

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT BOWLING GREEN

UNITED STATES OF AMERICA

PLAINTIFF

vs.

CRIMINAL ACTION NO. 1:11CR-13-R

WAAD RAMADAN ALWAN

DEFENDANT

UNITED STATES' SENTENCING MEMORANDUM

-Electronically Filed-

Waad Ramadan Alwan was charged in a 23 count Indictment returned by the Bowling Green Grand Jury on May 26, 2011. Alwan pleaded guilty to all counts on December 16, 2011. His sentencing hearing is set for January 29, 2012, in U.S. District Court in Bowling Green.

The purpose of this Memorandum is to set out for the Court and the defendant the facts in this case, as the United States believes they exist, the recommendations to be made by the United States at Alwan's sentencing hearing, and the basis for those recommendations.

**OFFENSE CONDUCT**

Defendant Alwan is charged in Count 1 of the Indictment with conspiracy to kill a U.S. national in violation of Title 18, United States Code, Section 18 U.S.C. § 2332(b)(2). He is charged in Count 2 of the Indictment with conspiracy to use a weapon of mass destruction in violation of Title 18, United States Code, Section 2332a(a)(1). He is charged in Count 3 of the Indictment with distribution of information relating to weapons of mass destruction in violation of Title 18, United States Code, Section 842(p)(2)(A). He is charged in Counts 4, 5, 6, 7, 9, 11, 13,

15, 17, 19, and 21, of the Indictment with attempting to provide material support to terrorists in violation of Title 18, United States Code, Section 2339A. He is charged in Counts 8, 10, 12, 14, 16, 18, 20, and 22, of the Indictment with attempting to provide material support to a designated foreign terrorist organization (al Qaida in Iraq), in violation of Title 18, United States Code, Section 2339B. He is charged in Count 23 of the Indictment with conspiring to knowingly transfer, receive, possess, and export a surface-to-air missile launcher system, in violation of Title 18, United States Code, Section 2332g.

The Bowling Green office of the FBI's Louisville Division initiated an investigation of Waad Ramadan Alwan in or about 2009. Alwan is an Iraqi national living in Bowling Green, Kentucky. He entered the United States on or about April 22, 2009, under a United States refugee program. As part of the investigation, a Confidential Human Source (CHS) met with Alwan and recorded their meetings and conversations beginning in or about August 2010. The CHS represented to Alwan that he was working with a group to send money and weapons to the Mujahidin in Iraq. Beginning in September 2010, Alwan participated in money and weapons deliveries that he believed were going to Iraq, and detailed to the CHS his prior activities as an insurgent in Iraq, including his prior participation in Improvised Explosive Device (IED) attacks against U.S. troops in Iraq.

After his arrest on May 25, 2011, Alwan waived his *Miranda* rights and was interviewed by the FBI. During the interviews, Alwan admitted his participation in the purported material support operations in Kentucky and also detailed his prior involvement in insurgent activities while living in Iraq, including his participation in IED attacks against U.S. troops.

**A. Conspiracy to Kill U.S. Nationals and Use a WMD**

In or about August 2010, the CHS was introduced to Alwan and began developing a personal relationship with Alwan. The relationship continued until Alwan's arrest on May 25, 2011. At the beginning of the relationship the CHS explained to Alwan that he was sending money and weapons to insurgents in Iraq. He later specifically told Alwan he was working directly with al Qaida in Iraq, a designated foreign terrorist organization. Eventually Alwan began to assist the CHS in purportedly sending the weapons and moneys overseas. During the course of working with the CHS, Alwan detailed his history as an insurgent in Iraq and his efforts to fight U.S. forces in Iraq. Alwan also detailed to the CHS his experience with and use of IEDs. Counts 1 and 2 relate to Alwan's prior attempts to kill U.S. soldiers in Iraq. Counts 3 through 23 charge numerous terrorism-related offenses pertaining to Alwan's activities in the United States, such as working with the CHS to provide money, weapons, and support to terrorists and al Qaida in Iraq.

Count 1 charges Alwan with conspiracy to kill a U.S. national in violation of 18 U.S.C. § 2332(b)(2) and Count 2 charges him with conspiracy to use a weapon of mass destruction against a U.S. national in violation of 18 U.S.C. § 2332a(a)(1). From approximately September 2010 until his arrest on May 25, 2011, Alwan discussed with the CHS his insurgent history in Iraq from 2003 to 2006. Alwan discussed his membership in an al Qaida insurgent group in Iraq and identified a number of other specific insurgent members that he worked with in Iraq. During these discussions with the CHS he said at one point his "lunch and dinner would be an American," a reference to killing U.S. soldiers. Alwan also discussed his experience with Improvised Explosive Devices (IEDs), bragging that he had used them "hundreds" of times. He also specifically discussed working with his group to target and attempt to kill a specific U.S.

officer. Alwan further stated that he twice blew up Bradley tanks, and on one occasion participated in an attack that killed U.S. soldiers. He also repeatedly discussed targeting U.S. vehicles with IEDs on numerous occasions. During the investigation, investigators found Alwan's fingerprints on a portion of an unexploded IED recovered in Iraq by the U.S. Army in September of 2005. Alwan confirmed to the CHS that he made and implanted IEDs similar to the one bearing his fingerprint. In addition, Alwan described planting IEDs in the specific area where the IED with his fingerprint was discovered. After his arrest, Alwan later admitted to the FBI that he had helped to plant that IED and that it was meant for an attack on U.S. soldiers.

