

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	CR. NO. 1:15-CR-309
	:	
v.	:	(Chief Judge Conner)
	:	
<b>JALIL IBN AMEER AZIZ,</b>	:	(electronically filed)
Defendant.	:	

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S  
MOTION IN LIMINE TO EXCLUDE DEFENDANT’S STATEMENTS  
REGARDING YAZIDI WOMEN**

The United States of America, by and through undersigned counsel, hereby requests that the Court deny the defendant’s motion *in limine* to exclude any reference to communications by Jalil Aziz regarding Yazidi women. (Rec. Doc. 94). The defendant’s statements are directly relevant to the charges that he provided material support to the Islamic State of Iraq and the Levant (“ISIL”). The statements are also highly probative of intent, absence of mistake, and identity. Finally, the probative value of the statements is not substantially outweighed by the danger of unfair prejudice. The motion should be denied.

## I. Background

For a more detailed version of the case's factual background, the United States respectfully refers the Court to its opposition to the defendant's motion *in limine* to exclude admission of the backpacks and their contents. (Rec. Doc. 91). The pertinent facts for purposes of the instant motion are as follows.

The defendant is charged in a four-count superseding indictment. Count I charges the defendant with conspiring to provide material support and resources to ISIL, in violation of 18 U.S.C. § 2339B. Count II charges the defendant with attempting to provide and providing material support and resources to ISIL, also in violation of § 2339B. Count III charges the defendant with solicitation to commit a crime of violence in violation of 18 U.S.C. §§ 2 and 373. Count IV charges the defendant with transmitting a communication containing a threat to injure in violation of 18 U.S.C. §§ 2 and 875(c). During the time period charged in the indictment, ISIL was designated a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act.

The instant motion concerns several statements made by the defendant regarding Yazidi women. The Yazidis practice an ancient, monotheistic religion. *See generally* Yazidi: religious sect, in *The Encyclopedia Britannica* (Mar. 4, 2015), <http://www.britannica.com/topic/Yazidi>. ISIL considers Yazidis to be pagans and infidels. *See* Ex. A, *Slave-Girls or Prostitutes?*, *Dabiq Issue 9* (“Yes, O religions of kufr altogether, we have indeed raided and captured the kāfirah women, and drove them like sheep by the edge of the sword.”).

ISIL has engaged in a campaign of systematic violence against Yazidis. ISIL fighters have performed massacres and forced conversions of Yazidis. ISIL fighters have also abducted Yazidi women and forced them to marry ISIL fighters. Yazidi survivors have described being raped by their captors and then sold, in some cases through makeshift auctions, to other ISIL fighters. *See, e.g.*, Kelly Cobiella, Yuka Tachibana, and Ben Adams, *Yazidi Women Tell of Rape and Enslavement at Hands of ISIS* (Nov. 30, 2015), <http://www.nbcnews.com/storyline/isis-uncovered/yazidi-women-tell->

rape-enslavement-hands-isis-n462091. ISIL claims that these actions are religiously permissible because Yazidi women are effectively the spoils of war. *See* Ex. B (“Saby (taking slaves through war) is a great prophetic Sunnah containing many divine wisdoms and religious benefits, regardless of whether or not the people are aware of this.” (definition in original)).

In July 2015, the defendant posted several Tweets regarding Yazidi women. *See* Ex. B. The Tweets were publically available to his Twitter followers, who numbered in the hundreds. The Tweets were not direct messages, which are only visible to the sender and recipient.

At first, the defendant retweeted statements by two other Twitter users regarding “the market for [Y]azidis.” *Id.* The defendant then asked, “How much the yazidi women cost plus what’s there [sic] ages??” *Id.* Moments later, the defendant said, “I’m serious, I’m considering buying one girl *inshallah* once I arrive in Islamic State loooool.” After retweeting two other users, the defendant said, “I just want one girl 17 yearsold.” *Id.*

The government expects that Dr. Lorenzo Vidino, its expert witness, will describe ISIL's campaign against the Yazidi people. The government expects that Dr. Vidino will explain ISIL's supposed justification for its actions as well as the widespread reporting of these events. The government will not describe these events in detail, nor will it introduce eyewitness testimony of their occurrence.

