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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 PIROUZ SEDAGHATY,)
)
 Defendant.)

Case No. 05-CR-60008-HO
GOVERNMENT'S SENTENCING
MEMORANDUM
Sentencing 11/23/2010 at 8:00 am

The United States of America, through its undersigned counsel, herein submits the following memorandum, addressing sentencing issues pertaining to defendant Sedaghaty.

Introduction

Defendant Sedaghaty was convicted at trial on two counts: Conspiracy and Tax Fraud. Both offenses involve defendant Sedaghaty's attempt to covertly fund mujahideen fighters in Chechnya and to conceal that illicit funding from the United States Government. A presentence report has been prepared for the Court, recommending a sentence of 96 months. The defendant challenges the sentencing calculations and apparently will be seeking a sentence of probation. In this memorandum, the government discusses the offense conduct, sentencing guidelines, 18 USC §3553a, and the government's sentencing recommendation. Since there will be witnesses at the sentencing hearing, the government will also preview some of the expected testimony in this memorandum.

Offense Conduct

From presiding over the trial, and the extensive pretrial litigation, this Court is well aware of the conduct which forms the basis of defendant's convictions. Offense conduct will be presented herein only when necessary to explain the justification for sentencing enhancements.

The Sentencing Guidelines

The sentencing guidelines are correctly calculated in the presentence report.

1. Base Offense Level

The 2000 edition of the United States Sentencing Guidelines was used for the presentence report, as it provides the set of Guidelines most favorable to the defendant.

2. Tax Loss

To assess the tax loss for purposes of the Sentencing Guidelines the IRS has calculated the amount defendant would have owed in taxes had he properly reported the distribution of the \$151,000 in the year 2000. That tax loss is \$80,980, exclusive of penalties and interest, and is explained below.

Certain assumptions, based on the evidence and convictions, drive the tax loss calculations:

- Since Al-Haramain (U.S.) was a tax exempt organization under IRC §501(c)(3), it is obligated to prove its receipts went to exempt charitable purposes;
- §501(c)(3) organizations may not fund acts of violence;
- Al-Haramain's (U.S.) corporate charter states that it opposes terrorism;
- El-Fiki stated that his \$150,000 donation was for "widows and orphans," and was wire transferred into Al-Haramain's (U.S.) account in Oregon. Defendant Sedaghaty and co-defendant Al-But'he were the only people authorized to access the funds in that account;
- Defendant Sedaghaty made unsuccessful attempts to distribute the funds to Chechnya, including through a different organization he controlled called the Quran Foundation;
- Defendants Sedaghaty, Al-But'he and others conspired to covertly smuggle \$130,000 of the El-Fiki funds out of the U.S. to the Chechen mujahideen;
- Al-But'he channeled most of the El-Fiki funds to a representative of Abu Umar, who at that time was one of the leaders of the Mujahideen in Chechnya, working directly with Ibn Khattab, Commander of the Mujahideen in Chechnya. At the time of our transaction, Abu Umar was the *de facto* head of the Kavkaz Institute,

which was a training camp for the Chechen Mujahideen;

- Defendant Sedaghaty used the remaining El-Fiki funds to purchase a \$21,000 cashier's check for Al-But'he, which Al-But'he deposited into his personal bank account in Saudi Arabia; and
- Defendant Sedaghaty falsely reported on the Al-Haramain Form 990 that \$130,000 of the El-Fiki funds were used as part of the purchase price for a building in Missouri, and that the remaining \$21,000 was returned to the donor.

Since defendant Sedaghaty used the El-Fiki donation in a manner inconsistent with the charter of Al-Haramain (U.S.), contrary to Al-Haramain's (U.S.) tax exempt status, but in furtherance of his personal agenda and purposes, tax law requires the misappropriated funds be taxed to him. The IRS has prepared a Form 4549-A for defendant Sedaghaty. (Attached hereto as Sentencing Exhibit 1). This Form uses the information he did report in his Form 1040, and adds additional taxes based on the conduct and assumptions described above. The diverted \$151,000 is treated as income to defendant on his personal Form 1040. This results in an additional tax due and owing of \$33,230 (Line 9). There being no evidence that the funds were originally treated or intended to be compensation to defendant Sedaghaty, the misappropriated funds constitute an excess benefit, resulting in an "excess benefit tax" of \$47,750 assessed against him. (Line 10). See 26 U.S.C. §4958(a)(1). These two taxes total \$80,980, which does not include penalties and interest.¹

USSG §2T1.1 states that the offense level is the level corresponding to the tax

¹USSG §2T1.1, App'n Note 1 states that penalties and interest are not part of the tax loss under the Sentencing Guidelines.

loss. Under USSG §2T4.1, a tax loss of between \$70,000 and \$120,000 yields an offense level of 14. The base offense level for defendant Sedaghaty is thus 14.

Witnesses will be available at the sentencing hearing to explain the tax calculations.

3. Sophisticated Means

USSG §2T1(b)(2) states:

“If the offense involved sophisticated concealment, increase by 2 levels.”

Application Note 4 to USSG §2T1.1 describes the meaning of sophisticated concealment:

For purposes of subsection (b)(2), “sophisticated concealment” means especially complex or especially intricate offense conduct in which deliberate steps are taken to make the offense, or its extent, difficult to detect. Conduct such as hiding assets or transactions, or both, through the use of fictitious entities, corporate shells, or offshore bank accounts ordinarily indicates sophisticated means.

The evidence supports this two level sentencing enhancement. Defendant Sedaghaty and his cohorts engaged in a conspiracy to move \$150,000 from England to Oregon to Saudi Arabia and into Chechnya. The following conduct evidences sophisticated concealment:

- reducing most of the EI-Fiki funds to hard-to-trace travelers checks;
- failing to file a CMIR when departing the United States;
- using an offshore bank account in Saudi Arabia to cash the traveler’s checks and the cashier’s check;
- smuggling cash into Chechnya;
- concealing the entire overseas transaction by reporting to CPA Wilcox that the

- funds were used to buy a building in United States or returned to the donor; and
- causing the CPA to prepare the Form 990, misrepresenting the overseas transaction as an innocuous building purchase in Missouri.

Finally, the Court is aware of how difficult it was to obtain the overseas bank records. This added a level of complexity not found in ordinary financial crimes.

As reflected in ¶33 of the PSR, a two point enhancement is appropriate.

4. Obstruction

USSG §3C1.1 provides:

If (A) the defendant willfully obstructed or impeded, or attempted to obstruct or impede, the administration of justice during the course of the investigation, prosecution or sentencing of the instant offense of conviction, and (B) the obstructive conduct related to (i) the defendant's offense of conviction and any relevant conduct; or (ii) a closely related offense, increase the offense level by 2 levels.

Application Note 4 to this Guideline states in pertinent part:

The following is a non-exhaustive list of examples of the types of conduct to which this adjustment applies: ... (c) producing or attempting to produce a false, altered, or counterfeit document or record during an official investigation or judicial proceeding.

The government need not prove that the conduct actually obstructed justice, as an attempt to do so will also satisfy this enhancement. United States v. Hernandez-Ramirez, 254 F.3d 841, 844 (9th Cir. 2001).

False Receipts Provided During the Investigation

During the investigation, a grand jury subpoena was served on the U.S. branch of the Al-Haramain Islamic Foundation. Specifically, records were requested which

reflected the movement of funds to Chechnya.² In response, attorneys for Al-Haramain eventually provided the case agent two receipts which supposedly covered the movement of the El-Fiki funds. Those receipts are false. While the Court has heard a great deal of information on these false receipts, the following justifies a two point enhancement for obstruction under USSG §3C1.1.

The receipts cover the same purported transaction, have identical form language, and are dated the same day, yet:

- contain references to different amounts of money (\$186,644.70 vs. \$188,465.00);
- are signed by Sedaghaty and Al-But'he, but in reverse order in the two receipts;
- one is supposedly witnessed by two individuals, but the other is not;
- contrary to the amounts listed in the receipts, and as Special Agent Anderson testified, Al-Haramain (U.S.) did not transfer more than \$151,000 to Al-But'he during the relevant time period;
- contrary to the statement on one of the "receipts," Al-But'he did not deposit the funds into the Al-Haramain (Riyadh) account. Rather, he cashed the 130 \$1,000 American Express Traveler's Checks and deposited the \$21,000 cashier's check into his own personal bank account in Saudi Arabia;
- neither of the receipts were found in the Al-Haramain (U.S.) computers or during

²Background concerning the subpoena, the request for financial records relating to Chechnya, and the provision of two false receipts purporting to cover the movement of the El-Fiki funds by defendant Sedaghaty and co-defendant Al-But'he, may be found in the trial testimony of Special Agent Anderson (9/2/10 TR at 232-37) and in a pretrial in limine motion to admit the false receipts - AHIF-2 and AHIF-3 - as evidence. (CR 397 at 1-10). The subpoena and the two false receipts are attached as exhibits to the in limine motion. (CR 397).

- the search of Al-Haramain's U.S. headquarters in Oregon; and
- the government specifically requested by subpoena financial documents relating to funds sent to Chechnya. Defendant Sedaghaty was in Saudi Arabia at the time. Documents were turned over to the government by Al-Haramain representatives in the United States in September 2003, including one of the false receipts signed by defendant Sedaghaty. These documents were originally provided by Al-Haramain in Saudi Arabia. With the exception of a couple of brief trips to other countries in the Middle East, defendant Sedaghaty was in Saudi Arabia from February 2003 until September 2003, just prior to the time the false receipt was sent from Saudi Arabia to the United States for delivery to investigators.

This information, as well as other information and testimony before this Court, warrant the two level enhancement for obstruction, as recommended in ¶28 of the PSR, as defendant Sedaghaty was personally involved in attempting to obstruct the investigation by providing two receipts falsely describing the movement of the funds.

5. The Terrorism Enhancement

The Sentencing Guidelines and Federal Law³

USSG, §3A1.4 reads:

(a) If the offense is a felony that involved, **or was intended to promote, a federal crime of terrorism**, increase by 12 levels; but if the resulting offense level is less than level 32, increase to level 32.

(b) In each such case, the defendant's criminal history category from Chapter

³The following quotes the pertinent law from the 2000 edition of the Sentencing Guidelines, which was the Manual in effect when the instant offenses occurred.

Four (Criminal History and Criminal Livelihood) shall be Category VI. (emphasis added)

Application Note One of this Guideline states that the term “Federal crime of terrorism” is defined at 18 U.S.C. §2332b(g). By engaging in the conduct that led to his convictions, defendant Sedaghaty intended to promote two of the listed federal crimes of terrorism; 18 U.S.C. §2339A (providing material support (money)), knowing or intending that it was to be used in preparation for a violation of 18 U.S.C. §956), and 18 U.S.C. §956 (relating to a conspiracy to injure property of a foreign government).

“Federal crime of terrorism” under 18 U.S.C. §2332b(g)(5) means an offense that–

(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

(B) is a violation of–

(i) ... section 956 (relating to conspiracy to injure property of a foreign government)...[or] 2339A (relating to providing material support to terrorists)....

18 U.S.C. §956 reads:

(a)(1) Whoever, within the jurisdiction of the United States, conspires with one or more other persons, regardless of where such other person or persons are located, to commit at any place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming if committed in the special maritime and territorial jurisdiction of the United States shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be punished as provided in subsection 2.

(b) Whoever, within the jurisdiction of the United States, conspires with one or more persons, regardless of where such other person or persons are located, to damage or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace ... shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be imprisoned for not more than 25 years.

18 U.S.C. 2339A provides:

Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of ... section 956 ... shall be fined under this title, imprisoned not more than 10 years, or both.

The Cases

To apply the USSG §3A1.4 enhancement, this Court need not find that defendant Sedaghaty personally committed a federal crime of terrorism, or even that a federal crime of terrorism was committed. See United States v. Awan, 607 F.3d 306, 314-15 (2d Cir. 2010) (sentencing guidelines enhancement under §3A1.4 applicable without showing that defendant's conduct constitutes federal crime of terrorism; sufficient to show that defendant's crime of conviction intended to promote federal crime of terrorism).

Awan is highly pertinent to the present case. There, in an opinion issued this past Summer, the Second Circuit did a thorough review of the terrorism enhancement and the cases interpreting the language of USSG §3A1.4. Focusing on the words "intended to promote" contained within the Guideline, the Second Circuit wrote:

The "intended to promote" prong applies where the defendant's offense is intended to encourage, further, or bring about a federal crime of terrorism, even though defendant's own crime of conviction or relevant conduct may not include a federal crime of terrorism. And this has an important implication: To qualify as a federal crime of terrorism that may serve as a predicate for a §3A1.4 enhancement, an offense must be listed in 18 U.S.C. §2332b(g)(5)(B) and, in addition, it must be an offense that ... is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct," as provided by 18 U.S.C. §2332b(g)(5)(A). Under the "intended to promote" prong, however, so long as the defendant's offense was intended to encourage, further or bring about a federal crime of terrorism as statutorily defined, the defendant himself does not have to commit an offense listed in §2332b(g)(5)(B).

Id. at 314 (citations omitted).

The Second Circuit's interpretation of the "intended to promote" prong of USSG §3A1.4 is not unique. In fact, it is consistent with every circuit which has considered the issue. See United States v. Arnaout, 431 F.3d 994, 1001 (7th Cir. 2005) (terrorism enhancement applicable where court finds that the intent or purpose of defendant's substantive offense of conviction was to promote a federal crime of terrorism; defendant need not be convicted of federal crime of terrorism); United States v. Mandhai, 375 F.3d 1243, 1247-48 (11th Cir. 2004) (same); United States v. Graham, 275 F.3d 490, 516-17 (6th Cir. 2001) (same).⁴

The terrorism enhancement is applicable in our case if the Court finds that, in committing the crimes of conviction - namely, conspiring to conceal from the United States the movement of the El-Fiki funds outside of the United States, and filing a false tax return on behalf of Al-Haramain (US) - defendant Sedaghaty:

- intended to promote a violation of Title 18, United States Code, Section 956: or
 - intended to promote a violation of Title 18, United States Code, Section 2339A;
- AND
- that such offense was calculated to influence or affect the conduct of the Russian government by intimidation or coercion, or to retaliate against Russia for its conduct.

⁴The Ninth Circuit has generally addressed the terrorism enhancement, see, e.g., United States v. Tankersley, 537 F.3d 1100, 1112-13 (9th Cir. 2008), but has not directly considered the specific question above. In addition, Chief Judge Aiken issued an unpublished memorandum in United States v. Thurston, 2007 WL 1500176 (D. Or., May 21, 2007), holding that the terrorism enhancement is applicable where the offense of conviction was intended to promote a "federal crime of terrorism."

If so found, then USSG §3A1.4 applies and escalates the offense level to a minimum of 32.⁵

The Facts Supporting the Terrorism Enhancement

Expert witness Evan Kohlmann testified at trial that in 1999 armed conflict broke out between the Chechen Mujahideen and the Russian government in the Caucasus region.⁶ Mujahideen Commander Ibn Khattab and roughly one-thousand of his fighters launched aggressive guerrilla operations against Russian forces. Russia responded with its own aggressive tactics.

The mujahideen also resorted to acts of terrorism against the Russian populace. The mujahideen and their sympathizers were responsible for attacks on apartment buildings in Moscow, as well as attacks on a theatre, subway systems, and an elementary school, resulting in the deaths of many civilians. These attacks continue through the present day. On October 19, 2010, suicidal Islamic insurgents stormed the parliament building in Chechnya, exploding themselves and others in an attempt to destabilize Chechnya. See

http://news.yahoo.com/s/ap/20101019/ap_on_re_eu/eu_russia_caucasus_violence

⁵The Ninth Circuit has held that “when a sentencing factor has an extremely disproportionate effect on the sentence relative to the offense of conviction, due process requires that the government prove the facts underlying the enhancement by clear and convincing evidence.” United States v. Jordan, 256 F.3d 922, 926 (9th Cir. 2001). Since the terrorism enhancement substantially elevates the offense level, this Court should make its sentencing findings based on the clear and convincing standard.

⁶Kohlmann also prepared a detailed report prior to trial, provided to the Court and the defense, which chronicles the support provided by Al-Haramain to the mujahideen in Chechnya. The information contained herein is largely derived from Kohlmann’s trial testimony and his expert report, which is attached hereto as Sentencing Exhibit 2.

There can be no doubt that the mujahideen's conduct has been "calculated to influence or affect the conduct of the Russian government by intimidation or coercion, or to retaliate against Russia for its conduct."

Mujahideen Funding in Chechnya and Defendant's Attempt to Help

Since they were not working directly for any particular country, the mujahideen in Chechnya needed funding to continue their jihad against Russia in late 1999. Kohlmann testified that the mujahideen took advantage of the newly developing technology of the Internet to promote its message and funding requests. This Court heard about websites and media outlets created to support the Chechen mujahideen, such as qqaz.net, Azzam Publications, and the Sheeshan Group listserv, which distributed mujahideen propaganda through E-mails. This material was published in many languages, including English and Russian. A famous interview of Commander Khattab was published through the internet and found its way to defendant Sedaghaty in Oregon through an E-mail distribution. This Court knows from trial that defendant Sedaghaty took a portion of this interview - one where Khattab implored Islamic charities to support his forces with money - and "cut and pasted" it into an E-mail to co-defendant Al-But'he, along with the added byline of "What Support?". (See SW-11). Fundraising videos for the Chechen mujahideen were found at defendant Sedaghaty's residence. Excerpts of these videos, Exhibit SW-1, were played for the jury.

Defendant Sedaghaty and one of his wives, who used the computer moniker "ptchika1@hotmail.com," helped Azzam Publications translate the Web-based material about the mujahideen into Russian. (SW-17 & 61). The jury viewed a note by Commander Khattab personally thanking defendant Sedaghaty's wife (Sister Ptichka)

and others for translating jihadi content into Russian for Azzam (SW-26).

This Court is well aware of defendant Sedaghaty's interest in the plight of the mujahideen in Chechnya. He was able to follow the day-to-day events through news accounts distributed by his friend and fellow co-conspirator Abdul Qadir (the "AQ" Sheeshan E-mails). On behalf of Al-Haramain, AQ sent out battlefield updates and pro-mujahideen propaganda to interested followers, including defendant Sedaghaty. Some of the E-mails were requests that fellow Muslims do their part for the jihad by sending money to Commander Khattab. (See SW-12).

Religious edicts, known as fatwas, were sent to defendant Sedaghaty and found in his computers. These fatwas state that Muslims were obligated to provide money to support the mujahideen fighters in Chechnya. One of the fatwas was received by defendant Sedaghaty on March 8, 2000, just two days before defendants Sedaghaty and Al-But'he went to the Ashland, Oregon bank to retrieve the El-Fiki funds. (SW-30).

Kohlmann explained how funds were physically provided by Islamic charities to the mujahideen. He testified that funds donated as *zakat* by Muslims were sometimes diverted to support the mujahideen. Since there were no banks reliably operating in or near Chechnya, which at that point was a war zone, charities obtained cash and used money runners to smuggle funds into Chechnya in increments between \$100,000-\$500,000.

Also related to defendant Sedaghaty's desire to assist the mujahideen in Chechnya is a statement he made to Richard Cabral. Cabral was a long-term associate of the defendant. At one point, Cabral went to visit defendant Sedaghaty at his residence and observed Sedaghaty showing a pro-Chechen mujahideen video to

another associate. During this viewing, defendant Sedaghaty stated that he wanted to go to Chechnya and fight. Mr. Cabral did not testify at trial because he died in 2008. His witness statement is attached. See Richard Cabral Interview Report at paragraph 8 (Sentencing Exhibit 5).

Where Did Our Money Go?

On March 18, 2009, this Court approved the distribution of an unclassified summary of classified documents responsive to defendant's pretrial discovery requests. That summary, provided to defense counsel well before trial, reveals:

The U.S. Government obtained information that Sami 'Abd Al 'Aziz Al-Sanad worked during 2000 and 2001 for the Al-Haramain organization and was responsible for providing currency supplied by Al-Haramain, including the currency obtained by codefendant Soliman Al-Buthe from Al-Haramain USA, to a representative of Muhammad Al-Sayf, aka **Abu 'Umar**, to be smuggled into Chechnya. Al-Sanad has claimed that the monies he provided to Al-Sayf's representatives were destined for needy Chechen families.

See Government Sentencing Exhibit 3 (emphasis added).⁷

Kohlmann provided background information about Abu 'Umar, both in his expert report and at trial. Kohlmann testified that once mujahideen Commander Khattab and his fellow commanders and advisors first arrived in Chechnya, they established the Kavkaz Institute. The purpose of this camp was to teach a militant religious framework in order to fight the Russians in Chechnya. The Kavkaz Institute, also known as the Caucasus Foundation, was a school to propagate radical Islam, including religious instruction and combat training. The jury and this Court observed the playing of Government Exhibit EX-7, a demonstrative exhibit, which was a series of clips recorded

⁷Before trial, the defense sought to introduce this document as defense exhibit #730. They later withdrew it, so it was never before the jury.

at the Kavkaz Institute as a fundraising tool for supporters of the mujahideen. This video shows mujahideen soldiers being trained in the art of armed conflict, to include physical training, weapon training, and explosives training. Footage of actual mujahideen combat operations, such as the downing of a helicopter and the destruction of a railroad bridge, are contained in this video. Defendant Sedaghaty had a photograph of the Kavkaz Institute in his computers. (Government Exhibit SW-38). This photograph depicts camouflaged fighters marching in formation in front of the Kavkaz Institute.

Kohlmann identified Sheikh **Abu 'Umar** al-Saif as the supervisor of the Kavkaz camp. Abu 'Umar came to Chechnya and, along with Commander Khattab, played a key leadership role for the Chechen mujahideen. Abu 'Umar was especially critical in obtaining funding for mujahideen operations, and secured money from donors in the Middle East. Abu 'Umar personally implored Muslims to make charitable donations to support the jihad in Chechnya. In an online interview in January 2000 (the same month that El-Fiki made his donation to Al-Haramain) Abu 'Umar boasted that financial support from Muslims played an important role in the victories of the mujahideen, who had been lacking adequate supplies of food and medicine.

Abu 'Umar was thus a vital player during the time period important to the government's case, raising funds for Commander Khattab and the Chechen mujahideen, and supervising the Kavkaz Institute. The unclassified summary set forth above connects the funds brought from Al-Haramain (U.S.) by co-defendant Al-But'he to Abu 'Umar and the Chechnen mujahideen.

Expected Testimony at the Sentencing Hearing From Russia Security Forces

At the sentencing hearing, the government intends to call Colonel Sergey Ignatchenko, an officer of the Federal Security Service of the Russian Federation (often referred to as the "Russian FSB"), to testify as a witness via video transmission relevant to issues of the application of the terrorism enhancement under the sentencing guidelines and the appropriate sentence in this case. The fact that the witness will not be physically present in the courtroom does not make his testimony inadmissible since even hearsay is admissible at a sentencing hearing. The Sixth Amendment right to confrontation does not apply at sentencing and thus does not prohibit such testimony. See, e.g., United States v. Paull, 551 F.3d 516, 528 (6th Cir.) (2009) (reliance on hearsay contained in letter appropriate at sentencing hearing), and cases cited therein. See also Peterson v. California, 604 F.3d 1166, 1170 (9th Cir. 2010) (hearsay testimony at preliminary hearing constitutional since right to confrontation "is primarily a trial right"); United States v. Littlesun, 444 F.3d 1196, 1199-1200 (9th Cir. 2006) (Crawford, hearsay rule, and other evidentiary limitations inapplicable at sentencing, so long as accompanied by minimal indicia of reliability). Here, Colonel Ignatchenko's testimony will be subject to cross-examination by defense counsel.

Colonel Ignatchenko was the FSB officer in charge of investigating the activities of the Al Haramain Islamic Foundation in Chechnya during the time period that defendant Sedaghaty and other Al Haramain representatives handled the \$150,000 which was the subject of the trial. He will testify about the material support provided by Al-Haramain to the Chechen mujahideen, including the purchase of weapons. For example, he will testify that the Russian government intercepted a phone call in February 2000 (the same month in which El-Fiki wired his \$150,000 to the Al-Haramain

account at the Bank of America in Oregon), which indicated that “Al Haramain had 50 million dollars designated specifically for the mujahidins.” Later in the year 2000, a phone call was intercepted between Aqil Aqil, the head of Al-Haramain world-wide as well as a director of the Oregon branch of Al-Haramain, and Mujahideen Commander Khattab. In this phone call, Aqil told Khattab:

The cargo is ready to be shipped: RPGs⁸ and rounds of ammunition for them, along with rounds for other systems; machine guns, Kalashnikov assault rifles, sniper rifles. We purchased 1000 rounds of ammunition, AGS,⁹ one PTUR “Fagot,”¹⁰ 500 [bulletproof] vests.”

