

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Crim. No. 05-40026-FDS
)
MUHAMED MUBAYYID, and)
EMADEDIN Z. MUNTASSER,)
)
 Defendants.)

**GOVERNMENT'S PROFFER OF ADDITIONAL EVIDENCE TO
DEMONSTRATE SIGNIFICANCE OF THE PARTICULAR MUJAHIDEEN GROUPS AND
INDIVIDUALS WHICH THE DEFENDANTS SUPPORTED AND PROMOTED**

The government hereby files additional evidence for purposes of sentencing which explicates the significance of the pro-violent groups and individuals who were among the intended beneficiaries of Care International's (Care) fraudulent solicitation and expenditure of tax-exempt funds.

I. INTRODUCTION

Because the Court is obligated to craft the appropriate sentence pursuant to the Section 3553(a) factors, this information puts in context the reasons for and broader affects of the defendants' crimes, as well as sheds important light on the nature and characteristics of the defendants themselves. In general, the evidence puts in context that the defendants lied to the government in order to best be able to support and promote groups and individuals who have supported terrorism or have since been designated as terrorist entities by the United States. Although this case has repeatedly been characterized as a tax

case, as if personal inurement was the goal of the defendants' fraud and deceit, in fact, the actual motives were much more invidious.¹ In essence, the defendants fraudulently ran a subsidized propaganda and financial support conduit for certain violent organizations around the world. That the defendants were not charged with terrorism-related crimes under the United States Code, does not neuter those underlying facts from consideration as to the defendants' characteristics, or the seriousness of the fraud for which the defendants stand convicted. During the time frame that the defendants ran Care, the terrorist groups for which they espoused support killed and maimed throughout the world. After the designation of these terrorist groups, and after Al-Kifah Refugee Center's connection to terrorist acts were publicized, the defendants repeatedly lied to the IRS and to the FBI, who were interested in and were investigating Care's connections.

The relevance of this information to Defendant Muntasser's remaining conviction has only become more clear since the Court chose to allow his Rule 29 motions on Counts One and Two.² The

¹To the extent that the defendants were personally motivated, it was for purposes of this corrupt interpretation of waging economic jihad. [Tr. 21:120-121 (Levitt)]. Some of the more infamous beneficiaries of the defendants' conduct are listed below.

²In so doing, the Court did not discount the facts which the jury found that Muntasser did conceal the successor relationship between Care and Al-Kifah, Care's non-charitable activities. The

defendant's lies on April 7, 2003, while clearly material to the FBI, served also to shield his pledged support and meeting with Gulbuddin Hekmatyar as well as his propagation of Al-Kifah Refugee Center (Al Kifah)/Makhtab al-Khidamat (MAK). These facts, if he had disclosed the truth instead of lied, could have assisted the U.S. Government in its ongoing anti-terrorism activities, and was certainly material to the FBI's investigation. [See Tr. 3:114-138 (Peet)]. It does not take more than a reasonable inference to conclude that his lies also served to impede the government's search for meaningful information which would be helpful in combating the global scourge of terrorism, let alone from detecting the true nature and history of Care.

II. Additional Evidence not introduced at trial

A. *Makhtab al Khidamat (MAK) / Services Office / Al-Kifah Refugee Center* - The trial evidence was replete with references to MAK, and Al-Kifah, and among other things, the government proved that Care International was a successor or outgrowth to this organization. Care even transferred tens of thousands of dollars to the organization under MAK's English translation,

evidence was uncontroverted that Muntasser founded and led Care during its most successful period of solicitation and expenditure of funds, during which much of the pro-mujahideen and pro-jihad activities were being funded by Care. Consequently, who those mujahideen groups were is relevant to Muntasser's Section 3553(a) analysis in addition to MAK and Hekmatyar.

Human Services Office. [Ex. 496]. The added significance of this affiliation, or as Defendant Muntasser described them, the fact that they were the same thing, was not made clear to the jury. (See Ex. 510A (Muntasser: "Care International, *Maktab, Maktab al Khidamat*"). MAK and its alias, Al-Kifah, were designated as Specially Designated Global Terrorist Entities on September 25, 2001. [See Sentencing Exhibit A (Executive Order 13224 Blocking Property and Prohibiting Transactions with Persons who Commit, Threaten to Commit, or Support Terrorism, Federal Register Vol. 66, No. 186, pp. 49077-49083 (September 25, 2001))]. The same day, the Office of the President issued a statement explaining why. [See Sentencing Exhibit B (White House Fact Sheet)]. Care operated as a Specially Designated Terrorist entity from September 2001 through its dissolution in 2003.