## **II. Argument**

The defense acknowledges ISIL's treatment of the Yazidis. *See* Def. Mot. at 2 (ISIL engaged in a "forced conversion program against the Yazidi people," extermination of "the male population if they did not convert to Islam," as well as the capture of Yazidi women and offering of them "for sale on encrypted smart phone applications."). The defendant claims, however, that his desire to take part in these activities in the "Islamic State" is not relevant.

The defendant's argument misses the mark. These events, and the defendant's desire to participate in them, are direct evidence of the defendant's knowledge that ISIL engaged in terrorism and terrorist activities and his support for these activities. The evidence is also

admissible under Federal Rule of Evidence 404(b) to prove intent, lack of mistake, and identity. Finally, these statements are hardly the type of graphic or sensational testimony that is barred by Rule 403.

### **A. Legal Standards**

Federal Rule of Evidence 401 provides for the introduction of “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” The Third Circuit has explained that “[t]he test of relevance under the Federal Rules of Evidence is low.” *Failla v. City of Passaic*, 146 F.3d 149, 159 (3d Cir. 1998). Relevant evidence is admissible unless the rules of evidence or statute state otherwise. *See* Fed. R. Evid. 402.

Evidence that does not directly prove the charged offense may nevertheless be relevant under Rule 404(b), which provides that “[e]vidence of a crime, wrong, or other act is not admissible to prove . . . the person acted in accordance with the character.” Fed. R. Evid. 404(b)(1). The Rule allows such evidence “for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge,

identity, absence of mistake, or lack of accident.” Fed. R. Evid.

404(b)(2). Therefore, Rule 404(b) evidence is proper “if relevant for *any other* purpose than to show a mere propensity or disposition on the part of the defendant to commit the crime.” *United States v. Johnson*, 199 F.3d 123, 128 (3d Cir. 1999) (emphasis added).

Under Rule 403, the court must ensure that the probative value of any evidence is not substantially outweighed by the danger of unfair prejudice. The balance should be struck in favor of admissibility. *See United States v. Terzado-Madruga*, 897 F.2d 1099, 1117 (11th Cir. 1990); *accord United States v. Dennis*, 625 F.2d 782, 797 (8th Cir. 1980); *United States v. Day*, 591 F.2d 861, 878 (D.C. Cir. 1978). Prejudice does not mean simply that the evidence is harmful to the defendant’s case. The Advisory Committee’s Notes make clear that evidence is unfairly prejudicial if it has “an undue tendency to suggest decision on an improper bias, commonly though not necessarily, an emotional one.” Advisory Committee’s Note, Fed. R. Evid. 403; *see Carter v. Hewitt*, 617 F.2d 961, 972 (3d Cir. 1980).

**B. The Defendant's Statements Are Intrinsic Evidence of the Crime.**

The defendant's statements are relevant intrinsic evidence of the crimes charged in Counts I and II. To establish a violation of the material support statute, the government prove that the defendant intended to provide material support to ISIL. *See* 18 U.S.C. § 2339B(a)(1). The government also must prove that the defendant knew either that ISIL was designated as a Foreign Terrorist Organization, that it has engaged in terrorist activity, or that it engages in terrorism. *Id.* As the defendant appears to concede, ISIL's treatment of the Yazidis constitutes terrorism and terrorist activity. His statements are probative of whether he supported ISIL and whether he knew that it was engaged in terrorist activities.

In a recent terrorism case in the Southern District of New York, the trial court admitted nearly-identical statements. In *United States v. Mostafa*, 16 F. Supp. 3d 236 (S.D.N.Y. 2014), the defendant was charged in an eleven-count indictment with various crimes, including hostage-taking, as well as conspiring to provide and providing material support to a Foreign Terrorist Organization. *Id.* at 248. The charges

arose from the defendant's establishment of a jihad training camp in Oregon and facilitation of violent jihad in Afghanistan. *Id.*

Prior to trial, the defense moved to exclude certain statements made by the defendant. None of the statements explicitly discussed the charged conduct. *Id.* In one statement, which was undated, the defendant stated that a "Kafir (a non-Muslim) is 'booty' and that it is acceptable to sell him in the market—that '[t]his is what Islam sys.'" *Id.* at 258-59. The district court found that the statement was directly relevant to the charged conduct because "the fact that the defendant stated such views prior to or following the conduct certainly is probative of whether he would engage in such conduct." *Id.* at 259.