Colonel Ignatchenko will also provide details concerning the Kavkaz Institute, the mujahideen training camp described above, including the financial support of the camp by Al-Haramain, and the training of the Chechen mujahideen to commit acts of terrorism. “Graduates” of the Institute were required to commit an act of terrorism upon leaving the camp. Ignatchenko will identify documents taken from students of the Kavkaz Institute or from the computer of a Chechen mujahideen leader, including wiring diagrams for bombs, Al-Haramain receipts reflecting funding for the camp, and a “Martyrs and Orphans Form” which, among other things, was used to keep track of the mujahideen’s “role in the jihad” and their ultimate fate.¹¹ Ignatchenko’s testimony, combined with Kohlmann’s testimony and many of the trial exhibits, will be relevant to

⁸ Rocket Propelled Grenades

⁹ Automatic Grenade Launchers

¹⁰ An anti-tank grenade launcher.

¹¹Ignatchenko’s report and related sentencing exhibits are attached hereto. See Ignatchenko Witness Report and Exhibits FSB 4 through FSB 11, Sentencing Exhibit 4.

establishing the foundational basis for the terrorism enhancement.

The Terrorism Enhancement Applies

The summary of the declassified report concerning the Al-Haramain money runner Sanad indicates that Al-But'he gave \$130,000 of the El-Fiki money to a representative of "Abu 'Umar" to be smuggled into Chechnya. While Sanad said he thought the funds were for "needy Chechen families," the facts and circumstances strongly suggest otherwise. Abu 'Umar was operating the Kavkaz camp for the Chechen mujahideen and was providing logistical support to Commander Khattab. The El-Fiki funds were intended to assist the mujahideen's jihad against Russian soldiers by killing them and damaging and destroying property in Russia. Legally stated, the evidence establishes that, in committing the crimes for which he has been convicted, defendant Sedaghaty "intended to promote" violations of 18 U.S.C. §2339A and 18 U.S.C. §956. He conspired with Al-But'he and others to conceal the movement of the El-Fiki donation out of the United States, to be delivered to a representative of Abu 'Umar and his fellow mujahideen, including Commander Khattab, to support their efforts to fight Russia. These offenses were calculated to influence or affect the conduct of the Russian government by intimidation or coercion, or to retaliate against Russia for its conduct. If this Court agrees, then an enhancement under USSG §3A1.4 is warranted, as recommended in ¶26 of the PSR.

6. Guideline Range

The enhancement under USSG §3A1.4 raises the offense level to a minimum of 32, with a mandatory criminal history category of VI. This yields a sentencing range of 210-262 months. The crimes of conviction, however, have a combined statutory

maximum of 96 months (60 months for the conspiracy count and 36 months for the tax fraud count). Pursuant to USSG § 5G1.1(a), where the guideline range exceeds the statutory maximum term, the statutory maximum becomes the guideline sentence. The force of the terrorism enhancement is thus substantially blunted by the statutory maximum. Accordingly, the maximum sentence this Court may impose on defendant Sedaghaty is 96 months.

18 U.S.C. §3553a Factors

Under present sentencing law, this Court must first determine the applicable Guidelines range. United States v. Carty, 520 F.3d 984, 991 (9th Cir. 2008) (en banc). The guidelines must “be calculated correctly,” since the guideline range is the starting point and “initial benchmark.” United States v. Ressam, 593 F.3d 1095, 1117 (9th Cir. 2010). Specific findings need to be made on the tax loss and the applicability of enhancements for terrorism, obstruction and sophisticated concealment.

Since the Guidelines are merely advisory, once the correct Guidelines range has been established, the Court must then make an individualized determination and permit the parties to make their arguments for the sentence they feel is appropriate, taking into consideration the factors within 18 U.S.C. §3553a. Ressam, 593 F.3d at 1117-18.

Defendant Sedaghaty has no criminal history. Prior to his departure from the United States in 2003, he served as a public and peaceful religious leader in Oregon. Many witnesses, including religious leaders of differing faiths, have testified and offered other support for him, characterizing him as a man of peace who disdained acts of terrorism. These views should neither be ignored nor rejected, but evaluated in view of his private and insidious side, exposed by the evidence in this case.

Defendant Sedaghaty knowingly agreed to help co-defendant Al-But'he and other Al-Haramain officials running the "charity" launder a \$150,000 donation through the United States to Saudi Arabia in an attempt to provide funding for the mujahideen in Chechnya. The jury convicted him of conspiring to prevent the United States Government from learning of his actions and covering up the entire transaction by lying to his accountant, who unwittingly prepared an Al-Haramain tax return for defendant Sedaghaty, which made the transaction look like an innocuous purchase of a building in Missouri.

To this day, defendant Sedaghaty has refused to accept responsibility for his actions. Rather, he departed the United States during the criminal investigation in February 2003, taking up residence in Saudi Arabia, the U.A.E., Syria and Iran. He became a fugitive from justice when he was officially charged in February 2005. He intentionally remained a fugitive until August 2007, when he negotiated his surrender to federal agents. He was well-represented by extremely capable lawyers and was given a fair trial. It is time for him to be held accountable for his crimes. A within Guideline sentence of 96 months (as per USSG § 5G1.1(a)) is appropriate.¹²

**Funds Available to Defendant Should be Paid to the
Government as Reimbursement for His Legal Representation**

After defendant Sedaghaty returned to the United States and surrendered to federal agents in August 2007, he filled out a financial affidavit asserting he was indigent and therefore applied for court-appointed counsel. (CR 26). The government

¹²If the Court does not apply the terrorism enhancement, an upward variance is alternatively appropriate, since the defendant's criminal conduct was far outside the heartland of typical criminal tax cases.

is not privy to that affidavit. Magistrate Judge Coffin granted the motion for court-appointed counsel and Attorney Matasar began representing defendant at the taxpayer's expense. (CR 27, 35). At some point in the proceeding, Attorney Matasar was joined by the Federal Defender's Office, who also began representing defendant Sedaghaty at taxpayer's expense. Another financial affidavit was filed under seal. (CR 48).

On November 1, 2007, a letter dated October 25, 2007 was docketed under seal. The government is not privy to this letter. The letter, from Attorney Wax to the Court, apparently concerns funds and/or assets received by counsel on behalf of defendant Sedaghaty, who claimed he was indigent. This Court issued a minute order on November 1, 2007 (CR 61):

Defendant is ordered not to access, or disburse, or cause to be disbursed any funds in the trust accounts of any of the attorneys identified in Mr. Wax's letter to the court dated 25 October 2007. The court requires that these sums and other assets identified in the financial affidavit attached to that letter be preserved and remain available for consideration of repayment of funds paid pursuant to the Criminal Justice Act for costs of representation in this case.

While initially detained, the Court released defendant Sedaghaty pretrial. One of the release conditions was that he execute an appearance bond in the amount of \$150,000. The bond was partially secured by the posting of \$58,981.00 received by the Clerk's Office on behalf of defendant Sedaghaty. (CR 67). The government is unaware of whether these funds are the same as those identified in the Court's previous order.

Under 18 U.S.C. §3006A(f):

Whenever the ... court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the ... court for deposit in the Treasury as a reimbursement....

This Court should order funds posted by or on behalf of defendant, as well as the “other assets identified in the financial affidavit,” be paid to the Treasury as reimbursement of funds spent by the taxpayers on his behalf. To do so, the Court must first determine: 1) the rough amount of taxpayer funds expended on behalf of defendant; and 2) that he has the present ability to pay some of the expenses. United States v. Danielson, 325 F.3d 1054, 1076-77 (9th Cir. 2003) (repayment under 3006A(f) must be based on defendant’s current ability to repay; district court may order full or partial reimbursement of attorney fees upon finding that funds are available). The \$58,981 posted with the Court, as well as the other assets referred to by the Court in its order, appear to be sufficiently “presently available” to defendant under the reimbursement provision of 18 U.S.C. 3006A(f).

In the alternative, any such funds or assets available to defendant should be used to pay restitution. The presentence report recommends that defendant Sedaghaty pay the Internal Revenue Service restitution in the amount of \$80,980.

Conclusion

For reasons stated, the government concurs with the recommendation in the presentence report that defendant Sedaghaty be sentenced to serve 96 months in prison. Defendant Sedaghaty should continue to be detained as a flight risk and the Court should further order that funds and assets be transferred to the government as

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reimbursement of legal fees or as restitution.

DATED this 17th day of November, 2010.

Respectfully submitted,

DWIGHT C. HOLTON
United States Attorney

/s/ Christopher L. Cardani

By: _____
CHRISTOPHER L. CARDANI
Assistant United States Attorney

/s/ Charles F. Gorder, Jr.

By: _____
CHARLES F. GORDER, JR.
Assistant United States Attorney

Sentencing Exhibit 1

IRS Form 4549-A

Form 4549-A (Rev. May 2008)	Department of the Treasury-Internal Revenue Service Income Tax Discrepancy Adjustments	Page <u>1</u> of <u>2</u>	
Name and Address of Taxpayer Perouz Sedaghaty		Taxpayer Identification Number 281-72-6529	
		Return Form No.: 1040	
		Person with whom examination changes were discussed. Name and Title: Perouz Sedaghaty	
1. Adjustments to Income	Period End 12/31/2000	Period End	Period End
a. Sch E-Inc/Loss-Prtnrship/S Corps-Passve/Non-Passve b. Embezzled Funds c. Funds intended for distribution d. e. f. g. h. i. j. k. l. m. n. o. p.	(24,339.00) 21,000.00 130,000.00		
2. Total Adjustments	126,661.00		
3. Taxable Income Per Return or as Previously Adjusted	6,941.00		
4. Corrected Taxable Income	133,602.00		
Tax Method	SCHEDULE D		
Filing Status	Head of Household		
5. Tax	33,230.00		
6. Additional Taxes / Alternative Minimum			
7. Corrected Tax Liability	33,230.00		
8. Less Credits	0.00		
a. Child Tax Credit			
b.			
c.			
d.			
9. Balance (Line 7 less total of Lines 8a thru 8d)	33,230.00		
10. Plus Other Taxes	47,750.00		
a. Other Taxes			
b.			
c.			
d.			
11. Total Corrected Tax Liability (Line 9 plus Lines 10a thru 10d)	80,980.00		
12. Total Tax Shown on Return or as Previously Adjusted	0.00		
13. Adjustments to:			
a.			
b.			
c.			
14. Deficiency-Increase in Tax or (Overassessment - Decrease in Tax) (Line 11 less Line 12 adjusted by Lines 13a through 13c)	80,980.00		
15. Adjustments to Prepayment Credits-Increase (Decrease)			
16. Balance Due or (Overpayment) - (Line 14 adjusted by Line 15) (Excluding interest and penalties)	80,980.00		

Form 4549-A (Rev. May 2008)	Department of the Treasury-Internal Revenue Service Income Tax Discrepancy Adjustments		Page <u>2</u> of <u>2</u>
Name of Taxpayer Perouz Sedaghatv		Taxpayer Identification Number 281-72-6529	Return Form No.: 1040
17. Penalties/ Code Sections	Period End 12/31/2000	Period End	Period End
a.			
b.			
c.			
d.			
e.			
f.			
g.			
h.			
i.			
j.			
k.			
l.			
m.			
n.			
18. Total Penalties			
Underpayment attributable to negligence: (1981-1987) A tax addition of 50 percent of the interest due on the underpayment will accrue until it is paid or assessed.			
Underpayment attributable to fraud: (1981-1987) A tax addition of 50 percent of the interest due on the underpayment will accrue until it is paid or assessed.			
Underpayment attributable to Tax Motivated Transactions (TMT). Interest will accrue and be assessed at 120% of underpayment rate in accordance with IRC 6621(c).	0.00		
19. Summary of Taxes, Penalties and Interest:			
a. Balance due or (Overpayment) Taxes - (Line 16, Page 1)	80,980.00		
b. Penalties (Line 18) - computed to 10/08/2010			
c. Interest (IRC § 6601) - computed to 11/07/2010	0.00		
d. TMT Interest - computed to 11/07/2010 (on TMT underpayment)	0.00		
e. Amount due or refund - (sum of Lines a, b, c and d)	80,980.00		

Other Information:

Examiner's Signature: Name Paula Bennett	Employee ID: 93-02278	Office:	Date: 10/08/2010
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The Internal Revenue Service has agreements with state tax agencies under which information about federal tax, including increases or decreases, is exchanged with the states. If this change affects the amount of your state income tax, you should amend your state return by filing the necessary forms.

You may be subject to backup withholding if you underreport your interest, dividend, or patronage dividend income you earned and do not pay the required tax. The IRS may order backup withholding (withholding of a percentage of your dividend and/or interest payments) if the tax remains unpaid after it has been assessed and four notices have been issued to you over a 120-day period.

Name of Taxpayer:	Perouz Sedaghaty	10/08/2010
Identification Number:	281-72-6529	Total 11.20.00

2000 - FORM 6251 - ALTERNATIVE MINIMUM TAX COMPUTATION

1. Total Adjustments and Preferences	6,450.00
2. Tax Table Income (from Form 1040, line 37)	144,802.00
3. Net Operating Loss Deduction	0.00
4. Itemized Deduction Limitation (from Schedule A Worksheet)	(\$0.00)
5. Combine lines 1 through 4	151,252.00
6. Alternative Tax Net Operating Loss Deduction	0.00
7. Alternative Minimum Taxable Income	151,252.00
8. Exemption Amount	24,062.00
9. Subtract line 8 from line 7 (if 0 or less, enter 0)	127,190.00
10. If line 9 is \$175,000 or less (\$87,500 or less if married filing separate) multiply line 9 by 26%	33,069.00
11. Alternative Minimum Tax Foreign Tax Credit	0.00
12. Tentative Minimum Tax (Subtract 11 from 10)	33,069.00
13. Regular Tax Before Credits (less Foreign Tax Credit)	33,230.00
14. Alternative Minimum Tax (before credit)	0.00
15. Empowerment Zone Employment Credit	0.00
16. Net Alternative Minimum Tax (line 14 less line 15)	0.00

EXEMPTION WORKSHEET (Line 8)

A. Exemption amount based on filing status	33,750.00
B. Alternative Minimum Taxable Income (line 7)	151,252.00
C. Enter \$112,500 (\$150,000 if married filing jointly or qualifying widow(er), \$75,000 if married filing separate)	112,500.00
D. Subtract line C from line B	38,752.00
E. Multiply line D by 25%	9,688.00
F. Subtract line E from line A (if zero or less, enter 0)	24,062.00

Name of Taxpayer: Perouz Sedaghaty 10/08/2010
 Identification Number: 281-72-6529 Total 11,20.00

2000 - FORM 6251 - CONTINUATION, USING MAXIMUM CAPITAL GAINS RATES
 COMPUTATION OF LINE 10 WHEN SCHEDULE D IS COMPLETED

1. Amount from Form 6251 Report, line 9	127,190.00
2. Amount from Schedule D Report, line 22 (refigured for AMT)	8,115.00
3. Amount from Schedule D Report, line 20 (refigured for AMT)	0.00
4. Add line 2 and 3	0.00
5. Amount from Schedule D Report, line 17 (refigured for AMT)	125,487.00
6. Smaller of line 4 or line 5	0.00
7. Subtract line 6 from line 1	127,190.00
8. If line 7 is \$175,000 or less (\$87,500 if MFS) multiply line 7 by 26%. Otherwise, multiply line 7 by 28% and subtract \$3,500 (\$1,750 if MFS) from result	33,069.00
9. Amount from Schedule D Report, line 31	0.00
10. Smallest of line 1, 2, or line 9	0.00
11. Multiply line 10 by 10%	0.00
12. Smaller of line 1 or line 2	8,115.00
13. Amount from line 10	0.00
14. Subtract line 13 from line 12 (not less than 0)	8,115.00
15. Multiply line 14 by 20%	1,623.00
16. Amount from line 1	127,190.00
17. Add lines 7, 10, and 14	135,305.00
18. Subtract line 17 from line 16	0.00
19. Multiply line 18 by 25%	0.00
20. Add lines 8, 11, 15, and 19	34,692.00
21. If line 1 is \$175,000 or less (\$87,500 if MFS) multiply line 1 by 26%. Otherwise, multiply line 1 by 28% and subtract \$3,500 (\$1,750 if MFS) from result	33,069.00
22. Smaller of line 20 or 21, enter here and on line 10 of Form 6251 Report	33,069.00

Name Of Taxpayer:	Perouz Sedaghaty	10/08/2010
Identification Number:	281-72-6529	Total 11.20.00

2000 - CHILD TAX CREDIT AND FORM 8812 ADDITIONAL CHILD TAX CREDIT

1. Amount of credit based on Qualifying Children	1,000.00
2. Modified AGI	151,252.00
3. Limitation based on Filing Status (\$110,000 if joint, \$75,000 if single, head of household or qualifying widow(er); \$55,000 if married filing separate	75,000.00
4. Subtract line 3 from line 2 (not less than 0) if the result is not a multiple of \$1,000.00, increase it to the next multiple of \$1,000.00	77,000.00
5. Multiply line 4 by .05	3,850.00
6. Subtract line 5 from line 1 (if 0 or less no credit is allowed)	(2,850.00)
7. Corrected Tax before Allowable Credits	33,230.00
8. Credit limitation	0.00
9. Subtract line 8 from line 7	33,230.00
10. CHILD TAX CREDIT (Smaller of line 6 or 9)	0.00

FORM 8812 - ADDITIONAL CHILD TAX CREDIT

1. Total Social Security and Medicare taxes withheld from pay	0.00
2. One-half of Self Employment Tax	0.00
3. Add Lines 1 and 2	0.00
4. Earned Income Credit and SSI/RRTA taxes withheld	0.00
5. Subtract line 4 from line 3. If 0 or less no credit is allowed)	0.00
6. Amount from line 6 above.	(2,850.00)
7. Amount of Child Tax Credit as shown on line 10 above.	0.00
8. Subtract line 7 from line 6 (if 0 or less no credit is allowed)	(2,850.00)
9. Additional Child Tax Credit, Smaller of line 5 or 8	0.00

Name of Taxpayer:	Perouz Sedaghaty	10/08/2010
Identification Number:	281-72-6529	Total 11.20.00

2000 - FORM 8839 - QUALIFIED ADOPTION EXPENSES

	Child One	Child Two
1. \$5,000. (\$6,000 Special Needs Child)	5,000.00	5,000.00
2. Prior Year adoption expenses	0.00	0.00
3. Subtract line 2 from line 1	0.00	0.00
4. Total qualified adoption expenses	0.00	0.00
5. Smaller of line 3 or 4	0.00	0.00
6. Total of the amounts on line 5		0.00
7. Modified Adjusted Gross Income		0.00
8. If line 7 is more than \$75,000, subtract \$75,000 from the amount on line 7 (if line 7 is less than or equal to \$75,000, set lines 8, 9, and 10 to 0)		0.00
9. Divide line 8 by \$40,000 (decimal rounded to three places)		0.000
10. Multiply line 6 by line 9		0.00
11. Subtract line 10 from line 6		0.00
12. Credit carryforward from prior year		0.00
13. Add lines 11 and 12		0.00
14. Corrected Tax, less allowable credits		0.00
15. Credit limitation		0.00
16. Adoption Credit, Smaller of line 14 or 15		0.00
17. Credit carryforward		0.00

EMPLOYER-PROVIDED ADOPTION BENEFITS

	Child One	Child Two
18. \$5,000. (\$6,000 Special Needs Child)	5,000.00	5,000.00
19. Prior Year Employer Provided Benefit	0.00	0.00
20. Subtract line 19 from line 18	5,000.00	5,000.00
21. Employer Provided Benefits	0.00	0.00
22. Total of amounts on line 21		0.00
23. Smaller of line 20 or line 21	0.00	0.00
24. Total of amounts on line 23		0.00
25. Modified Adjusted Gross Income		0.00
26. If line 25 is more than \$75,000, subtract \$75,000 from the amount on line 25 (if line 25 is less than or equal to \$75,000, set lines 26, 27, and 28 to 0)		0.000
27. Divide line 26 by \$40,000 (decimal rounded to three places)		0.00
28. Multiply line 24 by line 27		0.00
29. Subtract line 28 from line 24		0.00
30. Excluded Benefits, smaller of line 24 or 29		0.00
31. Taxable Benefits Subtract line 30 from line 22		0.00

Name of Taxpayer: Perouz Sedaghaty		10/08/2010
Identification Number: 281-72-6529	Total	11.20.00

2000 - SCHEDULE D - CAPITAL GAINS AND LOSSES

1. Short-term capital gain or loss	0.00
2. Short-term capital loss carryover	0.00
3. Net Short-term Gain or Loss (Add line 1 and 2)	0.00
4. Long-term capital gain or loss	8,115.00
5. Long-term capital gain or loss carryover	0.00
6. Net long-term Gain or Loss (Add line 4 and 5)	8,115.00
7. Sum of lines 3 and 6 - Net Capital Gain or Loss	8,115.00
8. Capital loss limitation	0.00
9. Capital Gain or Loss - As Corrected	8,115.00
10. Capital Gain or Loss - Per Return	8,115.00
11. Line 9 less line 10 - Adjustment to Income	0.00

CORRECTED CARRYOVER

12. Short-term Carryover to Subsequent Year	0.00
13. Long-term Carryover to Subsequent Year	0.00

COMPUTATION OF ALTERNATE TAX

14. Taxable Income	133,602.00
15. Smaller of line 6 or line 7	8,115.00
16. Form 4952, line 4e	0.00
17. Subtract line 16 from line 15	8,115.00
18. Combine line 3 and Total 28% Rate Gain (not less than 0)	0.00
19. Smaller of line 18 and Total 28% Rate Gain	0.00
20. Unrecaptured Section 1250 Gain	0.00
21. Add line 19 and 20	0.00
22. Subtract line 21 from line 17 (not less than 0)	8,115.00
23. Subtract line 22 from line 14 (not less than 0)	125,487.00
24. Smaller of line 14 or 35,150.00	35,150.00
25. Smaller of line 23 or line 24	35,150.00
26. Subtract line 17 from line 14 (not less than 0)	125,487.00
27. Larger of line 25 or line 26	125,487.00
28. Tax on amount on line 27	31,607.00
29. Amount from line 24	35,150.00
30. Amount from line 23	125,487.00
31. Subtract line 30 from line 29 (not less than 0)	0.00
32. Multiply line 31 by 10%	0.00
33. Smaller of line 14 or line 22	8,115.00
34. Amount from line 31	0.00
35. Subtract line 34 from line 33 (not less than 0)	8,115.00
36. Multiply line 35 by 20%	1,623.00
37. Smaller of line 17 or line 20	0.00
38. Add lines 17 and 27	133,602.00
39. Amount from line 14	133,602.00
40. Subtract line 39 from line 38	0.00
41. Subtract line 40 from line 37	0.00
42. Multiply line 41 by 25%	0.00
43. Amount from line 14	133,602.00
44. Add lines 27, 31, 35, and 41	133,602.00
45. Subtract line 44 from line 43	0.00
46. Multiply line 45 by 28%	0.00
47. Add lines 28, 32, 36, 42, and 46 - Alternative Tax	33,230.00

Sentencing Exhibit 2

Expert Report of
Evan Kohlmann

Expert Report:
United States v. Al-Haramain Islamic Foundation, Pirouz Sedaghaty, and Soliman Hamad al-Buthe

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

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

- United States v. Sabri Benkhala (Eastern District of Virginia, 2004)
- United States v. Ali Timimi (Eastern District of Virginia, 2005)
- United States v. Uzair Paracha (Southern District of New York, 2005)
- United States v. Ali Asad Chandia (Eastern District of Virginia, 2006)
- United States v. Yassin Aref (Northern District of New York, 2006)
- United States v. Sabri Benkhala (Eastern District of Virginia, 2007)
- United States v. Rafiq Sabir (Southern District of New York, 2007)
- United States v. Emadeddine Muntasser (District of Massachusetts, 2007)
- United States v. Hassan Abu Jihaad (District of Connecticut, 2008)
- United States v. Mohammed Amawi et al. (Northern District of Ohio, 2008)
- United States v. Salim Hamdan (Guantanamo Bay Military Commissions, 2008)

- United States v. Ali Hamza al-Bahlul (Guantanamo Bay Military Commissions, 2008)
- United States v. Mohamed Shnewer et al. (District of New Jersey, 2008)
- United States v. Oussama Kassir (Southern District of New York, 2009)
- United States v. Syed Haris Ahmed (Northern District of Georgia, 2009)
- United States v. Ehsanul Sadequee (Northern District of Georgia, 2009)

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

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

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

I.) Research and Archival Methodology

The methodology employed in formulating this report is derived from techniques taught to me by the late Dr. Joseph Leggold, a senior faculty member from the Department of Government of the Edmund A. Walsh School of Foreign Service (SFS) at Georgetown University, as part of official coursework towards the completion of my Georgetown University Senior Honors Thesis, “The Legacy of the Arab-Afghans: A Case Study.” Sources of research in the field of terrorism and terrorist organizations can loosely be divided into three sub-categories: primary sources, secondary sources, and

tertiary sources. Primary sources are generally considered to be the most credible and most authentic sources of information for objective analysis. Examples of primary sources would be a face-to-face interview with the leader of a terrorist organization, an in-person visit to a training camp, or directly witnessing a terrorist attack. However, because international terrorist organizations are, by their very nature, secretive organizations which operate clandestinely, access to primary sources is rare and inconsistent. As such, frequently, terrorism analysts must instead turn to secondary sources in order to gain a deeper understanding of these groups. Examples of secondary sources would be an original video or audio recording of a terrorist leader, published written communiqués, or an official magazine/website created by a terrorist organization. Secondary sources can occasionally be self-authenticating (i.e. a high-resolution video of an unmasked individual speaking) or can require deductive reasoning in order to determine their authenticity. Beyond primary and secondary sources, there is one further category of research: tertiary sources. Examples of tertiary sources would be a newspaper article, a television news report, or a book or magazine published by a reputable third party. However, the information offered in tertiary sources often comes through a convoluted or unclear chain of custody, and thus I limit my own use of tertiary sources to add additional context to information already confirmed by primary or secondary sources.