B. Gulbuddin Hekmatyar / Hizb e Islami - The trial evidence was replete with references to Hekmatyar, including the fact that Care pledged its support to Hekmatyar, and that Muntasser lied about his meeting with Hekmatyar. [See Exs. 66, 67; Tr. 3:114-116, 124-126 (Peet)]. While he headed Care, Defendant Muntasser discussed Hekmatyar, and his progress commanding the mujahideen in Afghanistan. [Exs. 522A, 523A (Conversations between Muntasser and Adham Hassoun discussing, among other things, how worried Muntasser was "about the brothers over there".)]. Similarly, the Al-Hussam newsletter gave updates as to Hekmatyar and his

organization, Hizb e Islami. [See e.g. Exs. 235, 237, 239, 244, 246, 247]. While trial exposed that Hekmatyar was an Afghan warlord, in fact, Hekmatyar was designated as a Specially Designated Global Terrorist on February 18, 2003, some six weeks prior to Agent Peet's interview of the Defendant. [See Sentencing Exhibit C (Hekmatyar Designation, Federal Register Vol. 68, No. 125, p. 38910 (June 30, 2003)). The Department of Treasury released an issuing statement with the designation. [See Sentencing Exhibit D (Treasury designation statement).] Hekmatyar's designation, and the fact that the U.S. government was actively hunting him, was widely publicized just prior to the April 7, 2003 interview. See e.g. Id., Sentencing Exhibit E (BBC Article).

C. Global Relief Foundation (GRF) - The connection between GRF and Care as demonstrated at trial was intimate, including a shared lineage, purpose, finances, and activities. [See e.g. 64A, 68A, 74, 88, 93, 102, 116, 117, 156, 172, 197, 213A, 380, 485, 515A, 525A, 530A, 538A-540A]. GRF's assets were blocked pending investigation on December 14, 2001, and GRF was finally designated a Specially Designated Terrorist Organization on October 27, 2002. [See Sentencing Exhibit F (Treasury statement Blocking GRF and BIF); Sentencing Exhibit G (GRF Designation, Federal Register Vol. 68, No. 2, p. 400 (January 3, 2003))]. The Department of Treasury issued statements in October 2002 and

January 2003 reflecting the change. [See Sentencing Exhibit H (Designation notice and release)]

D. Benevolence International Foundation (BIF) - Care also donated to BIF and solicited speakers who represented BIF. [See e.g. Exs. 92, 103, 104, 194, 221, 228, 244, 528A]. GRF's assets were blocked pending investigation on December 14, 2001, and BIF was finally designated a Specially Designated Terrorist Organization on November 18, 2002. [See Sentencing Exhibit F (Treasury statement Blocking GRF and BIF); Sentencing Exhibit G (BIF Designation, Federal Register Vol. 68, No. 2, p. 399 (January 3, 2003))]. The Department of Treasury issued a statements in December 2001 and again in January 2003 reflecting the status. [See Sentencing Exhibit I (Designation release)].

E. Holy Land Foundation for Relief and Development (HLFRD)- Care also donated to HLFRD and intended to coordinate its activities with HLFRD. [Ex. 89, 213A]. HLFRD was designated as a Specially Designated Global Terrorist on December 14, 2001. [See Sentencing Exhibit J (HLFRD Designation, Federal Register Vol. 67, No. 53, p. 12646 (March 19, 2002))]. The Department of Treasury issued a statement in December 2001 and reflecting the status. [See Sentencing Exhibit K (Designation notice)].

F. Al Qaeda / Osama Bin Laden - Although the trial was sanitized of any reference to Al Qaeda or Osama bin Laden - the evidence bears out that the defendants were acutely abreast of

bin Laden's pre-September 11, 2001 pronouncements. For example, in the Arabic meeting minutes found in the Care Storage locker at the time of the 2001 search (and which were not found during the 2003 search), the notes expressly make mention of Bin Laden as figuring in the calculus as to what region the Battalion will coordinate for (Afghanistan or Syria). [Ex. 64A p.2]. The notes reference a disagreement with Bin Laden (and the Battalion). Imad [Muntasser] states that the situation in Afghanistan has priority.

Muntasser and Hassoun discussed bin Laden's positive speech in support of the mujahideen by reference to "Abu Abdullah" in the context of the situation in Afghanistan and the status since the Taliban took over. Ex. 532A. Abu Abdallah is the "Abu name", or nickname of Usama bin Laden, as referenced in the Bin Laden indictment in the Southern District of New York. [See United States v. Bin Laden, 93 F.Supp.2d 484 (S.D.N.Y. 2000)].