This case is nearly identical to *Mostafa*. The defendant's statements are relevant, direct evidence of the charged offenses. They are probative of his desire to support ISIL and knowledge that they were engaged in terrorism and terrorist activities.

**C. The Defendant's Statements Are Admissible Under Rule 404(b) to Show Intent, Absence of Mistake, and Identity.**

The defendant's statements are also relevant for several purposes under Rule 404(b). First and foremost, they are highly probative of

intent for all four counts in the superseding indictment. The logical chain is as follows: (i) ISIL regarded Yazidi women as the spoils of war; (ii) ISIL fighters purchased and kept Yazidi women as a reward for their efforts on the battlefield; (iii) The defendant wanted to purchase Yazidi women; (iv) Therefore, the defendant believed his actions—from facilitating travel to soliciting attacks on service members—benefitted ISIL and placed him on an equal footing with ISIL soldiers in Iraq and Syria. Similarly, the defendant’s statement helped establish him with other ISIL fighters, facilitators, and supporters.

The defendant’s statements keenly rebut any defense that he merely acted as an analyst. The defense will undoubtedly attempt to claim that the defendant’s interest in ISIL and frequent tweeting was the result of an effort to understand or explain events in the Middle East. Likewise, the defendant might claim that his support for ISIL accidental and that he was merely engaged in fact-finding or commentary. One of the characteristics of any “analyst” is objectivity. It can hardly be argued that one who seeks to participate in the activities of the group he is studying is an analyst.

In *Mostafa*, the court found that the defendant's statement regarding "booty" were similarly relevant under 404(b). Specifically, the court wrote that the statement "is relevant to the defendant's state of mind and provides a proper purpose." 16 F. Supp. 3d at 258.

The Tweets also help the government prove identity. The Third Circuit has explained that identity of the criminal actor "is present in every case unless the defendant chooses to admit participation and plead an affirmative of defense." *United States v. Wilford*, 493 F.2d 730, 734 n.9 (3d Cir. 1974); *see also United States v. Alexander*, 48 F.3d 1477, 1490 (9th Cir. 1995) ("Identification of the defendant as the person who committed the charged crime is always an essential element which the government must establish beyond a reasonable doubt."). The criminal actor's identity may be "inferred from all the facts and circumstances in evidence." *United States v. Prieto*, 549 F.3d 513, 525 (7th Cir.2008); *Alexander*, 48 F.3d at 1490 (9th Cir.1995) (an "in-court identification by a witness is not necessarily required").

Here, the defendant resided with his parents and shared his cellular telephone with his father. It is highly unlikely, and there is no

evidence to suggest, that Mr. or Mrs. Aziz intended to travel to ISIL-controlled territory or purchase Yazidi women. Therefore, the defendant's Tweets regarding Yazidi women are relevant circumstantial evidence that he, rather than his parents, controlled the Twitter accounts at issue.

**D. The Probative Value of the Statements is Not Substantially Outweighed by the Danger of Unfair Prejudice**

Finally, the defendant's statements do not run afoul of Rule 403. District courts have broad discretion in assessing whether evidence should be excluded under Rule 403. *United States v. Pelullo*, 14 F.3d 881, 888 (3d Cir. 1994). The court must consider "the genuine need for the challenged evidence and balance that necessity against the risk of prejudice to the defendant." *Id.* (quoting *Gov't of the Virgin Islands v. Archibald*, 987 F.2d 180, 186 (3d Cir. 1993)). The court must consider only "unfair prejudice . . . based on something other than [the evidence's] persuasive weight." *United States v. Bergrin*, 682 F.3d 261, 279 (3d Cir. 2012) (alteration in original) (internal quotation omitted). Rule 403 is "extraordinary," and should be applied sparingly. *See Terzado-Madruga*, 897 F.2d at 1117.