In order to determine the provenance of particular secondary or tertiary sources, I engage in a traditional social science method known as “comparative analysis.” This requires me to compare and contrast particular sources in question with other analogous sources contained in my digital archive, searching for common threads and themes. By drawing from a wide assortment of primary and secondary sources, I establish a single, objective narrative—while simultaneously noting any significant factual discrepancies or conflicting data. During a May 2009 Daubert hearing before Judge William S. Duffey Jr. in the Northern District of Georgia, I explained the process of “comparative analysis” and how I rely upon it when making determinations of fact. This testimony was subsequently summarized by Judge Duffey in his own published ruling qualifying me as an expert:

“The basis for Kohlmann’s testimony, generally, is his years of research and tracking of terrorist information, through websites, primary interviews, books, news articles, and journals, and other information. His testimony essentially synthesizes these concepts, and through the use of the comparative analysis methodology, Kohlmann has developed an understanding of terrorist organization structures, operations, and membership... Kohlmann testified in detail regarding the methodology of comparative analysis, how it is relied upon by experts in social sciences, and how the particular information he gathers allows him to perform reliable analysis. He specifically testified to how he gathers and analyses information from primary, secondary, and tertiary sources, and he explained the difference between the sources and why and how he relies on each differently. He further explained how comparative analysis is performed, assimilating the relevant information and comparing and contrasting sources against one another to form a cohesive whole. The sources Kohlmann uses and the methodology he employs to analyze those sources, are identical to those used by other experts in his field. Kohlmann explained his methodology and how he used the methodology to arrive at his opinions in this case. The defendants did not offer any evidence at the hearing or subsequent to it to suggest that Kohlmann’s methodology is not sound or is not the same methodology typically relied

upon by other social scientists... Mr. Kohlmann's ability to synthesize that information through comparative analysis establishes his qualification as an expert."

In July 2009, I was requested by the U.S. Attorney's Office for the District of Oregon to prepare an expert report on the following subjects:

- The Islamic Army of the Caucasus (a/k/a "The Chechen Mujahideen", "The Islamic Peacekeeping Brigade", "Group Khattab", "The Islamic Emirate of the Caucasus", "The Ansar Brigade").
- The Al-Haramain Islamic Foundation (a/k/a "The Al-Harameyn Foundation", "Al-Haramain al-Sharifayn", "Foundation of the Two Holy Shrines").
- The relationship, if any, between the Islamic Army of the Caucasus and the Al-Haramain Islamic Foundation.
- The websites of the Islamic Army of the Caucasus: Kavkazcenter.com, Qoqaz.com, and Qoqaz.net.
- The American Islamic Group (AIG).

II.) The Islamic Army of the Caucasus

The Islamic Army of the Caucasus is arguably the premiere armed insurgent organization active in Chechnya, Dagestan, Ingushetia, and other surrounding regions. The roots of this movement can be traced to events that occurred near the end of the first Russo-Chechen war of the 1990s. Seeking independence from Russia, in 1991, a former Soviet air force officer Dzhokhar Dudayev took the lead as the President of a new autonomous republic. However, the Russian government refused to recognize Dudayev's government, fearing the spread of similar secessionist sentiments across its southern frontier. For three years, between 1991 and 1994, the Russians held back on the use of force as relations between Dudayev and the Moscow government of President Boris Yeltsin continued to deteriorate. Finally, in December 1994, the Russian military launched a major operation into Chechnya in hopes of removing the Dudayev government and quelling Chechen dreams of self-sovereignty. The two years of conflict that followed were bloody and devastating, pitting poorly armed but determined Chechen resistance fighters against the full might of the Russian military. Nonetheless, even after the infamous "Battle of Grozny" in the winter of 1994-1995 and the fall of the capital, the Chechen insurgency continued on.

The Russian military failed to subdue Chechnya, but its relentless assault had devastated the first generation of independent Chechen leadership. In the meantime, new men began to fill the void left by the fallen nationalists like Dudayev—particularly those with links to religious extremists both at home and abroad. In the spring of 1995, in the latter stages of the first war with the Russians, a small expedition of foreign fighters arrived in Chechnya from Afghanistan led by Saudi Arabian national Ibn-ul-Khattab

(a.k.a. Samir Saleh ibn Abdullah al-Suwailem).¹ During a later recorded interview, Khattab recounted, "I was born in the northern Arabian Peninsula. I finished my secondary education and was about to continue my studies in the United States."² Yet, in 1987 at the age of 17, rather than travel to America, Khattab left his home in Saudi Arabia in a bid to join the jihad in Afghanistan. A mujahideen propaganda video produced about the life of Khattab noted, "in the hills of Afghanistan, Khattab's personality was refined and his fighting and leadership skills matured. He completed his initial training in a short period which amazed his trainers due to his rapid responses and learning of the various fighting disciplines... Within six years, the lion cub was transformed into an outstanding fighter and one of the bravest and most adroit leaders among the Mujahideen."³ Khattab reportedly participated in many celebrated battles that took place in the twilight of the Soviet-Afghan war, including the conquest of the cities of Jalalabad, Khost, and Kabul."⁴ His brother Omar has boasted, "When Jalalabad was conquered... one of the Afghan leaders entered an intelligence center, and he said: 'All of the reports that I saw were about Khattab and what he did and what he said, everyday Khattab done this and done that, he executed operations like this and that.' All of the reports were full of Khattab's name... most of the intelligence investigations were concerning Khattab."⁵

Yet, it was not enough for Khattab to merely win glory on the battlefield in Afghanistan. Leading an expeditionary group of other Arab-Afghans on a transnational safari of Muslim conflicts, Khattab traveled on from Afghanistan to Tajikistan, then Pakistan, and eventually the Caucasus in the southernmost reaches of the former Soviet Union in mid-1995. According to Khattab, "The events of Chechnya started and to be honest for us, these events were led by a former Soviet General Jawhar Dudayev, that was our perception about it... So initially, you could not look at it from an Islamic perspective. Anyway, after we studied the situation, we arranged an itinerary to visit the region for one or two weeks. We started to search for Chechnya on the map. It was actually a small republic... difficult to see on the map. Then, we entered the land of Chechnya accompanied with a group of just 12 brothers. By Allah, I was not anticipating anything from entering Chechnya except to train brothers. I even did not think that we could contribute anything to Chechnya."⁶ To aid him in his mission, Khattab brought eight other Arab mujahideen commanders with him from Afghanistan, including Yaqub al-Ghamidi (and his deputy Abu Waled al-Ghamidi), Abu Jafar al-Yemeni, Hakim al-

¹ "World Exclusive Interview with Field Commander Shamil Basayev." Azzam Publications. February 21, 2000. <http://www.qoqaz.net>.

² "The Life and Times of Ibn-ul-Khattab" (a.k.a. "The Sword of Islam: Khattab"). Video produced by Waislamah.net; ©2004.

³ "The Life and Times of Ibn-ul-Khattab" (a.k.a. "The Sword of Islam: Khattab"). Video produced by Waislamah.net; ©2004.

⁴ "The Life and Times of Ibn-ul-Khattab" (a.k.a. "The Sword of Islam: Khattab"). Video produced by Waislamah.net; ©2004.

⁵ "The Life and Times of Ibn-ul-Khattab" (a.k.a. "The Sword of Islam: Khattab"). Video produced by Waislamah.net; ©2004.

⁶ "The Life and Times of Ibn-ul-Khattab" (a.k.a. "The Sword of Islam: Khattab"). Video produced by Waislamah.net; ©2004.

Madani, and Abu Bakr Aqeedah.⁷ These men represented some of the cream of those who had trained in Afghanistan to fight the Soviets and other “enemies” of Islam.

Abu Bakr Aqeedah, one of those who accompanied Khattab to the Caucasus, was an Egyptian national who was finally killed during a suicidal attack on a Russian Army base in Dagestan, in December 1997. While attending Engineering School in Egypt, Abu Bakr “became interested in working for Islam and met the likes of Dr. Sheikh Omar Abdur-Rahman, under whom he studied Islam for approximately two years.”⁸ Abu Bakr was also a frequent visitor to jihad training camps in Pakistan and Afghanistan, both as a student and an instructor: “hundreds upon hundreds of Mujahideen received training under him.”⁹ This legacy only continued on during his combat tour of the Caucasus: “Even though Abu Bakr was known and regarded by the Mujahideen as one of the most knowledgeable and experienced commanders in the world, his skills and expertise did not leave with him. In addition to the Encyclopaedia of Jihad, Abu Bakr also completed a thesis on ‘Operational Tactics and their Effectiveness’ based on all the military operations undertaken by the foreign Mujahideen in Chechnya, a few weeks before he was killed. All his writings now circulate amongst Mujahideen commanders all over the world.”¹⁰

In Chechnya and surrounding regions, Khattab also found a small but fierce group of locally-based indigenous militants willing to establish a partnership of mutual benefit. Khattab has explained, “When I saw groups of Chechens wearing headbands [There is no god but Allah and Muhammad is His Messenger] written on them, and shouting [Allahu-Akbar], I decided that there was a Jihad going on in Chechnya.”¹¹ He described his admiration for the group of native Chechens and Dagestani Islamists he encountered: “They understood their religion and they read Quran, good young men. I also met other groups which were indeed of a very high standard... I was afraid that if we left, these young men might lose their enthusiasm, so we stayed with them.”¹² Khattab added:

“Our presence was... affirming an Islamic identity for the Chechen issue, because this case is not just a Chechen matter, but an Islamic matter—like what occurred in the case of Afghanistan and Tajikistan. You find in this land the Arab Mujahideen, Turks, and Mujahideen from everywhere. There is no doubt that despite the small numbers of the foreign brothers—which is because of several reasons, like the difficulties in reaching this area and the Russian siege around Chechnya—despite their numbers, their presence had a good and very strong effect on the people here and gave this issue an Islamic identity, affirming that this is indeed a jihad matter... for the establishment of an Islamic state.”¹³

⁷ “World Exclusive Interview with Field Commander Shamil Basayev.” Azzam Publications. February 21, 2000. <http://www.qoqaz.net>.

⁸ <http://www.azzam.com/html/storiesabubakraqeedah.htm>. November 2001.

⁹ <http://www.azzam.com/html/storiesabubakraqeedah.htm>. November 2001.

¹⁰ <http://www.azzam.com/html/storiesabubakraqeedah.htm>. November 2001.

¹¹ “Profile: Ibn-ul-Khattab, Commander of the Foreign Mujahideen in the Caucasus.” Azzam Publications. <http://www.qoqaz.net/html/chechnyaprofkhattab.htm>

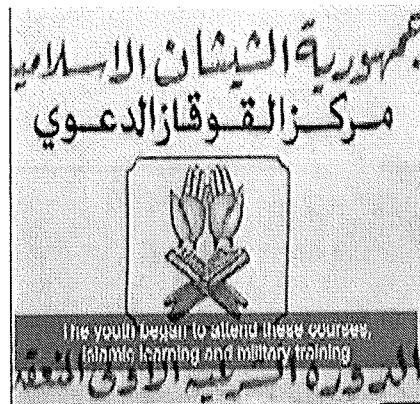
¹² “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

¹³ “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

As the firefights of the first Russo-Chechen conflict came to a close, Khattab and his men turned to their next mission of building a permanent base of support and coordination for themselves inside the Caucasus. Similar to what had occurred in Bosnia-Herzegovina and other analogous conflict zones, foreign mujahideen commanders took local wives and “became their kin. So we established these strong relationships.”¹⁴ This phase of political development, which lasted from approximately 1996 to 1999, has since been described by the mujahideen as a period of “Preparation, Dawah, and Relief work.”¹⁵ In a recorded interview, Khattab later recounted:

“After the events of the first war in Chechnya... we began to organize everything, we prepared the camps, and we started to teach and train the people. We established an Islamic educational institute and our relations extended to hundreds of young men... We began to accept up to 400 young men per course. They came from throughout the Caucasus region: from Ingush, Kabadin, Karachay, Dagestan, Uzbekistan, Tataristan, and from everywhere! And this caused huge concerns for the Russians. The young began to attend these courses, Islamic learning and military training. It was like a beehive... All the brothers, mashallah, participated and everyone had a role, a job, and gave their efforts.”¹⁶

The institute established by Khattab and his colleagues was known as the “Kavkaz Institute” (a/k/a “the Caucasus Institute”, “the Kavkaz Foundation”, “the Kavkaz Institute for Dawah”). According to Khattab, “The most important thing is the Institute and dawah; more important than camps and more important than even military intelligence... Many wonderful individuals were trained here at the Kavkaz Institute for Dawah, as they studied the word of Allah and understood through reading the Quran and Hadith, comprehending the meaning of jihad. After the training they received at the camp, their energies exploded out into the world, and made them into leading symbols of the fight against the Russians.”¹⁷ Those who received “training” at the Kavkaz Institute included not only Chechens and those native to the Caucasus, but also other foreign fighters seeking instruction in the methodology of jihad—including “Masood al-Benin” (a/k/a “Xavier Jaffo”), a French national and close family friend of Zacarias Moussaoui—who pled guilty in United States District Court in Alexandria, Virginia to conspiring to kill Americans as part of the September 11, 2001 suicide hijackings.¹⁸ Zacarias’ brother



¹⁴ “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

¹⁵ “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

¹⁶ “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

¹⁷ Voice of the Caucasus (Sawt al-Qoqaz). “Abu Umar al-Saif: The Mujahid Scholar.” <http://www.al-faloja.info/vb/showthread.php?t=36408>. November 27, 2008.

¹⁸ Boulden, Jim. “France opened Moussaoui file in ‘94.” CNN. December 11, 2001.

Abd-Samad later admitted to the CBC that Jaffo “was like a brother to me, but more dramatic than my brother.”¹⁹ While in fighting in Chechnya in 1999-2000, Jaffo received “extensive training in the Mujahideen Kavkaz Institute for Training. Typically, he excelled in all he did. During advanced warfare courses he distinguished himself for his intelligence... He mastered the operations of computers as applied to a Video editing studio... Masood was assigned a role in the... camp which involved the use of his IT skills to setup and maintain a computer lab and to teach IT skills to the brothers.”²⁰

Official documents marked with the logo of the Kavkaz Institute and signed by Khattab himself have been featured as still exhibits in mujahideen propaganda videos.²¹ Those documents, written primarily in Arabic, identify in detail the “administrative hierarchy” of the Institute:

“Supervisor: Shaykh Abu Umar al-Saif
Manager: Abu Khalid al-Liby
Liaison: Abu Rabi’a
Administration and Instructors: Abu Abdelrahman al-Fayruzi, Abu Musab al-Tabuki, Abu Hamza al-Jazairi, Abu Asim al-Tabuki, Abu al-Ansar, Said al-Yemeni”
Secretary of Living and Supplies: Abu Saad al-Maghribi.”²²



Kavkaz Institute instructor and Saudi Arabian national Abu Musab al-Tabuki, killed while fighting in Dagestan in August 1999.

The supervisor of the Kavkaz Institute identified above, Abu Umar al-Saif (a/k/a “Mohammad Bin Abdullah al-Saif al-Jaber al-Buaynayn al-Tamimi”), was a native of the conservative town of Buraydah in northern Saudi Arabia. Prior to leaving his homeland in search of the mujahideen, Abu Umar studied Islamic law under senior clerics in Saudi Arabia, particularly Shaykh Mohammed bin Uthaimen. The jihadi magazine *Nida ul-Islam*, among others, has sought to address the controversy over the notion of an Islamic cleric taking up arms in a violent struggle. In a profile published in late 1997, magazine editors admonished, “while most of these people (including some knowledgeable people) were sitting down criticising, some actually went to Chechnya to do something about it. The Muslim Ummah is not short of scholars but it is short of scholars who are willing to take their knowledge to the Land of Jihad rather than sit back and criticise.”²³ The profile offered an early look at Abu Umar and his key leadership role alongside his fellow Saudi comrade Khattab:

“Sheikh Abu Umar came to Chechnya in 1995 and joined the ranks of the Mujahideen there under the leadership of Ibn-ul-Khattab... also from the Arabian Gulf. He

¹⁹ Interview by Terence McKenna with Abd-Samad Moussaoui. Excerpted from “The Recruiters.” Canadian Broadcasting Company (CBC). June 2002.

²⁰ Azzam Publications. “Masood Al-Benin; Qoqaz.net Correspondent. Martyred 12 April 2000.” <http://www.azzam.com/html/storiesmasoodalbenin.htm>.

²¹ “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

²² “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

²³ “Global Muslim News - December 1997: Chechnya.” *Nida ul-Islam* (Australia). Issue 21; December-January 1997-1998. <http://islam.org.au/www.islam.org.au/articles/21/news.htm>.

underwent training and at the same time, set about teaching Islam with the correct Aqeedah to the Chechen Mujahideen, many of whom held incorrect and distorted beliefs about Islam. Soon after the semi-permanent cease-fire deal in the Autumn of 1996, Sheikh Abu Umar, together with the help of a small group of brothers, set about building the structure of implementing Islamic law on the basis of the correct Aqeedah... Abu Umar has direct telephone contact with some of the notable scholars in the Arabian Gulf whom he can consult if he does not know anything.”²⁴

Video footage of mujahideen leadership conferences, interviews, and fatwahs (religious edicts) issued by Abu Umar al-Saif offer a multi-dimensional perspective into his strategy for building a fundamentalist Islamic state in the Caucasus in the shadow of Ibn-ul-Khattab. At one Shura Council meeting from 1999 featured in mujahideen propaganda videos, Abu Umar was shown sitting alongside Khattab as the latter declared, “It is imperative that we take prisoners [from the Russians] by any means. By Allah, these Russians are not only pigs, taking Mujahideen (as) prisoners, they are even taking our women.”²⁵ Approvingly, Abu Umar seconded, “The Russian government seeks to eliminate the mujahideen—killing, capturing, and pursuing them everywhere.”²⁶ In a separate online interview published in January 2000, Abu Umar boasted, “the Mujahideen have scored continuous victories against the enemy. This success can be attributed to the change in tactics from head-on defence to offensive hit-and-run tactics. This strategy has cost the enemy dearly.”²⁷ He added, “Islamic issues can only be solved by Islamic means, namely through abiding by Sharia (Divine Law) and not Western proposals or United Nations conditions... The jihad in Chechnya should serve as an example to all Muslims throughout the world that any Muslim rights that are forcibly usurped, including land, cannot be restored except through force. Negotiations only serve to lose one’s rights and honour.”²⁸ More recently, Abu Umar has directed several messages aimed at jihadi movements fighting in Iraq and Saudi Arabia. During one such recorded sermon in late 2003, he “recommend[ed] to the Mujahideen that instead of engaging in clashes and warfare against the Saudi government, it is better to go to Iraq. There, there are weapons aplenty and there they can fight the Americans. It is no secret that great damage will be caused the Americans if the Mujahideen turn to Iraq to fight them.”²⁹

Despite the poverty and suffering of the Chechen people, pet projects run by Abu Umar were surprisingly well-equipped and financed. For example, “Islamic courts” established by Abu Umar were each “equipped with its own office, vehicle etc...

²⁴ “Global Muslim News - December 1997: Chechnya.” Nida ul-Islam (Australia). Issue 21; December-January 1997-1998. <http://islam.org.au/www.islam.org.au/articles/21/news.htm>.

²⁵ “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

²⁶ “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

²⁷ Azzam Publications. “Interview with Scholar of the Mujahideen in Chechnya, Sheikh Abu Umar Mohammed Al Saif, Shatoi.” <http://www.qoqaz.net/html/interviews.htm>. January 27, 2000.

²⁸ Azzam Publications. “Interview with Scholar of the Mujahideen in Chechnya, Sheikh Abu Umar Mohammed Al Saif, Shatoi.” <http://www.qoqaz.net/html/interviews.htm>. January 27, 2000.

²⁹ Voice of the Caucasus. <http://qoqaz.com/ab.rm>. December 2003.

computers have been installed in each court.”³⁰ According to an internal memorandum on the Chechen conflict by one admitted mujahideen financier, one of the principle reasons for the proliferation of these projects was that Abu Umar “got funding from Gulf countries.”³¹ Indeed, Abu Umar was arguably the central figure involved in fundraising for Khattab’s organization in Chechnya, particularly with regards to soliciting potential donors in the Middle East and Arabian Gulf. Throughout his public speeches and interviews, there is a consistent refrain calling for Muslims to contribute charitable donations in order to support the jihad in the Caucasus. In his January 2000 online interview, Abu Umar cheered, “The supplications of Muslims and their financial support has played an important role in the victories of the Mujahideen. This support has helped mitigate the difficulties faced by the Mujahideen who are lacking adequate supplies of food and medicine. We ask Allah to accept the support given to us by our brothers, and remind the Ummah that coming to the aid of Muslims who are oppressed is a sacred duty that Allah Most High has confirmed in the... Holy Quran.”³² He is even quoted directly in the widely-traveled jihadi instructional booklet, “39 Ways to Serve and Participate in Jihad”: “Failing to provide help or participate in jihad while contenting oneself with following news of the mujahidin from afar through the media is one of the qualities of the hypocrites.”³³

In August 2002, Abu Umar was featured in a video recording documenting a “development conference for the Islamic Government of Chechnya.”³⁴ The need for financial donors occupied the lion share of his address to the camera:

“No doubt that the nation is going through one of the hardest periods, and this period faces a crusader war launched against Islam and Muslims in Chechnya, Palestine, Afghanistan, Kashmir and other Islamic regions, and this requires Muslims to unite in one rank and carry jihad with their money and selves to face this international crusader campaign in its war against Islam and Muslims, as Jihad cannot only be carries with words, as words aren’t enough, but also the practical Jihad must accompany it with self and money, and the mujahideen in Chechnya are in the direst need for media support and financial support to establish the military power and establish committees that carry out their roles perfectly, and also to carry out medical works to help the harmed and wounded and to help the orphaned families of martyrs, so these are the huge projects planned, so the government needs a big financial support from the Muslims. What we hope for from Muslims is to support with what Allah has obligated upon them, and to support the mujahideen strongly with what they are capable of [donating] in media and

³⁰ “Global Muslim News - December 1997: Chechnya.” Nida ul-Islam (Australia). Issue 21; December-January 1997-1998. <http://islam.org.au/www.islam.org.au/articles/21/news.htm>.

³¹ “A Brief Recap of the History of the Islamic Movement in Daghestan and Chechnya: Meeting with Enaam Arnaout on 10/18/99.” “Exhibits to Government’s Response to Defendant’s Position Paper as to Sentencing Factors.” United States of America v. Enaam M. Arnaout. United States District Court Northern District of Illinois Eastern Division. Case #: 02 CR 892.

