats why u got some hard time lately
mahkabab2: we did....
sammy was very mad at all of us
but we thought it was the right thing to do at the time
so we worked with these guys
until a few months ago we lost contact
but before we lost contact
we told the communicator to give our data to someone else in case something happens to him
so he told us he did
but at that time....the communicator got into a disagreement with the manager
the communicator wanted to leave anywhere and soon
the manager wanted patience and he is very very cautious
they have been together for many years and communicator lost patience
so he split
u with me?
me: yes
mahkabab2: so the decision to contact these guys and give them our info is the communicator's decision and not the manager
the manager told me that the communicator's guys are vulnerable
meaning....if something happens to one of them and they go to a hospital
they could give you info to the doctors

8:20 AM me: yup
mahkabab2: they could give our info to the doctors
now we lost touch with communicator and manager
since several months ago
these guys called me on an old number
these new guys called me on an old number that the communicator told me not to use for business....
but they knew my name
and they knew there are two other people with me
u with me?

8:21 AM me: y
mahkabab2: okay
i have been copying and pasting almost every email for u to see
so u can also try to figure out if this is legit
or if it's a set up
me: there is one thing i wanted to tell u guys
mahkabab2: what is your opinion on the emails?
me: the last two months sounds too easy
mahkabab2: what do u mean?
me: i mean with the first guy it took u how long??? 2yrs
mahkabab2: yes.....
me: and these guys just open the doors and with large
meaning
meaning
mahkabab2: but this is largely because the manager is very very cautious
for example
me: at least the first guy use to say one at the time
mahkabab2: yes



me: now these r looking at the three
mahkabab2: the other brother here said the same thing
especially about the hotels
this is when he started to get worried
one more thing i want to tell u
i met sammy
8:28 AM and told him the situation
and he told me not to go with them because it could be bad
me: well there is no discussion then
mahkabab2: he told me if u wait with me.....something will come up
but not time frame at all
to be honest
me: be patient
8:29 AM mahkabab2: sammy had several opportunities for us
me: the one will guide us if we're honest
mahkabab2: but could not contact us because we cut him off
and he recently came back from a good place
me: great then
mahkabab2: so everytime I tell him we want to go
he says it
it's your fault for leaving me
me: anyway, smooth it out
mahkabab2: this is kabab
don't rush to conclusions
me: wetup
8:30 AM nono...there are certain things are just to clear
mahkabab2: let's remember that sammy is known guy
and dealing wth him is risky because of this
me: yup but if he tells u not to go with these guys, then dont
mahkabab2: also, lets not rush to the easy way of saying be patient
me: lol
8:31 AM the whole scenario here is shaky
mahkabab2: so hold on a minute and let's this brother finish the rest of the story as there is some more
then we
colectively make decision
me: okay
mahkabab2: so there are several issues
sammy as we told u has been hospitalized several times before
8:32 AM he told me one of the times
me: ok
mahkabab2: is because he was with one of the big managers inside of a good country
this big manager got hospitalized before him
and they told him your treatment will take 10 years
or we can reduce it to two years if u tell us who was with u when u got sick
8:33 AM so the "big" manager gave him their details
which got sammy hospitalized
so he warned me that the same could be happening now
maybe one of the guys who got our info
got hospitalized
and gave our info to help him with his sickness
8:34 AM maybe this is why they used an old number
to give me a hint?
me: good
mahkabab2: also... for your info
the last email i received from the communicator
had many hints that something was wrong
for example
he used an old name
8:35 AM and his message was in a different language then he normally writes
he also gave me his location....which he never ever does
me: so we've been hacked
mahkabab2: lol
so he was giving me a hint that something was wrong
me: emotions on the side
we all know our intentions
mahkabab2: so maybe the old number is the same
me: but com'on guys we got to use our brains
this is a straight setup
8:36 AM mahkabab2: toooooo
me: this is not to take the easy way out
mahkabab2: u didn't think so in the beginiting fo the chat
;))
u were sending your passport somewhere
;))
me: lol...I didnt have all this info
mahkabab2: u r right
me: I depend on u on a lot of things
8:37 AM mahkabab2: we also have other questics
me: be quick...dont to spend too much time here
mahkabab2: they're not using good security
okay
forget it
me: cuse they're secured
mahkabab2: i was thinking we should ask them some questions
me: nono
mahkabab2: to verify who they are
why not?
me: just say we're not ready
mahkabab2: we have nothing to lose
8:38 AM me: remember u can get hospitalized for ur intention
so play it safe
make it sound like we chickened out
mahkabab2: okay....we'll give it some thought
8:39 AM but for now
we'll continue with sammy?
me: also with sammy, the way he got u the first contact the same way can get u the second contact
mahkabab2: no
me: lets be vary prudent
mahkabab2: he promised to never introduce us to anyone again
;)



me: avoid talking openly on the phone
he just mad
mahkabab2: that's the problem with sammy
he's very open with a lot of things
8:40 AM me: he's a good person.....and we really trust
me: lets just be careful
mahkabab2: but he is not safe like manager
final thing
me: yes
mahkabab2: sammy is also trying to investigate for us who these guys are
so he says if he finds anything out....he will also let us know
8:41 AM me: great
mahkabab2: so i have your decision
me: yup
mahkabab2: and i think we're all in agreement
let's hold off for now
me: great
mahkabab2: and wait with sammy
me: if something its too easy then its not true
mahkabab2: this is kabab
since that's settled. should we start looking for seconds?
me: lollll
mahkabab2: :)
8:42 AM me: u read my mind
mahkabab2: let me make one thing clear
we decide all together in consensus
me: yes
mahkabab2: and we should also pick one of us to be a manager
sammy for now?
8:43 AM me: big bro should be then
yup
mahkabab2: ok
me: i trust ur judgement
mahkabab2: if he won't do it, we'll just consult like this and make collective decision
u never told us what u thought of the emails?
i guess it's not relevant
me: yup
too easy
8:44 AM mahkabab2: ok
let u go now
me: but we're too hungry
mahkabab2: if nothing else
which is why consultation
me: which is good but need to be wise
guys need to split
mahkabab2: ok
see ya
me: peace out