The evidence is genuinely probative of the defendant's knowledge because of the nature of ISIL's treatment of the Yazidis. The defendant might argue, for example, that he did not know that ISIL was engaged in terrorist activities. He might claim that he believed that ISIL was a genuine state and that its fighters were legitimate soldiers. Capturing, enslaving, and selling women, however, is far outside the bounds of conduct for a legitimate military or state. Admittedly, the government has numerous other Tweets by the defendant concerning ISIL's terrorist activities. The defendant's comments regarding Yazidi women, however, reveal the full extent of his knowledge and support for ISIL's terrorist methods.

The evidence is also uniquely probative of the defendant's intent and the absence of mistake. The defendant's statements regarding Yazidi women evince his belief acted in support of ISIL and was the equal of actual ISIL fighters. No other government evidence offers such a unique view into the defendant's mindset and intent. As discussed above, the evidence is similarly probative of identity.

The defendant's statements are far less prejudicial than similar direct and 404(b) evidence that has passed muster under Rule 403. In *Mostafa*, the court found that statements regarding "Kafir" as "booty" were no less prejudicial than the conduct with which the defendant was charged. 16 F. Supp. 3d at 258. Indeed, courts have admitted evidence of uncharged *actual* sexual assaults.

In *United States v. Sriyuth*, 98 F.3d 739 (3d Cir. 1996), the defendant kidnapped and then raped a woman. *Id.* at 743-44. He was charged with kidnapping and use of a firearm in relation to the kidnapping, in violation of 18 U.S.C. §§ 1201(a)(1) and 924(c), respectively. *Id.* at 741. On appeal, the Third Circuit found that the sexual assault evidence was necessary to establish an element of the offense—the purpose of the kidnapping. *See id.* at 746 n.11 ("The grand jury indictment charged that Sriyuth held Von for the purpose of gaining her companionship and for a sexual assault in violation of section 1201(a)(1)."). The court also found that the evidence was admissible under Rule 404(b) because it proved motive and the victim's lack of consent rather than the defendant's character. *Id.* at 747.

With respect to Rule 403, the court noted that the evidence was “genuinely needed and relevant” and “strongly probative because it counters two central arguments” advanced by the defendant. *Sriyuth*, 98 F.3d at 748. The court found that the risk of unfair prejudice was “minimized by the district court’s instruction to the jury on the limited use of the sexual assault evidence.” *Id.*

In *United States v. Gartmon*, the defendant was charged with interstate transportation of securities taken by fraud and money laundering, in violation of 18 U.S.C. §§ 2314 and 1956(a)(1), respectively. 146 F.3d 1015, 1018 (D.C. Cir. 1998). At trial, the government introduced testimony from a former employee of the defendant. *Id.* at 1019. The witness testified that, after she confronted the defendant about the fraud, the defendant ordered her to strip naked, placed a gun in her vagina, and told her that she would “listen to everything he says and do as he says.” *Id.*

On appeal, the D.C. Circuit noted that “[t]here is no question but that the conduct portrayed by the testimony was outrageous, and that it may dramatically have injured Gartmon’s cause.” *Id.* at 1021. In

language that is repeatedly quoted by the Third Circuit, the *Gartmon* court explained,

Rule 403 does not provide a shield for defendants who engage in outrageous acts, permitting only the crimes of Caspar Milquetoasts to be described fully to a jury. It does not generally require the government to sanitize its case, to deflate its witnesses' testimony, or to tell its story in a monotone.

*Id.*; see *United States v. DeMuro*, 677 F.3d 550, 559 (3d Cir. 2012) (quoting *Gartmon*); *United States v. Cross*, 308 F.3d 308, 325 (3d Cir. 2002) (same).

Here, there danger of unfair prejudice is even less than in *Sriyuth* and *Gartmon*. The defendant made these Tweets in a public forum. He can hardly claim that they were private thoughts or never meant to be seen. There is no evidence—and the government will not argue—that the defendant committed or attempted to commit a sexual assault. If the evidence is admitted pursuant to Rule 404(b), the government respectfully requests that the Court provide an appropriate limiting instruction.