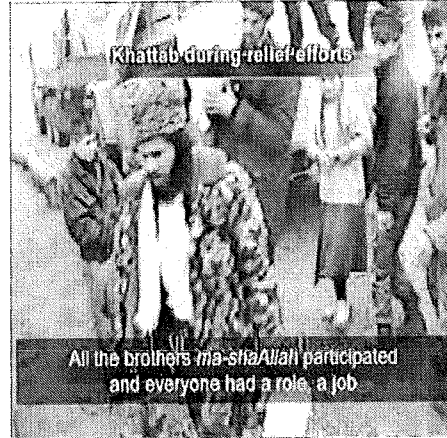
³² Azzam Publications. “Interview with Sheikh Abu Umar Mohammed Al Saif, Shatoi. <http://www.qoqaz.net/html/interviews.htm>. January 27, 2000.

³³ Al-Salim, Muhammad Bin Ahmad. “39 Ways to Serve and Participate in Jihad.” Booklet reprinted by At-Tibyan Publications, U.K.

³⁴ “Development Conference for the Islamic Government of Chechnya: Introductory Meeting.” <http://www.waislamah.net/meeting1.rm>. August 2002.

money, and we ask Allah to accept from the Muslims and raise their degrees and to reward them on behalf of Islam and [other] Muslims.”³⁵

Despite their growing footprint in the Caucasus region, the mujahideen led by Khattab still faced immense logistical obstacles. Chechnya is a landlocked and economically depressed republic at the bare fringes of the traditional Muslim world, with few natural resources. It is surrounded by predominantly Christian neighbors (the lone exception being Azerbaijan). In reflection on this period, Khattab plainly admitted, “indeed, we had a lot of financial problems. The economic situation was very difficult so we had to limit the number of people we were training.”³⁶ Lacking their own resources, Khattab and his men instead turned to skimming from the activities of religious charities based in the Muslim world, and using funds ostensibly meant for humanitarian aid and instead using them to bolster their own base of support. On December 9, 2000, the English-language Chechen mujahideen website Qoqaz.net published a new section to its list of “frequently asked questions” titled, “Where should we send our donations this winter?” According to that document, “the Zionists and enemies of Islam realise that some money will still reach the sincere individuals in [Chechnya and Afghanistan]. Therefore, they need to physically prevent this money from reaching its destination. A number of methods are used to ensure this: blocking of bank accounts and transfers, disruption of travel of individuals carrying donations, threatening surveillance of donation-collectors and physical confiscation at borders and airports... We have two recommendations this Winter: one to individuals and the second to mosques, centres, and organisations.”³⁷



With regards to his use of charitable donations, the former President of Chechnya, Zaleem Khan, has noted, “Khattab was... adept at dealing with military leaders and officials in the government. And I speak especially about his dealings with the public. He used to take care of the orphans... after their bread earner was martyred in Jihad. Khattab also used to provide for the needs of the poor around his camp.”³⁸ Allegedly, at least one of the Islamic charities involved in the Caucasus—the U.S.-based Global Relief Foundation (GRF)—had “a full time Islamic school located next to Khattab’s Caucasus Islamic Training [Camp].”³⁹ Khattab has boasted of “the Mujahideen in Chechnya...

³⁵ “Development Conference for the Islamic Government of Chechnya:

Introductory Meeting.” <http://www.waislamah.net/meeting1.rm>. August 2002.

³⁶ “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

³⁷ <http://www.qoqaz.net/html/faqs.htm#don2001>. January 2001.

³⁸ “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

³⁹ “A Brief Recap of the History of the Islamic Movement in Daghestan and Chechnya: Meeting with Enaam Arnaout on 10/18/99.” “Exhibits to Government’s Response to Defendant’s Position Paper as to

receiving all kinds of support from their brothers and sisters in the Caucasus and from around the world. The support from Muslims everywhere is tremendous, and its positive effects are evident during the course of battle against the enemy.”⁴⁰

The evidence of complicity on the part of those helping to manage the fraudulent charities—both locally and internationally—is rather voluminous and damning. The organizations explicitly seeking to fund the mujahideen included the Benevolence International Foundation (BIF), an entity first founded in Saudi Arabia with offices in the United States. Hundreds of thousands of charitable dollars that BIF was raising under the guise of aiding helpless Chechen “civilians” was actually going to furnish militant Muslim holy warriors loyal to Ibn ul-Khattab and his local Chechen allies with mine-proof boots, uniforms, medical equipment, and spending cash for travel and weapons.⁴¹ At the end of the supply chain in the Chechen capital Grozny, Al-Qaida lieutenant Saif ul-Islam al-Masri (a.k.a. “Abu Islam al-Masri”)—a member of Al-Qaida’s military committee with specialized training in building explosives—served as BIF’s local charge d’affaires.⁴² The BIF leadership eventually agreed that “the best way” to transfer supplies into Chechnya was through Azerbaijan. Consequently in late 1995, Gul Mohamed, an aide to the notorious Afghan mujahideen commander Gulbuddin Hekmatyar, established a BIF branch office in Baku to “serve as a conduit of relief supplies.”⁴³

In June 1995, a BIF official based in the U.S., Suleman Ahmer, traveled to Baku and subsequently wrote a lengthy internal memorandum on what he had witnessed there. He began the report by noting, “The primary objective of this hurried trip was to carry and safely deliver a mobile X-Ray unit to the representative of Chechen freedom fighters in Baku... The secondary objective was to meet the people, based in Baku, who are responsible for coordinating the relief efforts to the Chechen Mujahideen, populace, and refugee.”⁴⁴ Ahmer detailed his meetings with Chechen political and military leaders in Baku, who “welcomed B.I.F.’s humanitarian help and assured to become an effective conduit to pass on the proposed aid, cash or kind, most expeditiously to the Mujahideen... Any aid from us in cash or kind should better be routed through... any tried and/or trusted Chechen who is deeply committed to the cause and has active field

Sentencing Factors.” United States of America v. Enaam M. Arnaout, United States District Court Northern District of Illinois Eastern Division. Case #: 02 CR 892.

⁴⁰ Azzam Publications. “Interview with Foreign Mujahideen Commander , Ibn-ul-Khattab.”

<http://www.qoqaz.net/html/interviews.htm>. January 24, 2000.

⁴¹ “Government’s Evidentiary Proffer Supporting the Admissibility of Co-Conspirator Statements.” United States of America v. Enaam M. Arnaout, United States District Court Northern District of Illinois, Eastern Division. Case #: 02 CR 892. January 31, 2003. Page 75.

⁴² “Government’s Evidentiary Proffer Supporting the Admissibility of Co-Conspirator Statements.” United States of America v. Enaam M. Arnaout, United States District Court Northern District of Illinois, Eastern Division. Case #: 02 CR 892. January 31, 2003. Page 27.

⁴³ “Government’s Evidentiary Proffer Supporting the Admissibility of Co-Conspirator Statements.” United States of America v. Enaam M. Arnaout, United States District Court Northern District of Illinois, Eastern Division. Case #: 02 CR 892. January 31, 2003. Page 82.

⁴⁴ Exhibit BIF-1B087-01-03475. “Re: VISIT TO BAKU, AZERBAIJAN; JUNE 7-14, 1995.” “Exhibits to Government’s Response to Defendant’s Position Paper as to Sentencing Factors.” United States of America v. Enaam M. Arnaout, United States District Court Northern District of Illinois Eastern Division. Case #: 02 CR 892.

participation in the on-going Jihad.”⁴⁵ In a follow-up fax message sent to other BIF administrators in the U.S., Ahmer warned:

“The people raising money ... having a problem transferring money to Chechnya. The only way to transfer money to Chechnya is through a person. That is someone from Pakistan can bring in cash as it is allowed by both the governments... We can transfer the money to Islamabad and then take it out and have someone carry it on his person... My suggestion for the future plan is as follows: if we can receive some money in advance, say around \$500,000, then I can transfer that money to Chechnya personally when I go... there.”⁴⁶

Another purported humanitarian organization allegedly engaged in financing Khattab and the Chechen mujahideen was the Qatar Charitable Society (QCS), the oldest and largest such group based in Qatar.⁴⁷ In October 2001, the Azerbaijan Ministry of Justice forcibly closed down its own local QCS office for, “under the disguise of charity,” conducting “damaging activities that violate our national interests, as well as [cooperating] with terrorist structures and [distributing] propaganda inciting radical sectarianism, religious hatred and fanaticism.”⁴⁸ In 1995, a QCS office founded in neighboring Dagestan dispensed over 3 million Qatari Riyals in less than two years.⁴⁹ Russian intelligence became suspicious when they discovered that the QCS branch was being run by an Egyptian citizen named Yasir Ibrahim. Dagestani state tax police initiated an inquiry into the organization, and uncovered forged documents and invoices detailing hundreds of thousands of dollars of illicit financial transactions. From the evidence they collected, investigators estimated that QCS had given perhaps as much as \$1 million to unspecified “Chechen extremists.” Yet, the true numbers will likely never be known because, as the Russians discovered to their dismay, “most of the ‘charitable contributions’... were not recorded anywhere. The same goes for how the money was distributed.”⁵⁰

By liquidating charity bank accounts into untraceable cash withdrawals in war-torn states (often with no reliable banking systems), QCS was able to make this money simply disappear. Journalists confronted Qatari Foreign Minister Hamad Bin Jasim Bin Jabr Al-Thani with Russian allegations that QCS was openly and actively supporting “certain Arab individuals... fighting with the Chechen fighters.” With little hesitation, Al-Thani flatly admitted that, indeed, this might be the case:

⁴⁵ Exhibit BIF-1B087-01-03475. “Re: VISIT TO BAKU, AZERBAIJAN; JUNE 7-14, 1995.” “Exhibits to Government’s Response to Defendant’s Position Paper as to Sentencing Factors.” United States of America v. Enaam M. Arnaout. United States District Court Northern District of Illinois Eastern Division. Case #: 02 CR 892.

⁴⁶ Fax transmission from Suleman Ahmer to Enaam Arnaout and Muzaffar Khan (dated May 12, 1995). Exhibit BIF-1B087-01-03725. “Exhibits to Government’s Response to Defendant’s Position Paper as to Sentencing Factors.” United States of America v. Enaam M. Arnaout. United States District Court Northern District of Illinois Eastern Division. Case #: 02 CR 892.

⁴⁷ “Voluntary and Charitable Organizations.” <http://www.dohaislamicsummit.org/qatar/english/islamice.htm>. March 1, 2003.

⁴⁸ “Azerbaijan closes offices of Arab relief organizations due to illegal activity.” Interfax News Agency. April 10, 2002. See also: “Azerbaijan shuts down Kuwaiti, Qatar charity organizations.” Turan News Agency (Baku). Broadcast in Russian language. April 9, 2002; 1530GMT.

⁴⁹ “Charity denies Russian charges of assisting Dagestan rebels.” Al-Rayah. September 20, 1999.

⁵⁰ Segodnya (Moscow). November 16, 1999.

“[W]e as a government cannot control the aid going abroad, some of which may go for humanitarian goals, and some may start as humanitarian but end up in another way. However, there is no monitoring because people are sympathizing... We as a government may be able to control our sympathy, although in the end we are only human beings and Muslims... [t]herefore we cannot restrain the people’s feelings in this regard.”⁵¹

Khattab’s unique access to outside financing and logistical support provided a powerful incentive for would-be Chechen Islamists to join along in his cause. The most important indigenous Chechen commander to invest in a partnership with Khattab was the notorious Shamil Basayev. During a later interview with a jihadi news agency, Basayev spoke of once serving in the Soviet military before leaving to join the fight against “the Russians and the Crusaders... in the region of Abkhazia... [and] the Azeri province of Karabakh. After the revolution of 1991 (which led to the dissolution of the Soviet Union) I returned to Chechnya and formed several units that were trained in Afghanistan, and then dispatched to join the Mujahideen in Tajikistan.”⁵² Basayev gained fame during the peak of hostilities of the first Russo-Chechen war when he launched several major military operations and achieved a series of stunning victories. He later boasted of his role leading “the well-known and successful operation against the Russian city of Budunesk”, where he and his men seized 1,600 innocent hostages at a hospital nearly 100 kilometers inside Russian territory (129 civilians died as a result).⁵³ Basayev also spoke of the particular influence of the Arab-Afghan volunteers in Chechnya: “We have benefited from studying the Afghan Jihad, particularly after Commanders Khattab, Yaqub Al-Ghamidi and his deputy Abu Waled Al-Ghamidi, Abu Jafar Al-Yemeni, Hakim Al-Madani and Abu Bakr Aqeedah, (may Allah have mercy upon these two), explained to us the details of what happened in Afghanistan. We studied the various dimensions and developments of their cause and we are knowledgeable about what happened.”⁵⁴ In February 2000, he acknowledged receiving “aid provided by Saudi Arabia”, but insisted, “the aid we are receiving is from the general public and not the government.”⁵⁵

Despite the withdrawal of Russian troops from Chechnya, the mood remained tense in the region, until it ignited into open conflict once again in the summer of 1999. Indigenous allies of Khattab from across the border in the neighboring territory of Dagestan grew emboldened and declared the rule of Shariah (Islamic law) in several Muslim villages, chasing out the local police. Alarmed at the spread of hardline Islamism from Chechnya into Dagestan, the Russian military immediately dispatched troops to stabilize the region and re-establish secular law and order. In video footage dated August 29, 1999, Khattab was recorded speaking to his lieutenants in front of a large map of the

⁵¹ Bin Qinnah, Khadijah. “Minister denies Russian report on funding for Chechen militants.” Al-Jazeera Television. Broadcast in Arabic language. November 22, 1999; 2040GMT.

⁵² Azzam Publications. “World Exclusive Interview with Field Commander Shamil Basayev.” <http://www.qoqaz.net/html/interviews.htm>. February 21, 2000.

⁵³ Azzam Publications. “World Exclusive Interview with Field Commander Shamil Basayev.” <http://www.qoqaz.net/html/interviews.htm>. February 21, 2000.

⁵⁴ Azzam Publications. “World Exclusive Interview with Field Commander Shamil Basayev.” <http://www.qoqaz.net/html/interviews.htm>. February 21, 2000.

⁵⁵ Azzam Publications. “World Exclusive Interview with Field Commander Shamil Basayev.” <http://www.qoqaz.net/html/interviews.htm>. February 21, 2000.

Chechen-Dagestani border, explaining, “These events started after the counsel of more than 17 scholars inside Dagestan and after the counsel of the congress and some of the military leaders, either in Dagestan or in Chechnya. We agreed that troops of the mujahideen from Chechnya will enter Dagestan in the places where the Russian forces entered.”⁵⁶ Khattab responded angrily to suggestions that his own provocative behavior was to blame for the return of the Russian army:

“Are we supposed to wait for the Russians to come and annihilate us and destroy everything?! ... We got tired of these charades... In Dagestan, some villages announced the implementation of the Islamic law and they expelled the police... And here [in Dagestan], if the government seeks the help of the Russians, the public will seek the help of the Mujahideen. And we enter before the Russians and be defensive, let the Russians attack and we will defend. That was the idea... To let the Russian forces enter gives us the right to enter as well... Some people said it was our fault, but we could not hold back our support for them.”⁵⁷

Yet, in the long run, Khattab’s decision to invade Dagestan in August 1999 with his Arab-Afghan troops and their Chechen Islamist allies proved to be a fateful one. The nascent frontline in Dagestan quickly collapsed, and once again, the Russian army was drawn back into fighting inside Chechnya. The era of “Preparation, Dawah, and Relief work” had come to an end, replaced by a new period of open warfare with the Russians perhaps even more brutal than the first. Mujahideen propaganda videos such as “Russian Hell in the Year 2000” depict some of the desperate and chaotic fighting that followed, including bloody close encounters between the guerillas and Russian convoys, and the execution of wounded prisoners by Khattab himself. As the second Russo-Chechen war unfolded in the years that followed, Khattab and other subsequent mujahideen commanders would pioneer many of the jihadi tactics that have prominently surfaced in other conflicts, from Afghanistan to Iraq—including roadside bombings, suicide attacks, and the “Black Widows” (female operatives disguised as civilians). The Russian government has blamed Khattab for a campaign of bombings primarily targeting residential apartment buildings in Moscow that coincided with the start of hostilities in Dagestan in August 1999. While the Saudi never acknowledged his responsibility for those acts, he made several analogous public threats. Cradling his weapon while sitting in a wooded area of Chechnya, Khattab was recorded vowing, “We won’t just be smashing the Russian positions in Chechnya... Listen, Putin. See how we thrashed your soldiers here. You sit wait and see who comes to you!”⁵⁸ He mocked Russian efforts “to capture the leaders of the Mujahideen. And with the favor of Allah, they will not be able to get anything, if there is any meeting, then it will be in Russia—with the permission of Allah.”⁵⁹ With regards to terrorist attacks on Western targets, Khattab has been quoted as

⁵⁶ “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

⁵⁷ “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

⁵⁸ “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

⁵⁹ “The Life and Times of Ibn-ul-Khattab” (a.k.a. “The Sword of Islam: Khattab”). Video produced by Waislamah.net; ©2004.

stating, "There is no difference between the American Army and the Russian Army. They seized our territory, and Muslims have the right to seek such a solution."⁶⁰

In March 2002, after more than two years of renewed fighting, Khattab was finally killed by assassins recruited from within his own organization by Russian security services, slain by a poisoned letter. Though his death failed to deter Shamil Basayev and Abu Umar al-Saif, among others, from continuing on their mission of jihad in the Caucasus, the passing of Khattab was deeply mourned among supporters of the mujahideen. Shaykh Abdullah ibn Jibreen, a senior cleric in Saudi Arabia and an ardent advocate for jihad, insisted, "the Jihad of our brothers in that country, Chechnya, is a Jihad for the sake of Allah, we consider it to be like that... [As for] the Mujahideen, we say we must continue in supporting them, even if some of them are killed, and even if their head who was their leader was killed, there is no doubt that Allah will give victory to whoever takes his position, from his brothers, those who gave their best for the sake of Allah."⁶¹ Meanwhile, Basayev and Abu Umar continued to mount missions and campaigns long after Khattab's death. In October 2002, a suicide unit loyal to Shamil Basayev took 800 people hostage at a theater performance in Moscow, threatening to kill them if Russia did not withdraw its forces from Chechnya immediately. Nearly 115 hostages died during an attempt by Russian special forces to end the standoff. In a statement claiming responsibility for the incident, Basayev threatened, "People without any demands, who will not be taking anyone hostage, will come next time... [Their] main goal will be destroying the enemy and exacting maximum damage."⁶² In September 2004, another suicide unit operating under Basayev's orders stormed an elementary school in the town of Beslan, Ingushetia. By the end of that siege, at least 320 innocent people were killed, including children. Nonetheless, Basayev claimed credit for the Beslan massacre, blaming the casualties on aggressive behavior by Russian special forces: "The battalion of Shakhid, Riyad us-Saliheen, thinks that Putin and leaders of the world community, who blessed the slaughter, are fully responsible for what happened."⁶³

III.) The Al-Haramain Islamic Foundation

The Al-Haramain Charitable Foundation was a Saudi non-profit evangelical charity that engages in relief works around the world. It had more than 40 international branches working in over fifty countries, and in 1999 spent more than \$61 million on various projects worldwide.⁶⁴ Al-Haramain also maintained a presence and local offices in the continental United States; primarily, in the states of Missouri and Oregon. When asked in Arab news interviews whether Al-Haramain retained "tight control" over its

⁶⁰ Gall, Carlotta. "Muslim Fighter Embraces Warrior Mystique." The New York Times. October 17, 1999. Section I; *Page 16*.

⁶¹ "The Life and Times of Ibn-ul-Khattab" (a.k.a. "The Sword of Islam: Khattab"). Video produced by Waislamah.net; ©2004.

⁶² "Chechen warlord claims theatre attack." BBC News. November 1, 2002. <http://news.bbc.co.uk/2/hi/europe/2388857.stm>.

⁶³ <http://www.kavkazcenter.net/russ/content/2004/09/17/25985.shtml>. September 17, 2004. See also: "Excerpts: Basayev claims Beslan." BBC News. September 17, 2004.

<http://news.bbc.co.uk/2/hi/europe/3665136.stm>.

⁶⁴ "Saudi Arabia's top Islamic charity denies any of its assets frozen." Agence France Presse. March 13, 2002.

affiliates, the charity's Director-General in Saudi Arabia Shaykh Aqeel Abdulaziz al-'Aqeel responded:

"Yes, of course. The offices' directors are employees who follow the directions of the main office with regards to hiring workers at the offices and making any decisions on cooperation with any party. In the main office, there are 19 auditors. Each of the foundation's specialized committees has an auditor. There are monthly, quarterly, and yearly reports on the foundation's revenue and expenditure."⁶⁵

Since the mid-1990s, Al-Haramain has come under official investigation by a variety of international governments and law enforcement agencies. In January 1995, the Committee for the Defense of Legitimate Rights (CDLR), a Saudi dissident group aligned with Usama Bin Laden, reported that Saudi authorities were scrutinizing the activities of Al-Haramain. According to CDLR, "[a]ttacks on voluntary work still continue after the closure of many voluntary or organisations. [King] Fahd has now turned his beady attention to the Al Haramain institution."⁶⁶ When Italian counterterrorism police raided a suspected Al-Gama'at Al-Islamiyya terrorist guesthouse and headquarters in Milan in 1995, they discovered a confidential letter sent to wanted Egyptian terrorist Shaykh Anwar Shaaban from Albania detailing efforts to distribute Al-Gama'at's official magazine, Al-Murabitoun, amongst the personnel working at the Al-Haramain charitable organization in the Balkans.⁶⁷

Even the Bosnian Muslim Army's own military intelligence service began issuing warnings about the local charitable activities of the Al-Haramain Foundation. In May 1995, the service sent a lengthy analytical report to senior Bosnian Army commanders regarding the foreign mujahideen, warning about the "so-called humanitarians, that are in charge of propaganda of the ideas, that these persons are approaching with, with mainly religious teaching – called 'DAWA' (spreading of the religion in the manner of 'vehabijski mesheb')... They manly act through the work of humanitarian organizations 'Islamic Balkan's Center', 'Organization for the Regeneration of Islamic Thought, Kuwait' and 'Al-Haramain.'"⁶⁸ The Bosnian Muslim military was cautioned that these organizations were "abus[ing] the humanitarian aid, in a way that they condition the acceptance of the same with the acceptance of 'DAWA'":

"In order to win as many as possible followers among the population, these patrons of the 'new' approach to religion, are visiting the families of soldiers killed in war and offer them aid 100-200 KM in case they accept their way of religion, if not they tell them that their killed member will not be 'sehid' (killed Muslim soldier)... The consequence of this is the already present polarization between Bosnian-Muslim population and that could have far reaching damaging consequences in the next period. These consequences were

⁶⁵ Al-Qudayhi, Anis. "Interview with Aqil al-Aqil, general manager of the charitable Al-Haramayn Foundation." *Al-Sharq al-Awsat* (London). March 16, 2002.

⁶⁶ The Committee for the Defense of Legitimate Rights (CDLR). "Your Right to Know." *CDLR Monitor*. No. 30; January 13, 1995.

⁶⁷ DIGOS (Italy) Anti-Terrorism Report. "Searches at the Islamic Cultural Center, Viale Jenner 50, Milano, 6/26/1995." Dated September 15, 1997.