**B. Distribution of Information Relating to Weapons of Mass Destruction**

Count 3 charges Alwan with distribution of information relating to weapons of mass destruction in violation of 18 U.S.C. § 842(p)(2)(B). Alwan, while meeting with the CHS between October 2010 and January 2011, drew diagrams of IEDs and instructed the CHS on how to make IEDs. More specifically, on October 21, 2010, Alwan drew diagrams of four types of IEDs for the CHS and provided detailed verbal instructions concerning their construction and use. On December 16, 2010, Alwan explained that the CHS and those he was working with should not use an "oxygen bottle" type IED, but, instead advised that "they need to put some gun powder with it." On January 11, 2011, Alwan reviewed a computerized diagram provided by the CHS and drew notes and corrections on the diagram. On February 15, 2011, Alwan showed the CHS a timer that worked on IEDs and actually purchased two of them at a local retail store. Alwan was aware that the information he was providing to the CHS would be used for a potential future IED attack.

**C. Material Support to Terrorists and to al Qaida in Iraq**

Counts 4 through 22 charge Alwan with attempting to provide material support to terrorists in violation of 18 U.S.C. § 2339A and/or attempting to provide material support to a foreign terrorist organization, al Qaida in Iraq, in violation of 18 U.S.C. § 2339B. Recorded conversations and videos from September 2010 through May 25, 2011, demonstrate Alwan's efforts to attempt to provide money, weapons, and expert advice to insurgents in Iraq and al Qaida. Alwan gladly joined, what he believed was the CHS's mission to support the insurgency in Iraq and al Qaida in Iraq in their fight against U.S. troops. During a nearly nine-month period, Alwan participated in ten separate operations that he believed the CHS was coordinating to support terrorists and al Qaida. The operations involved, what Alwan believed, were weapons and money being shipped to Iraq. Alwan's role was to assist loading tractor-trailers passing through the Bowling Green area with weapons and money provided to him by the CHS. Alwan later recruited and introduced codefendant Hammadi into the operation in early 2011.

Count 4 charges Alwan with attempting to provide material support to terrorists (2339A) on September 23, 2010. On that day, Alwan loaded what he believed was \$5,000 into the cabin of a tractor-trailer that contained money destined for Iraq. The \$5,000 was payment for the purported driver for his role in the material support operation. Alwan was also shown items in the shipment, including cellphones and what purported to be \$100,000 in cash. Count 5 charges Alwan with attempting to provide material support to terrorists (2339A) on October 21, 2010. On that day, Alwan again loaded \$5,000 into the cabin of a trailer.

Count 6 charges that between October 2010 through May 2011, Alwan attempted to provide material support to terrorists (2339A) in the form of expert advice and assistance on how to build IEDs. This charge relates to included Alwan's provision of detailed instructions and diagrams to the CHS regarding making and detonating IEDs.

Counts 7 and 8 charge Alwan with attempting to provide material support (2339A and 2339B) on November 10, 2010. On that day, Alwan loaded three rocket-propelled grenade launchers, three machine guns, and \$5,000 into hidden compartments on a tractor-trailer. Alwan was also shown what purported to be \$100,000 in cash. Prior to the delivery that day, the CHS told Alwan that the weapons would be going to al Qaida in Iraq.

Counts 9 and 10 charge Alwan with attempting to provide material support (2339A and 2339B) on December 15, 2010. On that day, Alwan loaded \$5,000 into hidden compartments on a tractor-trailer.

On January 25, 2011, the CHS, with Alwan present, met with Hammadi for the first time. Hammadi told the CHS about his experiences as an insurgent and using Improvised Explosive Devices (IEDs) while living in Iraq. Counts 11 and 12 charge Alwan with attempting to provide material support (2339A and 2339B) on January 27, 2011. On that day, Alwan and Hammadi loaded \$5,000 and what purported to be \$100,000 into hidden compartments on a tractor-trailer.

Counts 13 and 14 charge Alwan with attempting to provide material support (2339A and 2339B) on February 16, 2011. On that day, Alwan loaded two rocket-propelled grenade launchers, two machine guns, two sniper rifles, two cases of C4 explosives, \$5,000 for the drivers, and what purported to be five bundles of \$50,000 each, into hidden compartments on a tractor-trailer.