\* \* \*

In sum, the evidence is similar to the statements admitted in *Mostafa*. The statements are far less prejudicial and inflammatory than the uncharged sexual assaults that were admitted in *Sriyuth* and *Gartmon*. Although the statements may be outrageous, the jury can be “expected to compartmentalize the evidence and consider it for its proper purposes.” *United States v. Driggs*, 823 F.2d 52, 54 (3d Cir. 1987). The defendant’s Tweets concerning Yazidi women should be admitted.

**Conclusion**

WHEREFORE, the defendant’s motion *in limine* to exclude any reference to communications by the defendant regarding Yazidi women (Rec. Doc. 94) should be denied.

Respectfully submitted,

BRUCE BRANDLER  
Acting United States Attorney

Dated: January 23, 2017

          /s/ Daryl F. Bloom            
DARYL F. BLOOM  
Assistant United States Attorney  
PA 73820

228 Walnut Street, P.O. Box 11754  
Harrisburg, Pennsylvania 17108  
717/221-4482 (Office)  
717/221-2246 (Fax)  
Daryl.Bloom@usdoj.gov

/s/ Robert Sander  
ROBERT J. SANDER  
Trial Attorney  
PA 82116

U.S. Department of Justice  
National Security Division  
Counterterrorism Section  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
202/307-1102 (Office)  
Robert.Sander@usdoj.gov

/s/ Adam Small  
ADAM L. SMALL  
Trial Attorney

U.S. Department of Justice  
National Security Division  
Counterterrorism Section  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
202/616-2431 (Office)  
Adam.Small@usdoj.gov

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CR. NO. 1:15-CR-309  
: :  
v. : (Chief Judge Conner)  
: :  
JALIL IBN AMEER Aziz, : (electronically filed)  
Defendant. :

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he is an employee of the United States Department of Justice and is a person of such age and discretion as to be competent to serve papers. That on this Monday, January 23, 2017, he served a copy of the attached

**OPPOSITION TO DEFENDAT'S MOTIONS *IN LIMINE***

by electronic means sent to the Defendant's attorney at the following address:

Addressee:

Thomas Thornton, Esq.  
Thomas\_Thornton@fd.org

/s/ Adam Small  
ADAM L. SMALL  
Trial Attorney

U.S. Department of Justice

# **EXHIBIT A**

# DABIQ

9 ISSUE

1436 SHA'BAN

THEY PLOT  
AND ALLAH PLOTS



# SLAVE-GIRLS OR PROSTITUTES?

BY UMM SUMAYYAH  
AL-MUHĀJIRAH

In the Name of Allah, the Strong, the Firm, He who strengthens the Muslims with His aid, and humiliates the mushrikīn with His compulsion. And may peace and blessings be upon the exemplary Prophet and Messenger, and upon those who followed him and treaded his footsteps, and upon his family, companions, and those who supported him. As to what follows:

Allah (ta'ālā) said, {And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice]} [An-Nisā': 3].

He also said, {And marry off the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-Encompassing and Knowing} [An-Nūr: 32].

He also said, describing His believing slaves, {And they who guard their private parts, except from

their wives or those their right hands possess, for indeed, they will not be blamed} [Al-Mu'minūn: 5-6].

He (subhānah) said, inciting His believing servants to marry female slaves (if they cannot afford to marry freewomen) and preferring them to a free mushrikah of noble lineage, {And a believing slave-girl is better than a mushrikah, even though she might please you} [Al-Baqarah: 221].

The right hand's possession (mulk al-yamīn) are the female captives who were separated from their husbands by enslavement. They became lawful for the one who ends up possessing them even without pronouncement of divorce by their harbī husbands.

Sa'īd Ibn Jubayr reported that Ibn 'Abbās (radiyallāhu 'anhumā) said, "Approaching any married woman is fornication, except for a woman who has been enslaved" [Al-Hākim narrated it and said, "It is an authentic hadīth according to the criteria of al-Bukhārī and Muslim"].