⁶⁸ "Review of the Information on Activities of the Persons from Afro-Asian Countries Directly Before the War and During the War in the Territory of BIH Republic." Report written by the BIH Administration of the Military Security Service–Department for Analytical and Informative Affairs." Sarajevo; May 6, 1995.

also pointed by one source from the Military security service, from the category of persons that come from Afro-Asian countries and who said: 'You will deal easily with Arabs, you will expel them at one moment, but you will have your youth indoctrinated youth.' To support these claims, the source pointed out that the activities of the followers (vehabije) in Afghanistan, Pakistan, Kashmir and on Philippines resulted in mutual confrontations of Moslems from different 'meshebs'... This leads to polarization between Bosniaks-Moslems, that could in future have wider scale, and it could even bring to the open mutual confrontations of the followers of the traditional approach to religion and those that accept the 'new' approach."⁶⁹

A separate analytical chart issued by the Bosnian-Muslim military intelligence service in November 1995 depicting the hierarchy of the Mujahideen Brigade identified "H.O. 'AL HARAMAIN'" as one of the chief "Foreign Donors to 'El Mudzahidin.'"⁷⁰ On March 11, 2002, the U.S. Treasury moved to freeze the assets of the Al-Haramain branch in Bosnia-Herzegovina, charging that it was providing financing to foreign terrorist organizations. Investigators suggested that Al-Haramain's Bosnia office had been linked to the terrorist group Al-Gama'at Al-Islamiyya, and that Saudi citizen Wael Jalaidan (a close friend and aide of Usama Bin Laden) was authorized to withdraw money from its local bank account.⁷¹

Al Haramain was officially banned in Kenya shortly after the devastating U.S. Embassy bombings in August 1998 because the charity was believed to have had a role in the attack.⁷² At the time, John Etemesi, chairman of the Kenyan Non-Governmental Coordinating Board, explained that Al-Haramain "had been found to be working against the interests of Kenyans in terms of security... Our investigations reveal that the operations of these organizations are inconsistent with the reasons for which they were registered."⁷³ Wadih El-Hage, Usama Bin Laden's personal secretary, was a principle convicted conspirator in the 1998 embassy bombings. El-Hage's book of business cards exhibited at the federal trials in New York contains a card for "Mansour A. Al-Kadi" as the "Deputy General Director and Head of Africa-Committee of Al Haramain Islamic Foundation."⁷⁴ "Mansuor [sic] Al-Kadi" is also listed as the Vice President of Al-Haramain's Ashland, Oregon office on IRS 990 Forms from fiscal year 2000.⁷⁵ Al-

⁶⁹ "Review of the Information on Activities of the Persons from Afro-Asian Countries Directly Before the War and During the War in the Territory of BiH Republic." Report written by the BiH Administration of the Military Security Service—Department for Analytical and Informative Affairs." Sarajevo; May 6, 1995.

⁷⁰ "Foreign Donors to 'El Mudzahidin'" ("Donatori Jedinice 'El Mudzahidin'"). "Shema Hijerarhijskih Odnosa OpO 'Vazal.'" Memorandum issued by the Army of the Republic of Bosnia-Herzegovina (ARBiH) Military Security Service. November 28, 1995.

⁷¹ Hecimovic, Esad. "Blockading Young Muslims' Way—Misuse of Humanitarian Funds To Support Terrorism." Dani (Sarajevo). November 22, 2002. Pages 36-39.

⁷² Jeannine Aversa. "U.S. blocks assets of Islamic charity's operations in Bosnia and Somalia." Associated Press. March 11, 2002.

⁷³ "Kenya bans six Islamic aid agencies after U.S. Embassy bombing." Associated Press. September 9, 1998.

⁷⁴ U.S. v. Usama bin Laden, et al. United States District Court for the Southern District of New York. 116 F. Supp. 2d 489; 2000 U.S. Dist. LEXIS 14507. October 5, 2000, Decided. October 5, 2000, Filed. Government exhibits GX-207 to GX-364.

⁷⁵ IRS 990 Form fiscal year 2000 for the "Al-Haramain Foundation."

Haramain's English-language website further identifies Al-Kadi as a member of its global Board of Trustees.⁷⁶

Regarding the U.S. presence in the Muslim world, two months after the 1998 East Africa Embassy bombings, the Al-Haramain English-language newsletter read:

"The war of the Christian Crusaders is today at its most intense... The Muslim whose mind has not been corrupted cannot bear to see the unbelievers wielding authority, and ordering and prohibiting in his own country. Therefore such a Muslim strives his utmost to expel and distance them - even if he has to sacrifice his own life, or his most cherished possession, for this cause."⁷⁷

Likewise, in May 1999, the Al-Haramain English newsletter carried an article endorsing the position of noted Muslim lecturer Jamal al-Din Zarabozo: "What we need are Muslims who are totally committed to Islam... People who are willing to sacrifice for Allah's sake and not fear the harm of anyone. This is what we need. We need a real commitment to Islam. We must strive to support the Muslims and jihads throughout the world with our lives and our wealth."⁷⁸ In the February 2000 Al-Haramain newsletter, a columnist wrote, "Jihaad is a religious obligation in Islaam. Its aim is to fight oppression and injustice and to remove obstacles which prevent the spread of Islaam. This is accomplish[ed] either by weakening or destroying the disbelieving prevalent political powers so that Muslims can prevent anyone from persecuting their brother Muslims wherever they may be."⁷⁹

The official Al-Haramain website carried regularly updated reports on the "The Jihaad In Chechnya" in the form of copies of communiqués issued to "the President of the Asian committee" of Al-Haramain from its representative in Chechnya, Abdul-Lateef Ad-Diraan.⁸⁰ Likewise, in a leaked internal memo, the Russian FSB security service accused the Al-Haramain Foundation of transferring \$1 million to Chechen Muslim rebels in 1999 and additionally arranging the purchase on their behalf of 500 "heavy weapons" from the Taliban in Afghanistan. According to the Washington Post, the memo quoted purported written exchanges between Arab-Afghan military commanders in Chechnya and Al-Haramain's "director" back in the Saudi Kingdom: "Today, Al-Haramain has \$50 million for the needs of the mujaheddin... The reason al Haramain provides assistance a little bit at a time is because it is afraid of the accusations it is assisting the jihad."⁸¹

During the early months of 2000, the Arabic-language version of the Al-Haramain website specifically advertised "sponsoring instructors at the Kavkaz Institute, as well as 25 judges in the Shariah courts."⁸² Both the Arabic and English versions of the site also offered scanned copies of two fatwahs endorsing the act of providing financing to the

⁷⁶ <http://www.alharamain.org/alharamain/eng/inner.asp?order=1&num=1>.

⁷⁷ Shaykh Abdul-Aziz Ibn Baz. "The Ideological Attack." Al-Haramain Newsletter. Vol. 2; No. 10. October 1998.

⁷⁸ <http://www.alharamain.org/english/newsletter/issue23/feature23.htm>. May 1999.

⁷⁹ Mosher, A. "Jihaad." Al-Haramain Newsletter. Vol. 4; No. 3. February 2000.

⁸⁰ http://www.alharamain.org/alharamain/chechniya/chech_eng01.html. October 2000. See also:

http://www.alharamain.org/alharamain/chechniya/chech_eng04.html. October 2000.

⁸¹ LaFraniere, Sharon. "How Jihad Made Its Way to Chechnya Secular Separatist Movement Transformed by Militant Vanguard." The Washington Post. April 26, 2003. Page A01.

⁸² <http://www.alharamain.org/alharamain/chechniya/arabic/page01.htm>. May 2000.

mujahideen in Chechnya issued by Shaykh Abdullah ibn Jibreen and Abu Umar al-Saif's former clerical mentor, Shaykh Mohammed ibn Uthameen.⁸³ According to the fatwah from Shaykh ibn Jibreen, titled "The Situation of the Mujahideen, and the Duties of Muslims Towards Them":

"It is no secret that which has come to exist recently in the country of Chechnya and Daghestan in terms of the communist aggression and that which has occurred as a result of it in killing, displacement, destruction and oppressive harm... It is obligatory upon the Muslims to firstly, supplicate for their Brothers (and Sisters) in that land for victory to overcome their enemies. Secondly, to supply them with weapons and real power with which they are able to strive and kill their enemies (on the battlefield). And, thirdly, to strengthen them with financial donations, as they are in desperate need of food, clothing and all such things... No doubt, the Jihad with money is from that which is rewarded and Allah has recommended Jihad with oneself in many verses... We ask Allah to assist His Religion and raise His Word and grant the Mujahideen victory in every land and make firm their foothold."⁸⁴

In his own fatwah published on the Al-Haramain website, Shaykh Mohammed ibn Uthameen was asked for his "judgment regarding spending charities and Zakat to Muslims" in the Caucasus region "supporting them by self and by wealth." The cleric responded, "giving charity and Zakat for Muslims in the Caucasus, and especially in Chechnya, is permitted, as zakat will be for the Mujahideen and the poor."⁸⁵ The fatwah of Shaykh ibn Uthameen posted on Alharamain.org appears to be the identical same fatwah also posted on the website Qoqaz.com ("Voice of the Caucasus"), the official website of the Chechen mujahideen.⁸⁶ Likewise, the main English-language section of the Al-Haramain website about the "Jihad in Chechnya" contains a prominent and direct "Chechnya web link" to <http://www.qoqaz.com>.⁸⁷

The U.S. Attorney's Office for the District of Oregon has provided me with a series of evidentiary documents, including the affidavit of an agent with the Russian Federal Police Service (FSB), Sergey Nikolayevich Ignatchenko. According to Ignatchenko, "Al-Haramain actively provided financial support to Dagestani, Chechen and Ingush religious extremist groups, followers of Wahhabi ideology":

"These groups were aiming to overthrow the existing constitutional system in those republics, secede from Russia and create a so-called Islamic state in the North Caucasus region of the Russian Federation. We found out that large sums of money in the form of foreign currency were received by... the so-called Kavkaz Islamic Institute (village of Serzhen-Yurt, Chechen Republic). The money was received through one of the branches of the foundation, located in the city of Baku (Azerbaijan)... Despite the fact that officially the funds were intended for religious events of Muslim holiday celebrations, the

⁸³ <http://www.alharamain.org/alharamain/chechniya/english/page06.htm>. October 2000.

⁸⁴ <http://www.alharamain.org/images/ibn-jibreen.jpg>. October 2000. See also:

<http://www.alharamain.org/english/images/ibn-jibreen.jpg>. October 2000.

⁸⁵ <http://www.alharamain.org/images/sk-uthaymin.jpg>. October 2000. See also:

<http://www.alharamain.org/english/images/sk-uthaymin.jpg>. October 2000.

⁸⁶ <http://www.qoqaz.com/fatwa.jpg>. March 2000. See also: <http://www.qoqaz.com/fatwa.htm>. March 2000.

⁸⁷ <http://www.alharamain.org/alharamain/chechniya/english/page05.htm>. March 2000.

money was used to support terrorist organizations—to purchase weapons, uniforms, medicine, communication devices, vehicles, and to pay religious extremists' salaries.”⁸⁸

Ignatchenko specifically reported “Chechen separatists” receiving 480,000 Saudi Riyals “through Al-Haramain channels from someone by the name of Mansur bin Abd-al-Rahman Al-Qadi.”⁸⁹ It should be recalled that, at the time, Mansour al-Kadi was the “Deputy General Director and Head of Africa-Committee of Al Haramain Islamic Foundation.”⁹⁰ The FSB agent also accused “leaders of Al-Haramain” with knowingly providing illicit financing to the mujahideen in the Caucasus: “the leaders didn't want to expose their improper activities, but did not decline the cooperation of Chechen militants either. This message sent to Chechnya in February of 2000 provides a good illustration: ‘Al-Haramain will provide assistance in small installments to avoid accusations of supporting Jihad.’”⁹¹ Ignatchenko identified at least two examples of such behavior by Al-Haramain Director-General Shaykh Aqeel al-Aqeel: “In February of 2000 an emissary from Chechnya (name unknown) informed Sheikh 'Aqil bin 'Abd-al-'Aziz al-'Aqil about preparing major terrorist operations against Russian troops during the presidential elections campaign. Tomorrow night you will receive a fax from us with the outlines of ‘Argun’ and ‘Groznyy’ operations. Review and discuss it.”⁹² Later, Ignatchenko added:

“We intercepted a message from abroad that, according to our data, was sent by 'Aqil Bin-'Abd-al-'Aziz al-'Aqil to Taj (warlord Khattab): ‘The cargo is ready to be shipped: RPGs and rounds of ammunition for them, along with rounds for other systems; machine guns, Kalashnikov assault rifles, sniper rifles. We purchased 1000 rounds of ammunition, AGS, one PTUR ‘Fagot’, 500 [bulletproof] vests.’ In response, Khattab asks to immediately send 500 sets of summer and winter weight uniforms, sleeping bags and shoes: ‘I don’t care how much you have to pay—1,000, 2,000, or 5,000. Make an urgent delivery by car... We are in dire need of tents.’”⁹³

It should be noted that the behavior described above by FSB agent Ignatchenko is remarkably analogous to similar fraudulent activities in the Caucasus by competing religious charities (such as the Benevolence International Foundation, the Global Relief

⁸⁸ Interview by Deputy Chief of the 3rd Department of Russian FSB Investigative Division, Lieutenant Colonel of Justice V.V. Romanovskiy of former FSB operative Sergey Nikolayevich Ignatchenko. Moscow, Russia; December 3, 2008. (Transcribed January 26, 2009). File #: 315N PD 45427. Job #: 883.

⁸⁹ Interview by Deputy Chief of the 3rd Department of Russian FSB Investigative Division, Lieutenant Colonel of Justice V.V. Romanovskiy of former FSB operative Sergey Nikolayevich Ignatchenko. Moscow, Russia; December 3, 2008. (Transcribed January 26, 2009). File #: 315N PD 45427. Job #: 883.

⁹⁰ U.S. v. Usama bin Laden, et al. United States District Court for the Southern District of New York. 116 F. Supp. 2d 489; 2000 U.S. Dist. LEXIS 14507. October 5, 2000, Decided. October 5, 2000, Filed. Government exhibits GX-207 to GX-364.

⁹¹ Interview by Deputy Chief of the 3rd Department of Russian FSB Investigative Division, Lieutenant Colonel of Justice V.V. Romanovskiy of former FSB operative Sergey Nikolayevich Ignatchenko. Moscow, Russia; December 3, 2008. (Transcribed January 26, 2009). File #: 315N PD 45427. Job #: 883.

⁹² Interview by Deputy Chief of the 3rd Department of Russian FSB Investigative Division, Lieutenant Colonel of Justice V.V. Romanovskiy of former FSB operative Sergey Nikolayevich Ignatchenko. Moscow, Russia; December 3, 2008. (Transcribed January 26, 2009). File #: 315N PD 45427. Job #: 883.

⁹³ Interview by Deputy Chief of the 3rd Department of Russian FSB Investigative Division, Lieutenant Colonel of Justice V.V. Romanovskiy of former FSB operative Sergey Nikolayevich Ignatchenko. Moscow, Russia; December 3, 2008. (Transcribed January 26, 2009). File #: 315N PD 45427. Job #: 883.

Foundation, and the Qatar Charitable Society). It is also consistent with matching irregularities that have surfaced in Al-Haramain Foundation operations and financing in other conflict zones, such as Bosnia-Herzegovina and Kosovo.

IV.) The Websites of the Islamic Army of the Caucasus: Kavkazcenter.com, Qoqaz.com, and Qoqaz.net

Prior to the emergence of the Internet, contemporary insurgencies and terrorist organizations were at a serious disadvantage compared to their adversaries in matters of communication, coordination, and media access. A fixed television channel or radio station can be an easy target for an organized military force, as the Israeli government has proven with its repeated strikes on the Hezbollah broadcast company known as "Al-Manar" in Lebanon. Years of effort and hard-earned financing channeled to build the physical infrastructure necessary to support traditional media and communications methods can be obliterated in an instant by a single laser-guided missile dropped from an enemy aircraft. Even inviting mainstream media to do their own independent interviews and reporting can come with serious risks. Journalists can secretly be employed as spies (or assassins, as in the case of the late Afghan warlord Ahmad Shah Massoud), and groups like the Islamic Army of the Caucasus have little control over the message of the media once journalists leave the conflict zone. Propaganda videos that Khattab, Basayev, and their heirs amongst the mujahideen took months to film, edit, and create are boiled down into 30-second cable news segments that present an incomplete picture of what the organization is attempting to achieve. As such, the advent of the Internet has caused a revolution in media, especially among underground political organizations with limited fixed resources like the militants based in the Caucasus. The leaders of the Chechen jihad can now speak directly to a broad, globalized audience without worrying about imminent security dangers or filtering of their message. Potential recruits and would-be donors can be solicited far from the narrow confines of the traditional Muslim world.

In July 2000, during an online interview, Commander Shamil Basayev was asked what Internet sites he would recommend for information about the jihad in Chechnya:

"We have two websites; the first is in Russian and is overseen by brother Movladi Ugudov and the second site is 'Voice of the Caucasus' which is in Arabic, English and 15 other languages and reports news from the Front Line as well as details about military developments and events in Chechnya. The first site is primarily political and is focused at responding to the lies circulated by the Russian media."⁹⁴

The "first site" that Basayev refers to appears to be <http://www.kavkazcenter.com>, a well-traveled Russian and English-language website offering statements from the mujahideen and video recordings of their military operations. Yet, it is the "second site" cited by Basayev, "the Voice of the Caucasus" (a/k/a "Sawt al-Qoqaz"), which is most closely associated with the foreign fighters championed by deceased Saudi national Ibn-ul-Khattab. Over its nearly decade-long existence, the Arabic-language version of "Voice of the Caucasus" has been overseen by unknown parties and is normally hosted at

⁹⁴ Azzam Publications. "Exclusive Interview with Commander of Mujahideen Forces in Chechnya, Shamil Basayev." <http://www.qoqaz.net/html/interviews.htm>. July 1, 2000.

<http://www.qoqaz.com>. The website Qoqaz.com has previously surfaced in connection with charitable organizations suspected of channeling illicit donations to the Chechen mujahideen. When FBI agents searched the Illinois office of the Benevolence International Foundation (BIF), they found a copy of a document dated February 2000 and titled, "A Call to All Muslims" from "The Commanders of the Mujahideen in Chechnya," with a watermark identifying it as having been downloaded from "WWW.QoQaz.Com." In discussing the fighting in Chechnya, the commanders ask: "And today thousands of your fellow Muslims are being killed, yet where is your support for us?" Investigating agents who searched BIF offices also recovered a copy of an "Update on Chechnya Fighting" which "was compiled from the web site www.qoqaz.com."⁹⁵

During one of his many online interviews, when asked to name "Internet sites that focus on the importance of Jihad in Chechnya", Khattab himself responded, "you can access our website, Jihad in Chechnya (www.qoqaz.net), that is also translated into 12 languages thanks to the efforts of some brothers and sisters around the World."⁹⁶ The English version of the website cited by Khattab, <http://www.qoqaz.net>, was the production of a U.K.-based organization providing logistical support to mujahideen networks known as "Azzam Publications" (a/k/a "Azzam.com"). A video clip publicly released by Azzam Publications shows Khattab speaking in Arabic at a mujahideen leadership meeting in Chechnya, with corresponding English subtitles. Khattab explains:

"The brothers in Britain, may Allah reward them, have put in much efforts to publicize the Jihad. There is an organization by the name of Azzam Publications, which is run by brothers who are known to us and maintain regular contact with us. So anyone who wishes to support us or requires any further information about the situation here, they should contact this organization. We keep them informed with news updates about the state of affairs here, so if the people have any questions we can answer them through this organization. So the brothers at Azzam Publications, may Allah preserve them, are cooperating with us in media efforts. They have made many commendable efforts to publicize the Jihad, so if you make contact with them and support them, Inshallah, it will be very beneficial."⁹⁷

Indeed, between approximately the years of 1996 and 2002, Azzam Publications reigned as the undisputed top mujahideen propaganda site on the Internet, featuring jihad training manuals, interviews with Al-Qaida leaders and associates, and the stories of many fallen jihadi "martyrs." During this time, the website was available through a series of varying Internet domain names, including (but not limited to): www.azzam.com, www.qoqaz.net, www.azzam.co.uk, and www.qoqaz.co.uk. According to an official statement from the administrators of the Azzam Publications website, "By the end of July 2002, the Americans concluded that there was no useful intelligence to be gleaned from

⁹⁵ "Government's Evidentiary Proffer Supporting the Admissibility of Co-Conspirator Statements." United States of America v. Enaam M. Arnaout. United States District Court Northern District of Illinois, Eastern Division. Case #: 02 CR 892. January 31, 2003. Page 92.

⁹⁶ Azzam Publications. "World Exclusive Interview with Field Commander Shamil Basayev." <http://www.qoqaz.net/html/interviews.htm>. February 21, 2000.

⁹⁷ Azzam Publications. "The Martyrs of Bosnia: Part I." PAL/NTSC Format. Length: 150 minutes approximately. ©2000.

leaving our site open and they... delivered a written order to the local authorities asking them to immediately shut down our site. Our site has remained shut since then, but we have continued to post daily news bulletins on other web-sites, such as Waaqiah.com.”⁹⁸

During a recent security operation that resulted in the convictions of several defendants in a U.K. crown court, SO-13 Anti-Terrorist Branch investigators recovered logs of online conversations taking place over the Microsoft Network (MSN), wherein one defendant acknowledges, “i been searching for some gud[sic] Jihad websites...but when I used to be online it used to be only azzam.com qoqaz.co.uk etc.”⁹⁹ In a written reply to criticism by JihadUnspun.com, Azzam Publications explained its mission in its own words:

“Azzam Publications is an independent media organisation, established in 1996, that has been providing authentic news and information about Jihad and the Mujahideen everywhere, from a network of informed correspondents on the ground in troubled hotspots... Since November 2001, Azzam.com has been providing authentic news, information, interviews and statements about the current Jihad in Afghanistan, from sources and correspondents on the ground inside Afghanistan. Another one of Azzam’s correspondents, Shaheed Suraqah Al-Andalusi, was killed in December 2001, in the Battle for Tora Bora, by an American cluster bomb. His biography and will were published on Azzam.com early in 2002, and any of the Foreign Mujahideen commanders in Afghanistan today can confirm the efforts of Shaheed Suraqah Al-Andalusi in providing media coverage of the events in Afghanistan.”¹⁰⁰

In September 2002, another statement from Azzam Publications offered further detail on its risky ongoing mission:

“...upon its launch in 1996, Azzam.com was one of the first Islamic web-sites on the Internet and the first web-site dedicated to Jihad and Mujahideen news and information. Allah has enabled us, with meagre resources and little technological experience, to provide information on the Mujahideen and to provide daily news and interviews from the Jihad in Chechnya (from September 1999 to August 2001) and the Jihad in Afghanistan from November 2001 until today. A great deal of effort and sacrifice goes into providing a single news bulletin and those involved in the news process put themselves at risk from either the missiles or the prying eyes of unfriendly authorities. The last six years have seen at least two or our correspondents killed... The first of these was Masood Al-Benini, from Benin, who was martyred in Chechnya in April 2000 whilst attempting to leave the country after receiving a serious shrapnel injury to his thigh. His vehicle was ambushed by the Russians at a checkpoint and he fought to defend himself until he was killed - may Allah accept him as a martyr.”¹⁰¹

⁹⁸ Azzam Publications. “Statement from Azzam.Com Regarding Closure of its Web-Site.” E-mail statement issued on September 24, 2002.

⁹⁹ “Other Assessments for Mr. Edis.” Operation Xango (Regina v. Mohammed Irfan Raja, Usman Malik, Aitzaz Zafar, Awaab Iqbal, and Akbar Butt). SO-13 Anti-Terrorist Branch. October 19, 2006. Page 219.

¹⁰⁰ Open letter issued by Azzam Publications titled “In Defence of the Mujahideen.” November 6, 2002. <http://www.azzam.com>.

¹⁰¹ Azzam Publications. “Statement from Azzam.Com Regarding Closure of its Web-Site.” E-mail statement issued on September 24, 2002.