Counts 15 and 16 charge Alwan with attempting to provide material support (2339A and 2339B) on February 17, 2011. On that day, Alwan and Hammadi loaded weapons, \$5,000 and four bundles of cash into hidden compartments on a tractor-trailer. The shipment included two rocket-propelled grenade launchers, two machine guns, two cases of C4 plastic explosives, two sniper rifles, and money. The money purported to be four bundles of \$50,000 each and \$5,000 for

the driver. On February 15, 2011, Alwan and Hammadi went to a storage facility in Bowling Green, Kentucky, to prepare the weapons for delivery the following day. Video cameras captured Alwan and Hammadi handling the weapons and placing them in duffle bags. On February 16, 2011, the CHS, Alwan, and Hammadi met to discuss the weapons that were being sent. The CHS specifically told Hammadi and Alwan that “these weapons are not being sent only to al Qaida, they are going to all the Mujahidin.” At this meeting they also discussed “Strelas.” A “Strela” is a Russian-made, portable, shoulder-fired surface-to-air missile launcher. Hammadi discussed his familiarity with Strelas and his experience with them in Iraq. They then discussed shipping Strelas in future operations.

Counts 17 and 18 charge Alwan with attempting to provide material support (2339A and 2339B) on March 16, 2011. Count 23 charges that Alwan conspired to transfer, receive, possess and export two Stinger surface-to-air missile launcher systems. On March 15, 2012, the CHS met with Hammadi and Alwan to discuss a shipment for the following day. The CHS told them they would do a test run with two Stinger missile launchers and that if it was successful they would send 20 or 30 the next time. Later that day, Hammadi and Alwan were video recorded at the Bowling Green storage facility preparing the Stingers by placing them in ski bags for delivery the next day. On March 16, 2011, Hammadi and Alwan picked up the two Stinger missile launchers from the storage facility and delivered them to the tractor-trailer. Hammadi and Alwan were captured on video loading them into the trailer and concealing them in hidden compartments in pallets. Hammadi and Alwan also loaded what purported to be four bundles of \$50,000 each in the trailer and \$5,000 in the cab for the driver.

Counts 19 and 20 charge Alwan with attempting to provide material support (2339A and 2339B) on April 21, 2011. On that day, Alwan and Hammadi loaded a case of C4 plastic

explosives, a box containing twelve hand grenades, and what purported to be \$50,000 in cash into hidden compartments on a tractor-trailer.

Counts 21 and 22 charge Alwan with attempting to provide material support (2339A and 2339B) on May 25, 2011. On that day, Alwan and Hammadi picked up two cases of C4 plastic explosives, three machines guns, and three Rocket-Propelled Grenade launchers from a storage facility to deliver to the tractor-trailer. Video recording captured them in the storage unit loading the weapons. Alwan and Hammadi were later arrested by the FBI as they approached the tractor-trailer to load the weapons.

**B. Alwan's Statements to the FBI**

After being arrested, Alwan waived his Miranda rights and was interviewed by the FBI. Alwan provided a detailed accounting of his past in Iraq and made a number of admissions. Alwan confirmed that he had handled the IED recovered in Iraq containing his fingerprint and then admitted the details of how and where he and his associates had planted the IED. They had planned to detonate the IED against a United States military convoy the following morning but it was discovered and removed before they returned to detonate the device. Alwan also admitted that he knew the weapons purportedly being sent from Kentucky to Iraq were to be used against U.S. forces in Iraq and were being sent to al Qaida operatives. Alwan participated in these operations because he wanted to support the jihad against U.S. forces. Alwan stated that he left Iraq and fled to Syria because he was wanted in Iraq for insurgent activities. Alwan joined the insurgency in Iraq in approximately 2005 and his cell conducted IED attacks. Alwan was taught how to construct an IED by his cell members. Alwan was arrested in May 2006 in Iraq for IED activity. Alwan admitted to participating in IED attacks against U.S. forces when he was in Iraq. Alwan admitted that he was a member of several insurgent and terrorist groups in Iraq including

the 1920's Revolutionary Brigade and the Mujahidin Shura Council. After he joined the Mujahidin Shura Council it subsequently became affiliated with al Qaida.

### **RECOMMENDATIONS**

The United States believes Alwan's Sentencing Guidelines are correctly stated in the Presentence Report. The Combined Adjusted Offense Level is 56, minus three points for Acceptance of Responsibility. Pursuant to USSG § 3A1.4(a) the assessed criminal history category should be VI.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on January 16, 2013, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to Scott Wendelsdorf counsel for defendant Waad Ramadan Alwan.

/s/MICHAEL A. BENNETT  
/s/BRYAN R. CALHOUN  
/s/ LAWRENCE SCHNEIDER