During the 2003 search of Mubayyid's residence, accompanying other materials of Care International, some of which had previously been located in the Care storage locker, Agents found a printed-out copy of a transcript of Bin Laden's 1998 interview with Peter Arnett of CNN. [See Government's proposed Exhibit 232, CICR 7856-7864]. Naturally, Bin Laden and Al Qaeda are designated Foreign Terrorist Organizations and Specially Designated Global Terrorists. [See Sentencing Exhibits A and B;

See also Sentencing Exhibit M (State Department list of Foreign Terrorist Organizations).]

G. Libyan Islamic Fighting Group (LIFG). Care published Al-Hussams which promoted and supported the LIFG, glorifying its killings and "exclusively" interviewing its spiritual leader. [See e.g. Exs. 245, 246, 469]. The LIFG was designated as a Specially Designated Global Terrorist organization contemporaneously to Al Qaeda, MAK, and GIA. [See Sentencing Exhibits A,B & M.]

H. *Groupe Islamique Armé* - the Armed Islamic Group (GIA). Care published Al-Hussams which promoted and supported the GIA, glorifying its combat and assassinations. [See e.g. Exs. 240, 241, 246, 248, 248A]. The GIA was designated as a Specially Designated Global Terrorist organization contemporaneously to Al Qaeda, MAK, and LIFG. [See Sentencing Exhibits A, B and M.].

I. *Al Gamaa al Islamiyya* - Islamic Group (AGAI or IG) - Care published Al-Hussams which promoted and supported the AGAI, glorifying its combat operations and expressing support for its leader, Sheikh Omar Abdel Rahman (discussed below). [See e.g. Exs. 243, 247, 248, 248A]. The AGAI was designated as a Foreign Terrorist Organization in 1999. [See Sentencing Exhibit M (FTO List); see also Federal Register Vol. 64, No. 195 (October 8, 1999) (AGAI designation)].

Specific individuals referenced at trial but not elaborated

upon:

A. Sheikh Omar Abdel Rahman

Audio cassettes including sermons by Rahman were obtained from members of Al-Kifah Refugee Center in Boston, and were referenced, in sanitized form, at trial. [See Ex. 53; Tr. 5:6-13 (Ahmed testimony). Rahman was the spiritual leader of AGAI. See Sentencing Exhibit M at p.5. Rahman himself stands convicted of conspiracy to commit terrorist acts, and was the spiritual head of the Al-Kifah Refugee Center in New York. See United States v. Rahman, 189 F.3d 89 (2nd Cir. 1999).

B. Mahmoud Abu Halima

One of the individuals who Care intended to support through fraudulent exploitation of the tax laws was Mahmoud Abu Halima. [Tr. Ex. 537A]. Abu Halima was described as a member of the "skyscraper" group, which was redacted from the final trial exhibit. [See Sentencing Exhibit O p. 9 (unredacted page of Tr. Ex. 537A)]. Abu Halima, who also conspired with Sheikh Omar Abdel Rahman, was convicted for his role in the conspiracy to blow up New York City landmarks, including the 1993 World Trade Center bombing which was much-publicized in the days before Defendant Muntasser filed Articles of Incorporation of Care. [See United States v. Salameh, et al., 152 F.3d 88 (2nd Cir. 1998); Tr. 5:97]].

C. Aafia Siddiqui - One of Muntasser's contemporaries, an

individual who also participated in Al Kifah/Care's orphan sponsorship program, is currently one of the most sought people in the world. [Ex. 286 p.8 (Automatic Withdrawal records of Care International entitled Al-Kifah Refugee Center November 23, 1993); Sentencing Exhibit P (FBI Seeking Information Notice)].

D. Adham Hassoun and Kifah Jayoussi - Care coordinated its non-charitable activities with these two individuals as evidenced at trial through voluminous documentary evidence and intercepted communications. Hassoun and Jayoussi were recently convicted of conspiring to provide material support to terrorists. See United States v. Hassoun, et al., 2007 WL 4180844, *5 (S.D.Fl. Nov. 20, 2007) (expressly pointing out that Hassoun identified himself as a member of MAK and citing approval of Osama bin Laden's CNN Interview). Defendant Muntasser specifically spoke to Hassoun about their shared activities during the time he led Care, and also declared that Care was MAK during the phone call. [See Ex. 510A].

Conclusion

Wherefore, the defendants' activities promoting and supporting the groups and individuals described above should be considered by the Court in assessing the Section 3553(a) factors to determine especially the nature and characteristics of the defendant, the seriousness of the crime, and the deterrent impact of a sentence in this matter.

Respectfully submitted,

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Certificate of Service

I do hereby certify that a copy of foregoing opposition was served upon the counsel of record for the defendant by electronic notice on this 11th day of June 2008.

/s/ Alope Chakravarty
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