As previously cited in this report, the real name of “Masood al-Benin” was Xavier Jaffo, a French national and close family friend of Zacarias Moussaoui—who pled guilty in United States District Court in Alexandria, Virginia to conspiring to kill Americans as part of the September 11, 2001 suicide hijackings.¹⁰² Jaffo’s online obituary from Azzam Publications UK related:

“Jihaad is far more besides the act of fighting on the front line. Masood al-Benin rahmatullah-alaihi demonstrated this... His intelligence and perseverance feesabeelillah were again evident when he mastered the operations of computers as applied to a Video editing studio... he spent countless hours struggling to learn computing with no help or assistance... Masood was assigned a role in the... camp which involved the use of his IT skills to setup and maintain a computer lab and to teach IT skills to the brothers.”¹⁰³

One of the unique aspects of Azzam Publications’ material on the conflict in the Caucasus was its focus on the use of suicide bombings—termed “martyrdom operations.” In addition to providing official fatwahs endorsing the use of suicide bombings, Azzam Publications also printed the biographies of individual “martyred” bombers in Chechnya. On June 10, 2000, Azzam’s Qoqaz.net website released the biography of “Sister Hawaa Barayev”, who became nicknamed “The Sword of the Hijab”:

“...To all those who waste their time with worldly exploits while Muslims are slaughtered in Chechnya and other parts of the world Take heed of the message issued by a young Muslim woman who wore the Hijab and was not even 20 years old, whose final words were: I know what I am doing; Paradise has a price and I hope this will be the price for Paradise. Moments later, sister Hawaa Barayev drove a car laden with explosives through the streets of Alkhan Kala and into a building that was used by the leadership of Russian Special Forces in Chechnya... After the dust settled, 27 Russian soldiers, many of them senior Special Forces officers, lay dead... Sister Hawaa’s sacrifice for the sake of Allah and the Muslims is a warning to the unbelievers not only in Chechnya, but across the world, that the people of Allah will no longer accept the tyranny of infidels... Hawaa Barayev taught the enemies of Allah that they will be held accountable and will be hunted down by the soldiers of Allah... Will those Muslims who are sitting in the comfort of their homes learn the lessons taught to the world by Hawaa Barayev; will you follow in her example of unquestioning faith and heroic selflessness?”¹⁰⁴

In fact, the Qoqaz.net website run by Azzam Publications in order to benefit the jihad in the Caucasus boasted an entire sub-section of information relating to “Martyrdom Operations” in Chechnya. The website documented in precise detail along with compelling photographic evidence such missions as “Operation Abdul Malik”:

“In Gudermes, Russian troops attempted to stop a heroic Mujahid from crashing his truck through the gates of the large Russian military base in the city. The base guards fired at the truck, however, by the Grace of Allah Most Glorious, the brother used his machine

¹⁰² Boulden, Jim. “France opened Moussaoui file in ‘94.” *CNN*. December 11, 2001.

¹⁰³ Azzam Publications. “Masood Al-Benin; Qoqaz.net Correspondent. Martyred 12 April 2000.” <http://www.azzam.com/html/storiesmasoodalbenin.htm>.

¹⁰⁴ <http://www.azzam.com/qoqaz/html/storieshawaabarayev.htm>. June 10, 2000.

gun and killed nine enemy troops as he crashed through the gates. More Russian troops appeared and fired at the wheels of the truck and slowed it down, but nothing would stop Allah's plan – the brother stopped the truck, which was laden with 34 tonnes of explosives, between two massive buildings used by enemy troops at the base. The force of the ensuing explosion was tremendous and both buildings were destroyed. Mujahideen sources confirm that until this time, Russian emergency crews have recovered the corpses of 680 soldiers from the site. At least 1,000 others have been injured. On another note, eyewitnesses have reported seeing more than 30 Russian military Kamaz trucks on the road from Gudermes to Dagestan. The eyewitnesses confirm that the trucks were loaded with the corpses of Russian troops who were killed in Sunday's martyrdom operation that wiped out much of the Russian military's strength in Chechnya's second largest city."¹⁰⁵

The reaction was quick, and overwhelming. Azzam Publications began to publish letters from fans, including a note from one Lebanese Muslim who cheered, "I never thought I'd appreciate pictures of death as much as I do when I see those of the Russian soldiers that you post in your site."¹⁰⁶ Another supporter from Australia commented, "After watching the Russian Hell video through your site, I am strongly convinced that the Mujahideen brothers are able to conduct many more similar operations to those recorded in the video. The operations were very effective, and I am very proud of it."¹⁰⁷ Likewise, cooperating defendants from a jihadist network based in Northern Virginia have testified in United States federal court that watching the video "Russian Hell" from Azzam Publications encouraged them to seek training at mujahideen camps in Pakistan and Afghanistan.¹⁰⁸ A former member of the network, Yong Ki Kwon, testified under oath, "They (the videos) motivated us. It was like they gave us inspiration."¹⁰⁹

In November 2000, the Qoqaz.net website run by Azzam Publications posted a heartfelt thank-you note to its associates and affiliates around the world who had assisted in providing technical support for the Qoqaz.net site and establishing mirrored locations for the site on the Internet in other languages—including French, Italian, Turkish, Spanish, and Russian. According to the note, "it is the e-mails of support we have received from our brothers and sisters around the World that has kept us going and made this web-site so successful with the Will of Allah (SWT)... We would also like to say thank you to the following (not in any particular order)... To Sister Ptichka for working on the Russian web-site."¹¹⁰ It is my understanding that "Sister Ptichka" is associated with defendant Pirouz Sedaghaty.

The U.S. Attorney's Office for the District of Oregon has provided me with a collection of eight e-mail messages which appear to have been issued as part of an online newlist titled "sheeshan" (transliterated Arabic for "Chechnya"). The "sheeshan" newlist offered subscribers "reports about the Chechen Mujaahideen and occasionally... other articles of interest."¹¹¹ Six of the eight messages furnished to me from the "sheeshan" distribution list offer material directly copied and pasted from the Azzam

¹⁰⁵ <http://www.qoqaz.net/html/photosmartyrops.htm>. July 17, 2000.

¹⁰⁶ <http://www.azzam.com/qoqaz/html/emailsjun00.htm>. July 2000.

¹⁰⁷ <http://www.azzam.com/qoqaz/html/emailsjul00.htm>. August 2000.

¹⁰⁸ Russell, Betsy Z. "Prosecutors wrap up case against student." Spokesman Review (Spokane). May 25, 2004.

¹⁰⁹ Erdley, Debra. "Witness testifies against Al-Timimi." Pittsburgh Tribune-Review. April 10, 2005.

¹¹⁰ <http://www.qoqaz.net/html/articlesanniversary.htm>. November 21, 2000.

¹¹¹ Abdul-Qadir Abdul-Khaaliq [abdqaadir@shabakah.com]. "E-Mail List." January 20, 2000.

Publications website Qoqaz.net. The titles of the messages include, “Frequently Asked Questions about the Jihad in Chechnya”, “A Call to All Muslims”, “Thirteen Mujahideen Annihilate Russian Convoy”, “Four Foreign Mujahideen Attain Martyrdom”, “Russian Forces Expand Terror Campaign Against Civilian Population”, and “How can I Train Myself for Jihad.” When Azzam Publications first published the final document, “How can I Train Myself for Jihad” in February 2000, it caused a significant stir in the online extremist community.¹¹² On July 19, 2000, “brother AM” from the United States wrote an e-mail to Azzam Publications expressing his admiration for their work: “Respected brothers, I have become addicted to your website. I don’t even want to tell you how many times I check it each day in the hope of finding something new!” The writer added that he had “especially found” a certain handful of items “to be extremely useful and touching, and I would encourage all other Muslims - brothers and sisters, who are serious about Jihad, to read them and act accordingly”—including “How I Can Train Myself for Jihad.”¹¹³ The guide opens with a quote from the Quran favored by Shaykh Abdullah Azzam: “And prepare against them all you can of power, including steeds of war to terrorise the enemies of Allah and others besides whom you may not know, but Allah does know.” It proceeds to offer a litany of advice and guidance addressing the military training of homegrown terrorist cells, with an acknowledged intent for this knowledge to be used for illegal purposes in connection with violent jihad:

“Firearms training differs from country to country... In some countries of the World, especially the USA, firearms training is available to the general public. One should try to join a shooting club if possible and make regular visits to the firing range. There are many firearms courses available to the public in USA, ranging from one day to two weeks or more. These courses are good but expensive. Some of them are only meant for security personnel but generally they will teach anyone. It is also better to attend these courses in pairs or by yourself, no more. Do not make public announcements when going on such a course. Find one, book your place, go there, learn, come back home and keep it yourself. Whilst on the course, keep your opinions to yourself, do not argue or debate with anyone, do not preach about Islam and make Salah in secret. You are going there to train for Jihad, not call people to Islam. Useful courses to learn are sniping, general shooting and other rifle courses... In other countries, e.g. some states of USA, South Africa, it is perfectly legal for members of the public to own certain types of firearms. If you live in such a country, obtain an assault rifle legally, preferably AK-47 or variations, learn how to use it properly and go and practice in the areas allowed for such training... One can learn to operate many arms legally, so there is no need to spend years in prison for dealing in small, illegal firearms... leave the rest to when you actually go for Jihad.”¹¹⁴

The U.S. Attorney’s Office for the District of Oregon has also provided me with a final e-mail titled “What support?” from p@qf.org to soliman@albuthi.com dated January 22, 2000. This e-mail contains yet another excerpt copied straight from the Azzam Publications “Jihad in Chechnya” website Qoqaz.net:

“20 Nov 1999: Exclusive Interview with Field Commander Ibn-ul-Khattab

¹¹² <http://www.azzam.com/qoqaz/html/articlesjihadtrain.htm>. February 29, 2000.

¹¹³ <http://www.azzam.com/qoqaz/html/emailsju100.htm>. July 23, 2000.

¹¹⁴ <http://www.azzam.com/qoqaz/html/articlesjihadtrain.htm>. February 29, 2000.

Question 6: Do you need any support? What support in particular do you need?

Answer 6: The Chechen Republic has been surrounded from all sides. However, the Russian Army is prepared to sell everything for a price. As for previous affairs of the Muslims, one would always find Islamic charities and organisations present. I am sorry to say that there is not a SINGLE Islamic charity or organisation active inside Chechnya at present. Only the Red Cross is present in the Chechen towns and cities. Therefore, we advise the Muslims and the Muslim countries to take a sincere stand with the Mujahideen in the land of the Caucasus.”

V.) The American Islamic Group (AIG)

In 1993, two individuals from southern California, Mohammad Zaki and Kifah Jayyousi, established a haven of radical Muslim fundamentalist thought in Southern California. Their extremist ideals were channeled into the creation of three closely-linked entities: the American Islamic Group (AIG), American World-Wide Relief (AWW), and the Islamic Information Center of the Americas. Essentially, the three groups played separate but integral roles in a critical terrorist recruitment and support center for disciples of the Afghan jihad. AIG served as the political front, issuing regular communiqués and news reports. AWW (formerly known as “Save Bosnia Now”) was the charitable arm, providing substantial financial support to Al-Qaida-affiliated terrorist groups in Algeria, Bosnia, Chechnya, and elsewhere. By networking with other extremists across North America and Europe, the AIG was able to expand its reach to the east coast of the United States (through Florida resident Adham Hassoun) and eventually to continents around the world.

Following the violent death of Mohammed Zaki in 1995 while fighting alongside the mujahideen in Chechnya, the responsibility of managing AIG was primarily assumed by Kifah Jayyousi. Jayyousi, a Palestinian-American engineer, authored the organization’s press releases, including their infamous “Islam Reports.” In February 1994, Jayyousi published an open e-mail concerning the details of a planned resurgent Muslim empire. He explained, “I am a Muslim citizen of the great upcoming Islamic State.” Jayyousi referred to those opposed to this new Islamic state as “bloodsuckers... who are enslaving Muslims in Asia and Africa and around the World, they are the ones who are fueling the war using their agents.” He urged other Muslims to “be an achiever and help form it... Help rid the land of [the infidels] and [the hypocrites].” More specifically, Jayyousi wrote, “as to [Egyptian President Hosni] Mubarak, may Allah curse him, his departure or assassination, [God willing], will be a major Fath or victory to strengthen Islam.” Moreover, although Egypt and other secular Middle Eastern regimes were deemed to be troublesome adversaries by Jayyousi, he made a point to “reiterate that the west is Islam's enemy No.1.”¹¹⁵

The official newsletter of the AIG—the so-called “Islam Report”—was arguably one of the most radical English-language jihadist propaganda publications in recent history, with impeccable sources and credentials. The April/May 1994 print edition of AIG’s “Islam Report” featured a particularly noteworthy endorsement from “Mujahideen Camps in Kabul, Afghanistan”: “Islam Report is a powerful voice of truth, please send it

¹¹⁵ Imran Anwar (imran@panix.com). “Attacks on Pakistanis & B. Bhutto Fwd: Re: Islam Report (News & Analysis.” Newsgroups: soc.culture.pakistan. February 11, 1994.

regularly, our brothers read every word of it as it keeps us informed.”¹¹⁶ On many of the Islam Reports between 1994 and 1995, while legally disclaiming connections to any actual guerilla outfits, Kifah Jayyousi wrote that, nevertheless, “we would be proud to identify with GIA and other mujahideen.”¹¹⁷ AIG published numerous English translations of communiqués through the “Islam Report” originally authored by “Abu Al-Ma`ali,” the Algerian leader of the foreign mujahideen brigade fighting in Bosnia-Herzegovina.¹¹⁸ Likewise, AIG issued a flurry of special-edition “Islam Reports” to republish GIA communiqués concerning the December 1994 hijacking of an Air France commercial airliner by a GIA suicide team.

Documents seized by the Federal Bureau of Investigation show at least a handful of personal visits by AIG co-founder Kifah Jayyousi to the Boston metropolitan area between 1996 and 1998.¹¹⁹ One such document purports to be a letter from Samir al-Monla (a.k.a. Abu Waleed): “I would like to ask for your participation and assistance to help our brother KIFAH JAYYOUSI brings to your Masjid the latest video tape from CHECHNYA showing how Grozny was recaptured by Muslims and how the CHECHENS are struggling to implement the Islamic rule in their land by help of Allah (S.W.T). It will be a fund raising event. For the Donations we have our direct contact to CHECHNYA.”¹²⁰ The U.S. Attorney’s Office for the District of Oregon has provided me with a copy of a video recording featuring propaganda footage from the first Russo-Chechen war (1994-1996), including former Chechen President Dzhokar Dudayev and indigenous Chechen resistance fighters. The video is marked with the logo of the American Islamic Group (GIA). It appears to be similar—or the same—as the AIG fundraising video discussed in the letter from Samir al-Monla that was used to solicit donations for the mujahideen in Chechnya.

¹¹⁶ “Editorials.” Islam Report. Vol 1; Issue 7. April/May 1994. American Islamic Group (AIG). Page 2.

¹¹⁷ American Islamic Group (islam@powergrid.electriciti.com). “Islam Report (Air France Real Story Part II).” Newsgroups: soc.religion.islam. January 2, 1995.

¹¹⁸ American Islamic Group (islam@powergrid.electriciti.com). “Islam Report(Jihad in Europe! Now A Muslim Brigade!)” Newsgroups: alt.current-events.bosnia. September 23, 1995.

¹¹⁹ Exhibit CICR 07218. U.S. v. Muhamed Mubayyid, Emadeddin Muntasser, and Samir Al-Monla. Criminal Action No. 05-40026-FDS. United States District Court; District of Massachusetts.

¹²⁰ Exhibit CICR08010. U.S. v. Muhamed Mubayyid, Emadeddin Muntasser, and Samir Al-Monla. Criminal Action No. 05-40026-FDS. United States District Court; District of Massachusetts.

Sentencing Exhibit 3

Letter dated March 25, 2009
from U.S. Attorney's Office
to Steven Wax



U.S. Department of Justice

Karin J. Immergut
United States Attorney
District of Oregon

1000 SW Third Avenue, Suite 600 (503) 727-1000
Portland, OR 97204-2902 Fax: (503) 727-1117
E-Mail: Charles.Gorder@usdoj.gov

RECEIVED MAR 2 0 2009

March 25, 2009

RECEIVED MAR 2 6 2009

Steven T. Wax
Federal Public Defender
101 SW Main Street, Suite 1700
Portland, OR 97204

Re: United States v. Sedaghaty
CR 05-60008-HO

Dear Mr. Wax:

Pursuant to Judge Hogan's orders of March 18, 2009, filed on March 20, 2009 (Docket # 160), this letter will inform you of the following unclassified summary of certain classified documents responsive to your discovery requests:

The U.S. Government obtained information that Sami 'Abd Al 'Aziz Al-Sanad worked during 2000 and 2001 for the Al-Haramain organization and was responsible for providing currency supplied by Al-Haramain, including the currency obtained by codefendant Soliman Al-Buthe from Al-Haramain USA, to a representative of Muhammad Al-Sayf, aka Abu 'Umar, to be smuggled into Chechnya. Al-Sanad has claimed that the monies he provided to Al-Sayf's representative were destined for needy Chechen families.

Very truly yours,

KARIN J. IMMERGUT
United States Attorney

CHARLES F. GORDER, JR.
Assistant United States Attorney
Anti-Terrorism Coordinator
District of Oregon

cc: Lawrence Matasar, Esq.
AUSA Chris Cardani

Sentencing Exhibit 4

Ignatchenko Witness Report
with Exhibits FSB 4 - FSB 11

File Number:
Date: 01/26/2009

Witness Interview Report

Moscow

December 3, 2008

Interview started at 10:30
Interview ended at 13:00

Based on the Letters Rogatory received from the US Department of Justice, Deputy Chief of the 3rd Department of Russian FSB Investigative Division, Lieutenant Colonel of Justice V.V. Romanovskiy conducted an interview of a witness at 1/3 Bolshaya Lubyanka St., Room # 207, Moscow, in accordance with Articles 189 and 190 of Russian Federation Criminal Procedural Code. [The information about the witness is as follows:]

1. Last, first, patronymic name: IGNATCHENKO, Sergey Nikolayevich
2. Date of birth: September 02, 1961
3. Place of birth: Moscow
4. Place of residency and registration: 2 Bolshaya Lubyanka, apt.# 326, Moscow;
phone:
5. Citizenship: Russian Federation
6. Education: college degree
7. Marital Status: married
8. Employer or Educational Institution: Russian Federal Security Service [FSB] employee
phone:
9. Military service status: draft eligible
10. Previous convictions: none
11. Passport or other identification document: identity attested
12. Other information about the witness: none.

Witness [Illegible signature]
(signature)

[Illegible signature]

Prior to the interview I was explained my rights and responsibilities as a witness according to Russian Federation Criminal Procedural Code, Article 56, part 4:

File Number:

Date: 01/26/2009

1) Refuse to testify against myself, my spouse or other close relatives whose circle is delineated by Russian Federation Criminal Procedural Code, Article 5, part 4. Upon my agreement to testify I was informed that everything I say can be used as evidence in a criminal case even if I renounce my testimony later on;

2) Testify in my native language or in a language that I speak fluently;

3) Use an interpreter at no charge;

4) Reject an interpreter participating in an interview;

5) File petitions and/or complaints about actions taken by an interviewer, investigator, prosecutor, court, or lack thereof;

6) Have an attorney present at an interview, in conformity with Russian Federation Criminal Procedural Code, Article 189, part 5;

7) Ask for security measures specified in Russian Federation Criminal Procedural Code, Article 11, part 3 to be applied;

I have been advised that perjury (according to Russian Federation Criminal Code, Article 307) or refusal to testify (according to Russian Federation Criminal Code, Article 308) may result in criminal sanctions against me.

Witness

[Illegible signature]

(signature)

I can report the following information pertaining to the criminal case:

In the late 1990s - early 2000s I worked as a Russian Federal Security Service [FSB] operative and investigated activities of various charitable foundations within the Russian Federation, including the international Islamic charitable organization Al-Haramain (Islamic Foundation of Two Holy Shrines, *Al-Haramain* [sic] *Islamic Foundation*). During my investigation I learned that this organization was founded back in the early 1980s to support mujahidins who fought against USSR military forces in Afghanistan. Later, the foundation supported extremist Islamic movements around the world. It still provides financial aid to such movements and has representation (nearly 70 offices) in Albania, Macedonia, Croatia, Kosovo, Pakistan, Bangladesh, Kenya, Somalia, Georgia, Azerbaijan and other countries. In the late 1990s - early 2000s this organization was actively conducting illegal activities in Russia - in the Chechen, Ingush and Dagestan Republics.

At that time Sheikh 'Aqil bin 'Abd-al-'Aziz al-'Aqil was the director general of Al-Haramain; the head office was located in Riyadh, Kingdom of Saudi Arabia.

According to the data we obtained in 1997, Al-Haramain actively provided financial support to Dagestani, Chechen and Ingush religious extremist groups, followers of Wahhabi ideology. These groups were aiming to overthrow the existing constitutional system in those republics, secede from Russia and create a so-called Islamic state in the North Caucasus region of the Russian Federation.

[Illegible signature]

We found out that large sums of money in the form of foreign currency were received by

File Number:

Date: 01/26/2009

one of the main centers of Wahhabi ideology in Dagestan located in the city of Makhachkala, in the village of Karamakhi, Buynak region, and by the so-called Kavkaz Islamic Institute (village of Serzhen-Yurt, Chechen Republic). The money was received through one of the branches of the foundation, located in the city of Baku (Azerbaijan). In the meantime, Al-Haramain established a new foundation to support Chechnya - *Foundation Regarding Chechnya*. The branch of this organization opened in late 1999 in Azerbaijan and used the services of Al-Barakah bank. Subsequently, the foundation sent 25 operatives to the Chechnya border regions to establish ways of supplying the gangs with weapons and ammunition.

Despite the fact that officially the funds were intended for religious events of Muslim holiday celebrations, the money was used to support terrorist organizations - to purchase weapons, uniforms, medicine, communication devices, vehicles, and to pay religious extremists' salaries.

According to our data, some of the money obtained through charitable donations (so-called zakat) was stolen and sent outside of Russia to the personal accounts of warlords, such as Amir Khattab and Shamil Basayev. Families of these individuals were relocated to UAE and other countries of the Near and Middle East, and are supported by charitable donations of Muslims.

The following individuals played active roles in Al-Haramain operations in Dagestan and Chechnya, such as military resistance against Federal Forces:

- Nationals of the Kingdom of Saudi Arabia: Al-'Arabi Ra'id, born in 1972; Al-Khumaydi Salih, born in 1974 (also known as Al-Ghumaydi Salih Ali, born on November 30th, 1974); Mu'ammam 'Abd-al-Wahhab Tupkiy [sic], born on August 11th, 1970 in Kuwait, Kuwait, resident of Riyadh, Kingdom of Saudi Arabia (also known as Mu'ammam al-Turki'Abd-al-Wahhab);
- Citizens of Yemen: Jamal Mura'i, born in 1970; Al-Akhmer Khalid, born in 1972; Muhammad Salih 'Umar, born in 1968 in Mecca, also known as 'Umar Muhammad Salih Khadish, born in 1967;
- Citizen of Syrian Arab Republic 'Ali Nasir, born in 1973;
- Citizen of Iraq Salih Fawzi Sahir, born in 1967.

Maskhadov's regime and its armed opposition groups came under special care of the Al-Haramain foundation from the very beginning. The following individuals were working as the foundation emissaries on the staff of militant gang commanders and leaders of the most active opposition groups: Nationals of the Kingdom of Saudi Arabia 'Abd-al-Latif bin 'Abd-al Karim al-Dar'an (on Maskhadov's staff), Abu-'Umar Muhammad al-Sayf (on staff of Basayev and Khattab); as well as Abu-Thabit, Abu-Salman Muhammad, Abu-'Abdalla, Salih bin Muhammad al-Dahshi and others.

[Illegible signature]

File Number:

Date: 01/26/2009

According to the information we obtained, the same individuals provided financing for Chechen extremists, arranged ways to supply weapons, food and medicines, and ensured medical treatments for wounded militants. For example, in November of 1999 one million US dollars designated for purchase of weapons for armed insurgents were transferred into International Islamic Bank account #0150239640, the name on the account - 'Imran Ahmad 'Ali al-'Uways. Furthermore, Chechen separatists received 480 thousand riyal through Al-Haramain channels from someone by the name of Mansur bin Abd-al-Rahman Al-Qadi.

We found out that emissaries of Al-Haramain and Taliban fighters in Pakistan reached an agreement to purchase 500 units of heavy weaponry for Chechen opposition groups. In order to deliver these weapons and to recruit mercenaries and explosives experts, an activist of the International Islamic organization, Abu-Sayd traveled to Pakistan. The plan was to transfer the weapons, money, and military equipment to Chechnya through Turkey and Georgia.

Al-Haramain emissaries diligently collected intelligence in Chechnya, helped militants to fight not only the "shooting" war with Russia, but the informational war as well. According to the data we obtained, the following message was sent from Chechnya to Saudi Arabia in late November of 1999: "We set up centers and points of distribution of fuel and food up in the mountains. [We have] more than 200 tons of food, 100 tons of diesel fuel and gasoline. Russians will never find the locations of these points."

In a message to his superiors in Saudi Arabia someone by the name of Abu-Sarah promised to make some "big story" on Chechnya public and use it for propaganda in foreign media. Also, Abu-Sarah reports that he ". . . took part in an interrogation of a captured Russian soldier. As a result of the interrogation we are getting ready to ambush a Federal [Forces] unit." In December of 1999 an Al-Haramain operative reported to the headquarters: "I visited several organizations today. There is a potential for cooperation and brothers that are here can provide cover for our work. Perhaps, it will be a correspondence office. We can bring everything we had in Georgia over here. And whatever we write can go through Internet. . ."