Saby (taking slaves through war) is a great prophetic Sunnah containing many divine wisdoms and religious benefits, regardless of whether or not the people are aware of this. The Sīrah is a witness to our Prophet's (sallallāhu 'alayhi wa sallam) raiding of the kuffār. He would kill their men and enslave their children and women. The raids of the beloved Prophet (sallallāhu 'alayhi wa sallam) convey this to us. Ask the tribes of Banī al-Mustaliq, Banī Quraydhah, and Hawāzin about this.

Ibn 'Awn said, "I wrote to Nāfi", so he wrote back to me saying, "The Prophet (sallallāhu 'alayhi wa sallam) raided Banī al-Mustaliq while they were not expecting it and while their cattle were out drinking water. So he killed their fighters, enslaved their children, and gained Juwayriyah. Ibn 'Umar told me this. And he was part of that army" [Reported by al-Bukhārī and Muslim].

After the Battle of the Trench, Banī Quraydhah yielded to the judgment of Sa'd Ibn Mu'ādh (radiyallāhu 'anh). So Sa'd said, "I rule that their fighters be killed and their families be enslaved." So Allah's Messenger (sallallāhu 'alayhi wa sallam) said, "You have indeed judged in their affair by the ruling of Allah" [Reported by al-Bukhārī and Muslim].

The number of Jews killed in the battles of Khaybar reached 93 men [Maghāzī al-Wāqidī]. Their women and children were enslaved, and Safiyyah Bint Huyayy Ibn Akhtab – the Mother of the Believers (radiyallāhu 'anhā) – fell into captivity. Allah's Messenger (sallallāhu 'alayhi wa sallam) set her free and married her [Reported by al-Bukhārī and Muslim].

And during the expedition of Hunayn, Allah's Messenger (sallallāhu 'alayhi wa sallam) enslaved from Hawāzin until the amount of slaves reached six thousand [At-Tabaqāt al-Kubrā – Ibn Sa'd].

The scholars of Sīrah mentioned that the Prophet (sallallāhu 'alayhi wa sallam) took four slave-girls as concubines, two of them being Māriyah al-Qibtiyyah and Rayhānah an-Nadriyyah [Zād al-Ma'ād].

The Sahābah and their followers in goodness treaded upon the path of the Prophet (sallallāhu 'alayhi wa sallam) after him. Therefore, we almost cannot find a companion who didn't practice saby. 'Alī Ibn Abī Tālib (radiyallāhu 'anh) had nineteen slave-girls. Ibn 'Uyaynah reported that 'Amr Ibn Dīnār said, "'Alī Ibn Abī Tālib wrote in his will, 'As to what follows: If something happens to me during this battle, then my slave-girls whom I copulate with are nineteen in number. Some of them bore me children, some of them are pregnant, and some of them are childless'" [Musannaf 'Abdir-Razzāq].

Abū Sa'īd al-Khudrī (radiyallāhu 'anh) said, "I had a slave-girl with whom I used to practice withdrawal. She bore me the most beloved of people to me" [Musannaf 'Abdir-Razzāq].

After all this and after the sun of the Khilāfah radiated once again, and the winds of victory and consolidation blew, and the Islamic State, by the grace of its Lord alone, brought out the Islamic punishments and rulings of the Sharī'ah from the darkness of books and papers, and we truly lived them after they were buried for centuries... After all this, the ramblers dare to extend their tongues with false rumors and accusations so as to disfigure the great shar'ī ruling and pure prophetic Sunnah titled "saby"? After all this, saby becomes fornication and tasarrī (taking a slave-girl as a concubine) becomes rape? If only we'd heard these falsehoods from the kuffār who are ignorant of our religion. Instead we hear it from those associated with our Ummah, those whose names are Muhammad, Ibrāhīm, and 'Alī! So I say in astonishment: Are our people awake or asleep? But what really alarmed me was that some of the Islamic State supporters (may Allah forgive them) rushed to defend the Islamic State – may its honor persist and may Allah expand its territory – after the kāfir media touched upon the State's capture of the Yazīdī women. So the supporters started denying the matter as if the soldiers of the Khilāfah had committed a mistake or evil.