In January of 2000, Salih-al-Din from Riyadh had an urgent request - he asked to provide information about "Russian activities in Groznyy, particularly in the vicinity of Minutka square". Provide the names or the identifying numbers of military units and subunits conducting the warfare." Later he explained to his partner in conversation: "BBC and CNN are willingly using the materials you presented. Even these infidels in America say that they want to help Chechens fight Russians when they watch our footage." In February of 2000 an emissary from Chechnya (name unknown) informed Sheikh 'Aqil bin 'Abd-al-'Aziz al-'Aqil about preparing major terrorist operations against Russian troops during the presidential elections campaign. "Tomorrow night you will receive a fax from us with the outlines of "Argun" and "Groznyy" operations. Review and discuss it. . ."

[Illegible signature]

File Number:

Date: 01/26/2009

February of 2000. From the message sent to Abd-al-Tajem Abu-Usamah in Saudi Arabia: ". . . The situation is really bad indeed. The Russian Army is everywhere now. Only hard-to-reach mountain regions remain. In the past, we were fighting the Communist Army of Afghanistan and the Serbian Army - there was nothing to it. This time we are up against a powerful army. They are able to reach us everywhere. We are waiting for the roads [to open up]. People are sleeping in the mountains."

Al-Haramain took special care of wounded militants, and provided medical treatments to have them back on the front lines as soon as possible. To make this happen hospitals were set up, money, medical professionals and medications were sent to Chechnya and countries bordering Russia. In December of 1999, a message sent from Riyadh to Chechnya was intercepted: "On behalf of Sheikh Jamal we are sending three surgeons and their assistants - Pakistani and Turkey nationals. The airplanes took off, they should land in Georgia in two to three hours." At the same time, the following message from Al-Haramain representative Abdallah Latif was intercepted: "We need hospitals to be set up, medications and medical equipment to be delivered, and the wounded to be transferred to Georgia. By our estimate it will take one million dollars. Arranging medical treatments for wounded in Georgia and Turkey will take another million dollars. Money will be transferred through Turkey to Georgia and Chechnya".

Later the organization representative in Georgia reported personally to the director general of Al-Haramain: "Officers of the Georgian government and employees of the Chechen Embassy in Georgia are aware of the activities conducted by our office here. The work we do is highly regarded and accepted by everyone. . ."

Successful Federal Forces operations in the Northern Caucasus disrupted many plans of international extremists, including leaders of Al-Haramain. The leaders didn't want to expose their improper activities, but did not decline the cooperation of Chechen militants either. This message sent to Chechnya in February of 2000 provides a good illustration: Al-Haramain will provide assistance in small installments to avoid accusations of supporting Jihad. . ." Several days later - a new message: "Right now Al-Haramain has 50 million dollars designated specifically for mujahidins. This amount will be distributed by Sheikh Abu-Malik." According to information sent by someone named Abu-Salih from Chechnya, the insurgents will start using "the southward road" around May or June to deploy reinforcements from Georgia, set up training camps in the mountains, as well as prepare to defend the Shatoy region which is strategically important for them (dig trenches, set up a hospital, secure finances). To accomplish these tasks Al-Haramain plans to allocate 50 million US dollars and deploy UAE and Kuwaiti experts with Bosnian and Kosovan operational backgrounds.

We intercepted a message from abroad that, according to our data, was sent by 'Aqil Bin-'Abd-al-'Aziz al-'Aqil to Taj (warlord Khattab): ". . . The cargo is ready to be shipped: RPGs and rounds of ammunition for them, along with rounds for other systems; machine guns, Kalashnikov assault rifles, sniper rifles. We purchased 1000 rounds of ammunition, AGS, one PTUR "Fagot", 500 [bulletproof] vests. . ." In response, Khattab asks to immediately send 500 sets of summer and winter weight uniforms, sleeping bags and shoes: ". . . I don't care how much you have to pay - 1000, 2000 or 5000. Make an urgent delivery by car. . . We are in dire need of tents".

[Illegible signature]

File Number:
Date: 01/26/2009

I have to mention that according to Russian FSB standards that are currently in effect, recordings of various communications that were not used for preliminary or court hearings are erased after 5 years. Therefore, the communications I referred to are retained only as hard copies (text). However, I have an audiotape of recordings made after 2001 and I can provide it to our American counterparts. I can assure you that the deciphered communications I mentioned in this interview are original and I quoted them almost verbatim.

Investigator: Are you sure that 'Aqil bin 'Abd-al-'Aziz al-'Aqil was the head of the Al-Haramain foundation during the time period you described?

Witness: Yes, I am sure. However, after certain measures taken by FSB, including exposure of the Al-Haramain activities by the media, 'Aqil Bin-'Abd-al-'Aziz al-'Aqil was removed from the leadership position of the foundation. I can state that I was directly involved in the production of a series of informational programs, including one broadcasted by Channel 1 of the Russian Television on July 25th of 2000. Leonid Grozin was the designated author of the program. Release of the information I provided for this program was authorized by the Russian FSB administration.

Witness [Illegible signature]
(signature)

The witness did not make [handwritten] any statements prior to, during or after the interview.

Witness [Illegible signature]
(signature)


Report reviewed personally [handwritten]
Comments no [handwritten]

Witness [Illegible signature]
(signature)

Deputy Chief of the 3rd Department
Russian FSB Investigative Division
Lieutenant Colonel of Justice

[Illegible signature] V.V. Romanovskiy

2


مؤسسة الحرمين الخيرية
مكتب باكسو


سند صرف
 رقم 0581

التاريخ ١٤١٨ / ٨ / ٢٧ هـ
 المستلم محمد ساني
 المبلغ (٩٠٠٠) ستة آلاف دولار لعمارة
 المشروع : قيمة انشاء الصلوة لجمهورية باكستان لعام ١٤١٨ هـ

الموافقة ١٩٩٧ / ١٢ / ٢٧ م
 الجهة : انظار الصلوة

مدير المكتب
 المحاسب

3


مركز القوقاز الإسلامي
مجمع قلعة

سند صرف رقم

التاريخ : 141 / / هـ
 المستلم : بدر الدين بن سادق
 المبلغ : 3000- ثلاثة آلاف دولار
 المشروع : اغطية الصلوة في القرية كرماني اجام ١٤١٨ هـ

الموافقة : 1997 / 12 / 22 م
 الجهة :

الاعتماد
 توقيع المستلم

Al-Haramain Charitable Foundation
Baku Office



Disbursement Voucher

Number: 0581

Date: 27 December 1997

Payee: Muhammad Shafi

Party: Meals for fasting persons

Amount: Nine thousand dollars (\$9000)

Project: Meals for fasting persons in the Republic of Dagestan in the year 1418 hijri

Accountant
[Signed]

Office Manager
[Signed]

Kavkaz Islamic Center
Makhachkala



Disbursement Voucher Number ()

Date: 22 December 1997

Payee: Badr-al-Din bin Salu

Party:

Amount in numerals: \$3000

In writing: Three thousand dollars

Project: Meals for fasting persons in Karamakhi for the year 1418 Hijri

Signature of the Payee
[Signed]

Approval
[Signed]

Al-Haramain Charitable Foundation
Baku Office



Disbursement Voucher

Number: 0524

Date: 8 November 1997

Payee: Muhammad Shafi

Party: Dagestan Branch Office

Amount: Two thousand seven hundred and eighty dollars (\$2780)

Project: Salaries for the Kavkaz Center minus the salary of the recordings employee, which was paid by mistake in the last budget. Salaries for Karamakhi, [IL] and Bliji for the months of Jamada Al-Ula and Jamada Al-Akhira of 1418 hijri.

Accountant
[Signed]

Office Manager
[Signed]

Kavkaz Islamic Center
Makhachkala



Disbursement Voucher Number ()

Date: 3 January 1998

Payee: Abu-Harun Baha'-al-Din Muhammad Al-Dagestani

Party:

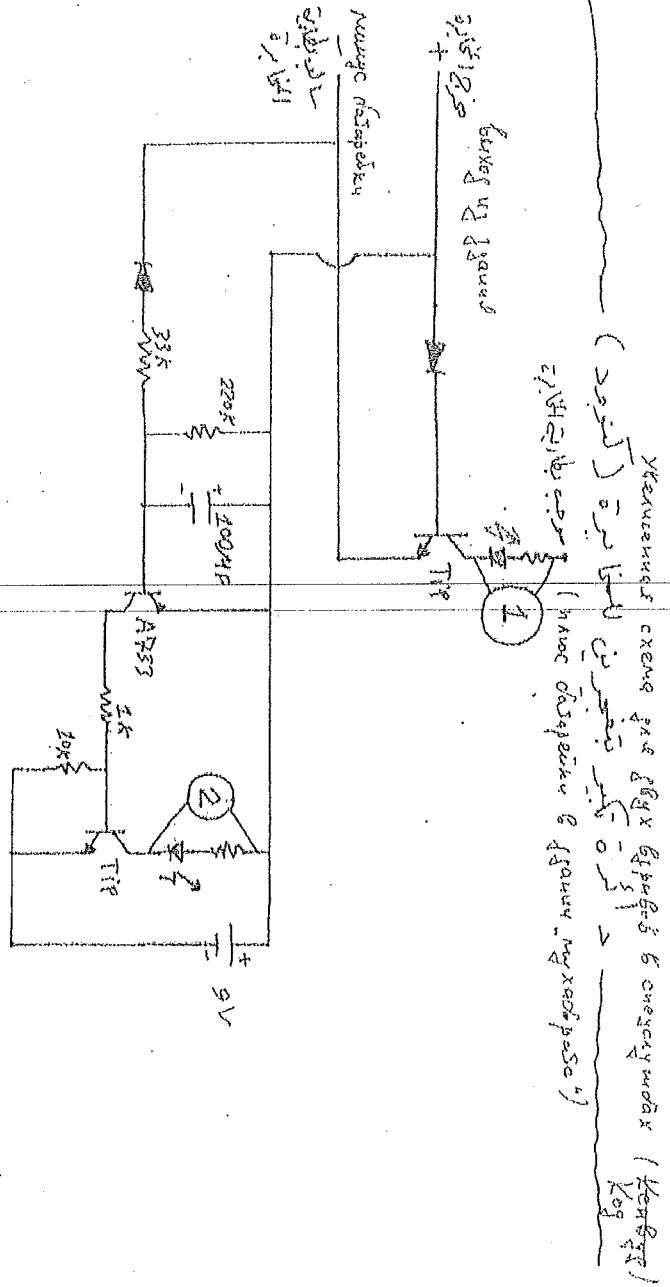
Amount in numerals: \$2000

In writing: Two thousand dollars

Project: Four-month salary 6 - 9

Signature of the Payee
[Signed]

Approval

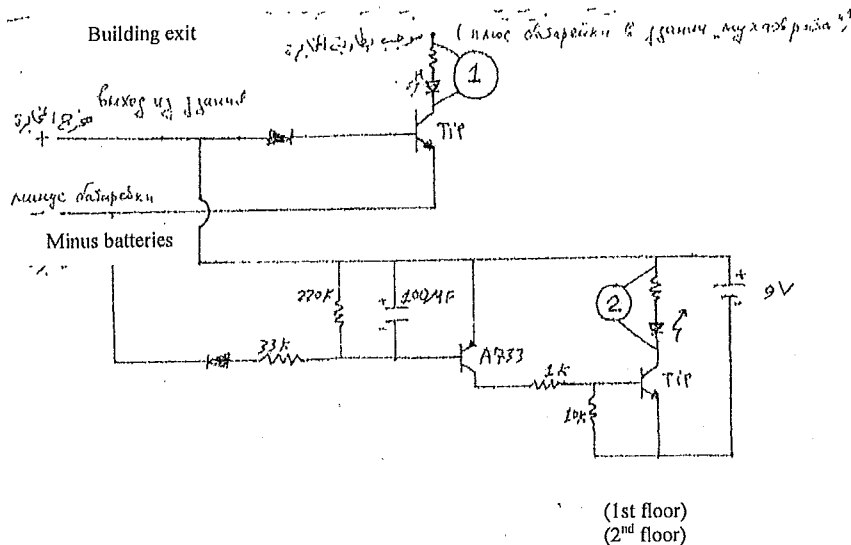


1) (33k) الصائق الاول
 2) (220k) الصائق الثاني

الصيغير الثاني يتم حمده الجناو والاسار (بالخط في رسم الكود) التي خسر حده (صغير في المخطط)
 كما نلاحظ في هذه الصورة للصائق الثاني له صوت (ب) سالب للصائق الثاني
 Zero cognitive Houspawar Houspawar (صوت)

[Handwritten] An Enlarged Circuit for Two Detonations in Special Services
(Kenwood) [crossed out] Code.

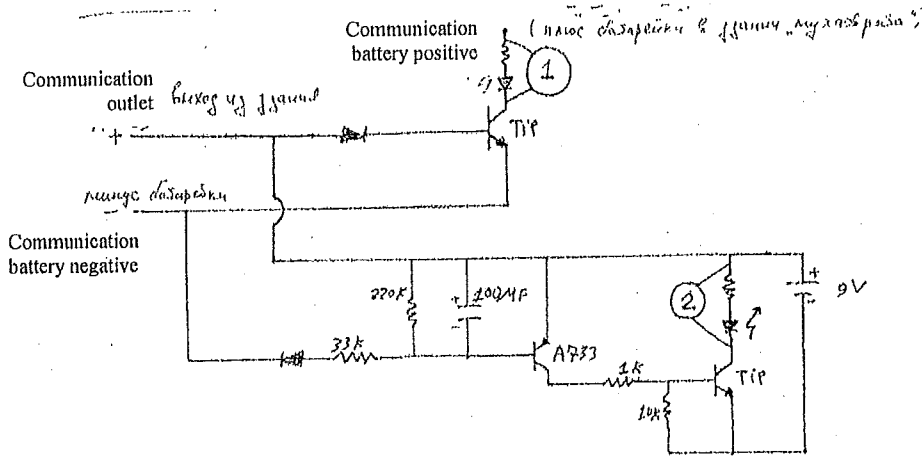
[Handwritten] (plus batteries in Mukhabara building)



[Handwritten] The second explosion occurs when we press and hold the code for a few seconds.

[Handwritten] The polarity of the batteries is crucial.

An Amplification Circuit with Two Detonations per Contact (Kenwood)

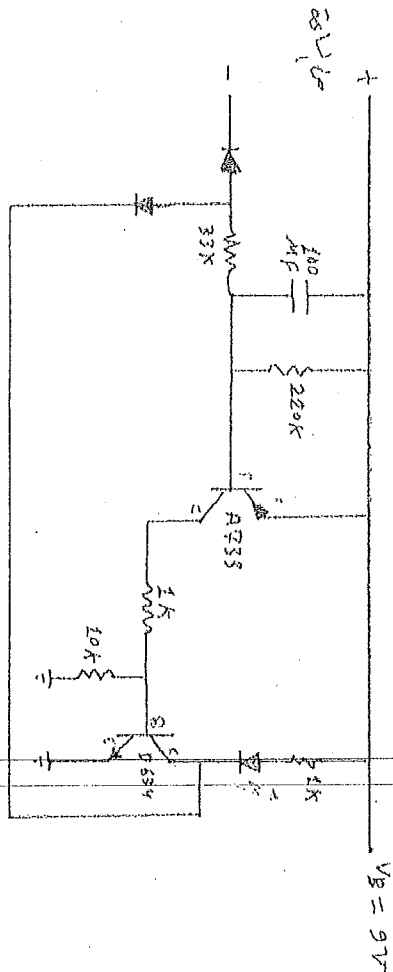


1. First blasting cap
2. Second blasting cap

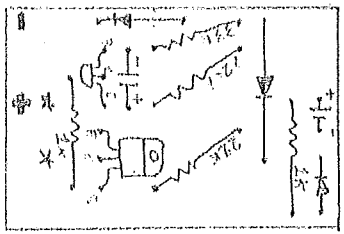
The second explosion occurs when we press and hold the last digit in the code for a few seconds (until the explosion occurs.)

As we can see in this circuit, the negative electrode of the detonator battery (9 volt) should not be connected to the negative electrode of the communication battery (12 volt.)

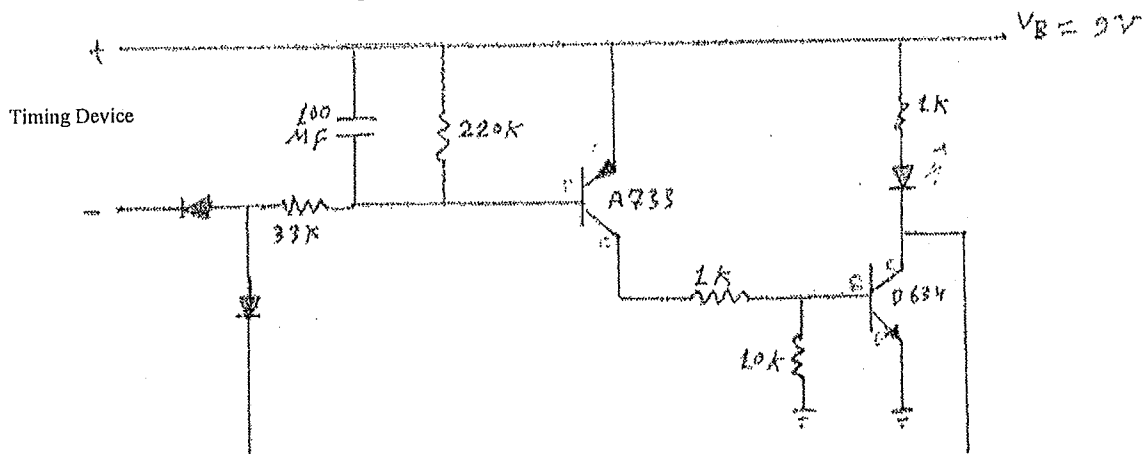
دائرة توقيت بالترانزستور
 : CXEMA zacobore Mexanyama/



هذه الدائرة تستخدم كمنبثق
 22 ميس (22k) في حال الحاجة إلى توقيت
 (CXEMA zacobore Mexanyama/)
 موصلا مع APAS ، c OCHASKANBY.

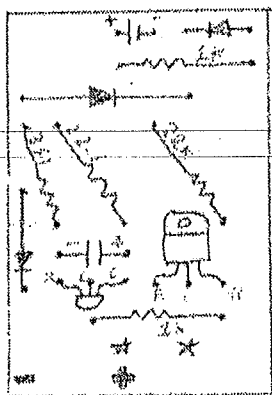


[Handwritten] A Timer Circuit

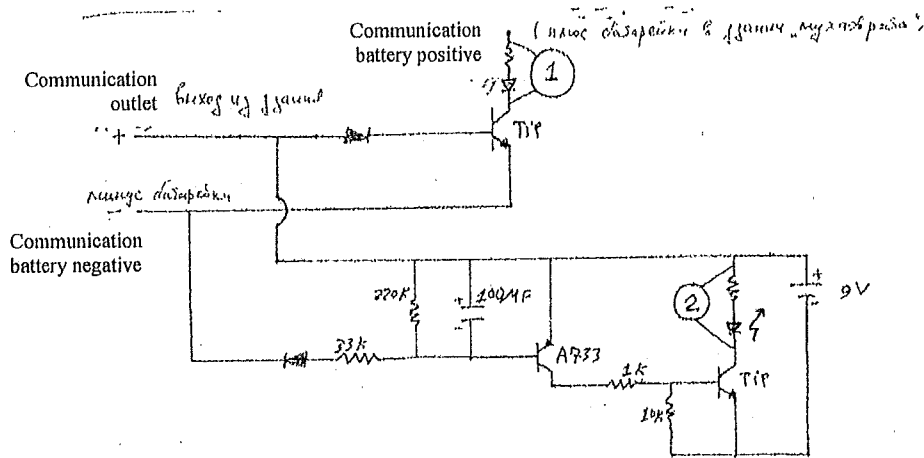


[Handwritten] (The circuit for a nuclear explosive device with a detonator). Written with mistakes, not by an Arab.

(схема ядерного взрывного устройства
написал не араб, с ошибками.)



An Amplification Circuit with Two Detonations per Contact (Kenwood)

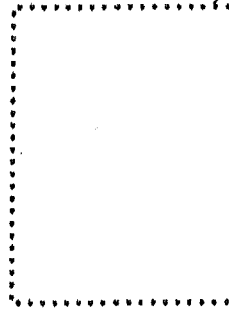


1. First blasting cap
2. Second blasting cap

The second explosion occurs when we press and hold the last digit in the code for a few seconds (until the explosion occurs.)

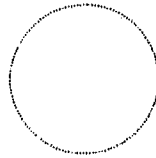
As we can see in this circuit, the negative electrode of the detonator battery (9 volt) should not be connected to the negative electrode of the communication battery (12 volt.)

بسم الله الرحمن الرحيم
استمارة الشهادة والأرقام
شهادة الزواج أو غيرها



الصورة الشخصية

ملاحظات	البيانات	البiod
		الاسم أو الكنية
		تاريخ الميلاد
		مكان الميلاد
		الحالة الاجتماعية
		عدد أفراد الأسرة
		دوره في الجهاد
		المسؤول المباشر عنه
		موقع الجبهة
		القدر



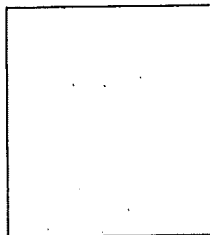
الختم الرسمي

توقيع أمير مجموعة خطاب (رحمه الله)

التاريخ

1425 هجرية
2004 ميلادية

**In the Name of God, the Most Merciful, Most Compassionate
Martyrs and Orphans Form**

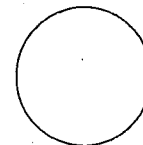


Photograph

Items	Information	Remarks
Name or Alias		
Date of birth		
Place of birth		
Marital status		
Number of family members		
His role in jihad		
His direct superior		
Battle front location		
Fate		

Signature of the commander of Khattab (may God rest his soul) Group

Date / / 1425 Hijri
/ / 2004 C.E.



Official Seal

Бланк шахидов и их сирот

Фотография

Пункты:

1. имя или кличка
2. дата рождения
3. месторождения
4. семейное положение
5. количество людей в семье
6. роль в джихаде
7. кто руководитель
8. местонахождение группы
9. возможности

Подпись - Амир группировки Хаттаба

Печать, дата

Martyrs and Orphans Form

Photograph

Items:

1. Name or Alias
2. Date of birth
3. Place of birth
4. Marital status
5. Number of family members
6. Role in jihad
7. Direct superior
8. Location of the group
9. Capabilities

Signature of the Khattab group commander

Seal, date

Перевод с арабского языка

Порядок главенства эмиров в группе Хаттаба

1. Главный эмир - Абу Хафс.
2. Первый заместитель - Абу Кутейба.
3. Второй заместитель - Абу Рабия.
4. Третий заместитель - Абу Джабер.
5. Четвертый заместитель - Абу Джихад.

Во всех случаях обязательно постоянное наличие четырех заместителей. В случае гибели одного из заместителей происходит автоматическая ротация (на ступеньку выше). Указанный порядок согласован со всеми упомянутыми лицами и необходим для бесперебойности процесса управления.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

ترتيب الأمانة في مجموعة خطاب { رحمه الله }

1. الأمير العام : أبو حفص .
2. النائب الأول : أبو قتيبة .
3. النائب الثاني : أبو ربيعة .
4. النائب الثالث : أبو جابر .
5. النائب الرابع : أبو جهاد .

- في كل الاحوال لا بد من وجود أربع نواب باستمرار , فإن قتل أحد من الاخوة المذكورين أعلاه يتم تعويض النقص , وذلك تحسباً لأي طارئ ويكونون على إطلاع ودراية بمجريات الأمور ...
- هنالك شرح مفصل في المادة المرفقة بهذا الموضوع .

Translated from Arabic

Chain of Command in the Khattab group

1. General Commander: Abu-Hafs
2. First deputy: Abu-Qutaybah
3. Second deputy: Abu-Rabi'ah
4. Third deputy: Abu-Jabir
5. Fourth deputy: Abu-Jihad

In all cases and at all times there have to be four deputies. In case one of the deputies is killed, a step-up automatic replacement occurs. This procedure is confirmed with all the aforementioned persons and is necessary for the continuity of the management process.

In the Name of God, the Merciful, the Compassionate

Chain of Command in the Khattab (may God rest his soul) Group

1. General commander: Abu-Hafs
2. First deputy: Abu-Qutaybah
3. Second deputy: Abu-Rabi'ah
4. Third deputy: Abu-Jabir
5. Fourth deputy: Abu-Jihad

- In all cases and at all times there has to be four deputies. If any of the abovementioned brothers is killed, a replacement should be appointed in anticipation of any emergencies. The deputies should be aware of what is happening
- There is a detailed explanation in the attached text.

مصاريف متفرقة

الموضوع (السبب)	المبلغ	التاريخ	إضافات و تفصيلات	المجموع
شامل (فك الله اسره)	500+400	2003 ٧	للبحث عنه - قضاء دين له	\$900
انصار (تقبله الله)	100	2004 ١	للتجهيز للانطلاق الى العملية	\$100
ابو عمار	300	2004 ١	طلبها لاموره العائليه	\$ 300
زبير	150	2004 3	التجهيز للانطلاق الى ارض الحمر	\$150
مراسيليني	50+ 50	2004 ٧	دورة تعلم كمبيوتر	\$100
البروفيسر	300	2004 ٧	المساعدة الشهرية لثلاثة اشهر	\$300
عمتي	150+100+100	2003	مساعدة اجتماعية	\$350
مجموعه الانعام	3300	صيف 2003	شراء سياره - مصاريف اخرى	3300
الهواتف المحموله	1000	على مدى عام	(7 اجزاه) اغلبها يستخدم الي الان	\$1000
شاحنة (كمان)	8600	2003	لا تطبق	\$8600
سيارتي الارلى	200+4000	صيف 2003	ممسكت مع شامل ال 200 للتصليحات	\$4200
سيارتي الثانيه	2600+ (950)	خريف 2003 وشتاء 2004	موجوده في الخدمة - 950 صرفت على ثلاث دفعات عند تغييرها (3 مرات)	\$3550
جوازات	350+3000+250+2000+1800+1000	على مدى عام	سبحه جوازات بعضها اصبح غير صالح موجود في الخدمة	\$8400
شراء (ديفتون)	50	2004 ١2	موجود في الخدمة	\$50
لباس الشتاء	200+100+50	شتاء 2004	على دفعات الى و لاسرتي و للمراسيلين	\$350
شراء ذخيره	100	2004 ١3	قذائف بتستونيك	\$100
زواج علي (رحمه الله)	500+150	2004 ١2	مهر ولياس وتجهيز الجواز للحروب	\$650
زواج اريس	150+500	2004 ٧	500 مهر ولياس 50 ادوات منزليه	\$650
ارمله علي (رحمه الله)	50+200	2004 ١3	مساعدتها	\$250
شراء اسلحة	300+200	2004 ١5	2 اقنعات	\$500
شراء ذخيره	1700	2004 ١5	3 صناديق بيكا	\$60
شراء ذخيره	2000	2004 ٧	50 طلقة مسدس غلوك	\$70

Miscellaneous Expenses

Subject (Reason)	Amount	Date	Additional Detail	Total
Shamil (May God end his imprisonment)	400 + 500	7/ 2003	To search for him -- To pay off a debt he had	\$900
Ansar (May God accept him as a martyr)	100	1/ 2004	To prepare to set out for the operation	\$100
Abu-'Ammar	300	1/ 2004	He requested it for family matters	\$300
Zubayr	150	3/ 2004	To prepare to go to Ard Al-Humr	\$150
My reporters	50 + 50	4/ 2004	Computer training course	\$100
The professor	300	4/ 2004	Monthly stipend for three months	\$300
My aunt	100 + 100 + 150	2003	Social assistance	\$350
Mine Group	3300	Summer of 2003	Purchasing a car -- Other expenses	3300
Mobile phones	1000	For the period of a year	7 handsets, most of which are still in use	\$1000
Truck (Kamaz)	8600	2003	No comment	\$8600
My first car	4000 + 200	Summer 2003	It was captured with Shamil The 200 is for repairs	\$4200
My second car	2600+ (950)	Fall of 2003 and winter of 2004	It is still in service. The 950 was paid in three installments when it was changed (three times.)	\$3550
Passports	1000+1800+2000+250+3000+350	Throughout the period of a year	Seven passports, some of which are no longer valid	\$8400
Purchase of a [IL]	50	2/ 2004	Still in service	\$50
Winter clothing	50+100+200	Winter of 2004	In installments. For me, my family and the reporters	\$350
Purchasing ammunition	100	3/ 2004	[IL.] projectiles	\$100
'Ali's wedding (May God rest his soul.)	150+500	2/ 2004	Dowry, clothing and renewing the bride's passport	\$650
Idris's wedding	500 + 150	4/ 2004	500 in dowry and clothing, 150 in household items	\$650
'Ali's widow (may God rest his soul)	200 + 50	3/ 2004	Financial assistance for her	\$250
Purchasing weapons	200 + 300	5/ 2004	2 Assault rifles	\$500
Purchasing ammunition	1700 rubles	5/ 2004	Three PK cases	\$60
Purchasing ammunition	2000	4/ 2004	50 Glock rounds	\$70

Тема (причина)	Сумма	Дата	Замечания
Шамиль (помоги Аллах в его проблемах)	900 долларов США (500+400)	Июль 2003 г.	У него были долги
Ансар (прими душу его Аллах)	100 долларов США	Январь 2004 г.	Для его подготовки к «движению»
Абу Омар	300 долларов США	Январь 2004 г.	Верховный приказ
Зубейр	150 долларов США	Март 2004 г.	Для его подготовки к переправке в г. Химар (КСА)
Курьеры	100 долларов США (50+50)	Апрель 2004 г.	Курсы по изучению компьютера
Профессор	300 долларов США	Апрель 2004 г.	Ежемесячные выплаты (за три месяца)
Моя тетья	350 долларов США (150+100+100)	2003 г.	Социальная помощь
Группа Ильхама	3300 долларов США	Лето 2003 г.	Покупка машины, другие расходы
Мобильные телефоны	1000 долларов США	За прошлый год	7 аппаратов, большинство используется до сих пор
Груз (Камаз)	8600 долларов США	2003 г.	Отложено
Моя первая машина	4200 долларов США (200+4000)	Лето 2003 г.	Осталась у Шамиля, 200 долларов на оружие
Моя вторая машина	3550 долларов США (950+2600)	Осень 2003 - зима 2004 г.	Используется в работе, 950 разделено на три части (три раза)
Паспорта	8400 долларов США (350+3000+250+2000+1800+1000)	За прошлый год	Семь паспортов, некоторые не Пригодны
Покупка диктофона	50 долларов США	Февраль 2004 г.	Используется в работе
Зимняя одежда	350 долларов США (200+100+50)	Зима 2004 г.	Для меня, моей семьи, курьеров
Покупка боеприпасов	100 долларов США	Март 2004 г.	Снаряды «Битиситуник» (танковые или артиллерийские снаряды)
Женитьба Али (дай Аллах)	650 долларов США (150+500)	Февраль 2004 г.	Калым, одежда, разрешение свадьбы для невесты
Женитьба Идриса	650 долларов США (150+500)	Апрель 2004 г.	500 - калым и одежда, 150 - аренда помещения.
Вдова Али (дай Аллах)	250 долларов США (50+200)	Март 2004 г.	Помощь ей
Покупка оружия	500 долларов США (300+200)	Май 2004 г.	2 автомата
Покупка боеприпасов	1700 рублей (или 60 долларов)	Май 2004 г.	3 коробки «Бика» (м.б. тротил)
Покупка боеприпасов	2000 рублей (или 70 долларов)	Апрель 2004 г.	50 пистолетных патронов дополнительно

Subject (Reason)	Amount	Date	Notes
Shamil (May God help with his problems)	900 USD (500+400)	7/ 2003	He had debts
Ansar (May God accept his soul)	100 USD	1/ 2004	To prepare him for The Move
Abu-'Ammar	300 USD	1/ 2004	As directed from above
Zubayr	150 USD	3/ 2004	To prepare him for the move to Ard Al-Humr (Saudi Arabia)
Couriers	100 USD (50 + 50)	4/ 2004	Computer training courses
The professor	300 USD	4/ 2004	Monthly stipend for three months
My aunt	350 (150 + 100 + 100) USD	2003	Social aid
Ilkham's Group	3300 USD	Summer of 2003	Purchase of a car, other expenses
Mobile phones	1000 USD	For last year	7 handsets, most are still in use
Cargo (Kamaz)	8600 USD	2003	Postponed
My first car	4200 USD (200 +4000)	Summer of 2003	Left with Shamil, 200 USD - for weapons
My second car	3550 USD (950+2600)	Fall of 2003 - winter of 2004	Used for work, 950 divided into three parts (three times.)
Passports	8400 USD (350+3000+250+2000+1800+1000)	For last year	Seven passports, some of which are no longer valid
Purchase of a voice recorder	50 USD	2/ 2004	Used for work
Winter clothing	350 USD (200+100+50)	Winter of 2004	For me, my family and the couriers
Purchase of ammunition	100 USD	3/ 2004	Bitisitunik projectiles, (tank or artillery)
'Ali's wedding (In the name of God)	650 USD (150+500)	2/ 2004	Dowry, clothing and permission for the bride to marry
Idris's wedding	650 USD (150+500)	4/ 2004	500 in dowry and clothing, 150 for accommodations
'Ali's widow (In the name of God)	250 USD (50+200)	3/ 2004	Aid for her
Purchase of weapons	500 USD (300+200)	5/ 2004	2 assault rifles
Purchase of ammunition	1700 rubles (or 60 USD)	5/ 2004	Three boxes of Bika (could be trinitrotoluene)
Purchase of ammunition	2000 rubles (or 70 USD)	4/ 2004	50 additional pistol rounds

Административные выплаты за апрель 2004 года

Имя, причины выплат	Сумма	Дата
Зейд, покупка машины, боеприпасов	4000\$	01.04.04
Ибрагим Мартан, покупка боеприпасов	2000\$	02.04.04
Покупка пяти видеокамер для групп	2000\$	15.04.04
Дышно, покупка машины	1000\$	16.04.04
Исмаил, покупка машины	3000\$	18.04.04
Шабаб, оружие и боеприпасы	5000\$	19.04.04
Нурельдин	10000 \$	21.04.04
Мурад, зарубежная работа	10000 евро	26.04.04
Шабаб, покупка машины	2000\$	26.04.04
Талибан, расходы на мастерскую	1000 \$	28.04.04
Сопровождение свадьбы	500\$	28.04.04
Талибан, освобождение пленных, лечение 2 раненных	1500 евро	30.04.04
Юсеф, паспорт	700\$	30.04.04
Дышно, расходы на строительство	500\$	30.04.04
Дышно, покупка упаковок и оборудования на поездку	1500 евро	30.04.04
Сейф Ислам, расходы на поездку с близкими	1500 евро	30.04.04

بسم الله الرحمن الرحيم
الصرفيات الإدارية لشهر 2004م

التاريخ	سبب الصرف	المبلغ
2004\4\1 م	زيد , شراء سيارة وتجهيزات معسكر .	\$ 4000
2004\4\2 م	ابراهيم مرتان , تجهيزات عسكرية ومعسكرات .	\$ 2000
2004\4\15 م	شراء خمسة كميرات للمجموعات .	\$ 2000
2004\4\16 م	دشنو , شراء سيارة .	\$ 1000
2004\4\18 م	اسماعيل , شراء سيارة .	\$ 3000
2004\4\19 م	شباب , اسلحة وتجهيزات عسكرية .	\$ 5000
2004\4\21 م	نور الدين .	\$ 10000
2004\4\26 م	مراد , العمل الخارجي .	U 10000
2004\4\26 م	شباب , سيارة .	\$ 2000
2004\4\28 م	طالبان , الورشة .	\$ 1000
2004\4\28 م	زواج رفقى .	\$ 500
2004\4\30 م	طالبان , اطلاق اسير وعلاج 2 جرحى .	U 1500
2004\4\30 م	يوسف , جواز .	\$ 700
2004\4\30 م	دشنو , اجرة بناء .	\$ 500
2004\4\30 م	دشنو , شراء ابوات وتجهيز للسفر .	U 1500
2004\4\30 م	سيف الاسلام , تصروف للسفر مع القروب .	U 1500

Administrative Payments, April of 2004

Name, Reason for Expense	Amount	Date
Zayd: Purchase of a car and ammunition	4000 USD	1 April 2004
Ibrahim Martan: purchase of ammunition	2000 USD	2 April 2004
Purchase of five video cameras for the groups	2000 USD	15 April 2004
Dyshno: Purchase of a car	1000 USD	16 April 2004
Isma'il: Purchase of a car	3000 USD	18 April 2004
Shabab: Weapons and ammunition	5000 USD	19 April 2004
Nur-al-Din	10000 USD	21 April 2004
Murad: Foreign operations	10000 EUR	26 April 2004
Shabab: Purchase of a car	2000 USD	26 April 2004
Taliban: Workshop expenses	1000 USD	28 April 2004
Wedding escort	500 USD	28 April 2004
Taliban: Freeing prisoners and treatment for two wounded	1500 EUR	30 April 2004
Yusuf: Passport	700 USD	30 April 2004
Dyshno: Construction expenses	500 USD	30 April 2004
Dyshno: Purchasing packaging and equipment for travel	1500 EUR	30 April 2004
Sayf Al-Islam: Expenses of traveling with relatives	1500 EUR	30 April 2004

In the Name of God, the Merciful, the Compassionate
 Administrative Expenses for the Month of 4/ 2004

Amount	Reason for Expense	Date
\$4000	Zayd: Purchasing a car and equipment for a military camp	1 April 2004
\$2000	Ibrahim Martan: Military equipment and military camp	2 April 2004
\$2000	Purchasing five cameras for the groups	15 April 2004
\$1000	Dyshno: Purchasing a car	16 April 2004
\$3000	Isma'il: Purchasing a car	18 April 2004
\$5000	Shabab: Weapons and military equipment	19 April 2004
\$10000	Nur-al-Din	21 April 2004
U10000	Murad: External Operations	26 April 2004
\$2000	Shabab: Car	26 April 2004
\$1000	Taliban: Workshop	28 April 2004
\$500	Rifqi's wedding	28 April 2004
U1500	Taliban: Freeing a prisoner and treatment for two wounded	30 April 2004
\$700	Yusuf: Passport	30 April 2004
\$500	Dishnu: Construction cost	30 April 2004
U1500	Dishnu: Purchasing boots and preparing for travel	30 April 2004
U1500	Sayf-al-Islam: Expenses of traveling with the group	30 April 2004

Административные выплаты за июнь 2004 года

Имя, причины выплат	Сумма	Дата
Ахмад Автуры, покупка 4 автоматов и остаток суммы на машину	2000 евро	03.06.04
Компенсация хозяев жилья убитым в нем (три человека)	1000\$	07.06.04
Помощь пленным	200\$	07.06.04
Сейхан, покупка оружия и военного оборудования	2000 евро	07.06.04

بسم الله الرحمن الرحيم
 الصرفيات الإدارية لشهر 2004\6 م

التاريخ	سبب الصرف	المبلغ
2004\6\3 م	احمد الفكري , شراء 4 اذونات , وباقى قيمة سيارة .	U 2000
2004\6\7 م	تعويض لأصحاب المنزل قتل فيه { 3 شهداء }	\$ 1000
2004\6\7 م	مساعدة لأهل الأسير ...	\$ 200
2004\6\7 م	سيفان , شراء أسلحة وتجهيزات عسكرية .	U 2000

Administrative Payments, June of 2004

Name, Reason for Expense	Amount	Date
Ahmad Aftari: Purchase of 4 sub-machine guns, and the remaining balance on a car	2000 EUR	June 3, 2004
Compensation for the owners of a house in which three people were killed	1000 USD	June 7, 2004
Aid to prisoners	200 USD	June 7, 2004
Sikhan: Purchase of weapons and military equipment	2000 EUR	June 7, 2004

In the Name of God, the Merciful, the Compassionate
Administrative Expenses for the Month of 6/ 2004

Amount	Reason for Expense	Date
U 2000	Ahmad Aftari: Purchasing 4 rifles, and paying off the remaining balance of the price of a car	3 June 2004
\$1000	Compensation for the owners of a house in which three martyrs were killed	7 June 2004
\$200	Aid to the family of a prisoner	7 June 2004
U2000	Sikhan: Purchasing weapons and military equipment	7 June 2004

Sentencing Exhibit 5

Richard Cabral Interview Report

**Internal Revenue Service
Criminal Investigation**



Memorandum of Interview

In Re: Pirouz Sedaghaty

Location: 3750 Avenue H
White City, OR 97503

Investigation #: 930330039

Date: December 3rd and 6th, 2004

Time: 11:10 a.m. & 10:00 a.m.

Participant(s): Richard Cabral, Interviewee
Barbara Cabral, Interviewee
Shawna Carroll, FBI Special Agent
Colleen C. Anderson, IRS-CI Special Agent

1. On the above dates and times, FBI Special Agent Shawna Carroll and I spoke with Richard and Barbara Cabral. During the first meeting on December 3rd, I served Richard and Barbara with grand jury subpoenas for documents and information pertaining to Soliman AL-BUTHE, Pirouz SEDAGHATY, and the AL HARAMAIN ISLAMIC FOUNDATION, INC. In response to the subpoena, Barbara Cabral provided an e-mail that she possessed pertaining to the collection of funds for the Chechen mujahideen (attached); however Richard Cabral did not have any documents in his possession relative to the subpoena.
2. During the interview, Richard and Barbara Cabral provided the following information:
3. The Cabrals became Muslim in the early 1990's. The Cabrals first met Pete Seda (Pirouz Sedaghaty) when Mrs. Cabral found the Quran Foundation in the phone book and they contacted the organization. The Quran Foundation was an organization that handed out Qurans and Islamic literature. Seda controlled the Quran Foundation and David Rogers was the Imam. When Mr. Cabral first went to prayer in Ashland, Seda had set up a place for men to pray on East Main Street in Ashland, Oregon.
4. Male attendees at the prayers included Rob Brown, John Dunn, a Palestinian named Mohammed Ibrahim who was a student at Southern Oregon University (SOU) in Ashland and went on to Texas where he started working for the Holy Land Foundation, and several other students from SOU.

5. At one point, prior to the existence of Al Haramain in Ashland, a female member of the Muslim community, Raya Shokatford, contacted an individual to exorcise the demons or gins from her sick mother. Shokatford contacted Sheikh Hassan to do prayers for her mother and ended up marrying the Sheikh. Sheikh Hassan really knew the Qur'an, converted some non Muslims including Phillip Rand, and was well liked by David Rogers. However, he was radical and talked bad about Jews during lectures. On one occasion, a female attendee named Mary Guled called and complained to SEDA about the lectures Hassan gave. Mrs. Cabral said she believes Shokatford was always taking trips to Atlanta, Georgia, but she was not sure what the purpose of these trips were and did not think they were related to Sheikh Hassan.
6. The Cabrals said the Ashland prayer group had the idea of starting a non profit religious organization called the Masjid al-Taweed, prior to the Saudi based group Al Haramain establishing themselves in Ashland. Richard believes that David Rogers was in Saudi Arabia handing out literature when a deal was made with Al Haramain to purchase a prayer house in Ashland, Oregon. The Cabrals believe Soliman AL-BUTHE was the Al Haramain official in charge of purchasing the prayer house and that Rogers introduced AL-BUTHE to SEDA.
7. The Cabrals received a Noble Qur'an from Seda on October 28, 1994. They provided the Qur'an for my review. The Qur'an did not appear to have a jihad appendix inserted into it and when asked, the Cabrals stated that they had not seen a Noble Qur'an with an appendix calling for physical jihad. The Cabrals said they had not received any other Qur'ans from SEDA, other than the one shown to me nor did they ask for an additional Qur'an once SEDA became involved with Al Haramain because they use the one given to them in 1994. They were unaware that some of the Qur'ans sent out by SEDA and Al Haramain had a jihad appendix. The Cabrals said they were aware however that Al Haramain Riyadh provided SEDA with Islamic literature and Qur'ans that the Ashland office staff and two of SEDA'S wives, Laleh and Summer, used to send out to prisoners.
8. Mr. Cabral stated that he does not recall hearing any talk about physical jihad while attending prayer in Ashland and could not recall SEDA asking for money for a mujahideen in Kosovo. However, on one occasion when SEDA owned a brick house on Valley View road in Ashland, Mr. Cabral went to visit SEDA and found SEDA was showing a video about Chechen mujahideen to an unknown Caucasian male and SEDA'S youngest son Joseph. Mr. Cabral explained that SEDA had some trailers set up in his yard and in one travel trailer he was using for an office, SEDA had a television and VCR set up. While showing the videotape, SEDA talked about wanting to go to Chechnya and fight. Although Mr. Cabral is legally blind, he did see a small portion of the tape up close which, he described as follows:

The tape had a bunch of Russians standing around, laughing and smoking and then all of a sudden they were all lying on the ground and someone else was holding the camera. Then there were pictures of an armored carrier being attacked by mujahideen.

9. In March 1999, eleven members of the Muslim community attending prayer at the Al Haramain prayer house went on Haj in Saudi Arabia and returned on approximately April 4th. The members paid for their own flights; however Al Haramain Riyadh paid for their food and transportation and sponsored them into the country. The Cabrals said the group received special treatment because they were associated with Al Haramain and they never heard anything anti-American said while they were in Saudi Arabia. The following members attended Haj:

- | | |
|---------------------------------|-----------------------------------|
| (1) Richard Cabral | (7) Pete SEDA |
| (2) Barbara Cabral | (8) Laleh (One of SEDA'S wives) |
| (3) Rob Brown | (9) Sofia (One of SEDA'S wives) |
| (4) David Hafer | (10) Jonah (SEDA'S oldest son) |
| (5) Bijan Seda (SEDA'S brother) | (11) Joseph (SEDA'S youngest son) |
| (6) Anita Seda | |

10. While leaving Saudi Arabia on their return from Haj, the Cabrals said each of the eleven members were asked to give the \$200 in transportation money they received from the Saudi government to SEDA. Since Al Haramain Riyadh provided their transportation, they had not spent the transportation funds. SEDA told them that he was going to use the funds for the people of Chechnya. The Cabrals believe SEDA handed the money over to Soliman AL-BUTHE because they did not see him with the cash during the trip home.
11. After returning to the United States, the Cabrals said Al Haramain, Riyadh seemed to want to keep things more discreet, or closer to their vest and started letting the Ashland office staff go. The Cabrals believe that SEDA fired Rob Brown, David Hafer, and John Dunn shortly after returning from Haj. A little later, Al Haramain, Riyadh sent over an individual by the name Abdul Kadir to participate in a video about how American's become Muslim.
12. Later that same year, SEDA brought in new staff which included several brothers from New York. The brothers included Bilal Abdul Kareem, Eisa Alsten, and one brother known to the Cabrals as Yusuf. After Bilal came, the Cabrals and some other members of the Muslim community had a falling out with SEDA and Al Haramain. Some members thought that some of the prayers Bilal conducted were prejudice and they started praying elsewhere.
13. The Cabrals started a prayer group of their own under the nonprofit organization they created named Masjid al-Taweed. Part of the reason for the split was also that the members wanted more control over their prayer house.

14. Mrs. Cabral stated that around October of 2000, Raya Shokatford told several female members of the Muslim community that she was collecting jewelry to auction off. The money from the jewelry was to be given to the Chechen mujahideen. Mrs. Cabral said that Shokatford was still married to Sheik Hassan and was very vocal about her cause and made it very clear that the funds were going to the mujahideen.
15. Mrs. Cabral provided to me, pursuant to a grand jury subpoena, an e-mail dated October 24, 2000 that she received from Raya Shokatford. The e-mail pertains to the collection of funds for "our brothers and sisters in Chechnia" and says that \$1763 was sent. Shokatford goes on to say in the e-mail to, "communicate this information to other sisters without the computer." Mrs. Cabral believes all the women she knows that are listed as recipients of the e-mail, including her, donated jewelry to Shokatford. The women listed in the e-mail include the following:

Mary Foster- married to Abdi Guled

Laleh- one of SEDA'S wives


Sharon- Sharon Cummings, the wife of Rob Brown

Salmah- this is Mrs. Cabrals Muslim name

Anita Seda - the wife of Bijan Seda, Pete's brother

Safi Yah - known as Sofia, was Russian and had been married to SEDA before she divorced him and moved to Seattle.

Sabah Hashim - unknown


Colleen C. Anderson
Special Agent