Thus, after the matter transcended its limits and the barking of the charlatans – the wicked scholars – rose upon the pulpits of deviance, it became necessary to face their declarations with a declaration, but one

“I swear by my Lord, it is certainly  
Khilāfah, as certain as your ability to  
speak, see, and hear.”



of truth, to suppress their falsehood and restrain their tongues.

Yes, Allah has opened the lands for His awliyā, so they entered and dispersed within the lands, killing the fighters of the kuffār, capturing their women, and enslaving their children.

I write this while the letters drip of pride. Yes, O religions of kufr altogether, we have indeed raided and captured the kāfirah women, and drove them like sheep by the edge of the sword. And glory belongs to Allah, to His Messenger, and the believers, but the hypocrites do not know!

Or did you and your supporters think we were joking on the day we announced the Khilāfah upon the prophetic methodology? I swear by my Lord, it is certainly Khilāfah, as certain as your ability to speak, see, and hear. It is Khilāfah with everything it contains of honor and pride for the Muslim and humiliation and degradation for the kāfir. Our Prophet (sallallāhu ‘alayhi wa sallam) said, as narrated by Ibn ‘Umar (radiyallāhu ‘anhumā), “I was sent with the sword before the Hour so that

Allah alone is worshipped without partners. And my provision was placed beneath the shade of my spear. And humiliation and degradation was made for those who oppose my command” [Reported by Imām Ahmad].

Therefore, we did not humiliate them, but it was Allah who did so at the hands of His truthful slaves who did not wish for anything except for Allah’s word to be supreme and the kuffār’s words to be lowest. For that sake, they have exerted their souls and hearts. Their aim is sublimity for the religion and humiliation of whoever desires a religion other than Islam!

‘Abdur-Rahmān Ibn Jubayr Ibn Nufayr reported that his father said, “When the lands of Cyprus were conquered, the people began to divide the captives. They separated between them as the captives were weeping for each other. So Abud-Dardā’ went aside. He then sat down upon the ground and wept. Thereupon Jubayr Ibn Nufayr came to him and said, ‘What makes you cry, O Abud-Dardā’? Do you cry on a day in which Allah has honored Islam and its people and humiliated

kufr and its people?’ Then he replied, ‘May your mother be bereaved of you, O Jubayr Ibn Nufayr! How despicable are the people to Allah if they abandon His command. Were they not a manifest and powerful nation overpowering the people? They reigned until they abandoned Allah’s command, so they ended up as you see them now. Indeed when slavery befalls a people, then they have left Allah’s favor, so Allah has no need for them’” [Sunan Sa’id Ibn Mansūr].

Therefore, I further increase the spiteful ones in anger by saying that I and those with me at home prostrated to Allah in gratitude on the day the first slave-girl entered our home. Yes, we thanked our Lord for having let us live to the day we saw kufr humiliated and its banner destroyed. Here we are today, and after centuries, reviving a prophetic Sunnah, which both the Arab and non-Arab enemies of Allah had buried. By Allah, we brought it back by the edge of the sword, and we did not do so through pacifism, negotiations, democracy, or elections. We established it according to the prophetic way, with blood-red swords, not with fingers for voting or tweeting.

As for those who rebuked the Khilāfah’s soldiers for saby, then this is not surprising at all, for they themselves are those who crippled the obligation of jihād with false suspicions and crooked arguments. They are the same beards and their sheep-like followers. Why should we criticize them now? Isn’t it sufficient for us to know of their sinful sitting back that has bloated their potbellies and increased their weakness abundantly?

They fear to speak up about a principle of the religion – the rejection of tāghūt? So do we then expect from them a word of truth on a secondary matter of the religion? Even the testimony of “There is no god but Allah,” they obscure it and don’t proclaim it openly, fearing that the cruelty of the tyrants – those they ally with instead of Allah – might reach them. They forgot the command of the All-Powerful to His slave Muhammad (sallallāhu alayhi wa sallam), {So declare what you are commanded} [Al-Hijr: 94]. Allah the One and Only is the commander and not Ibn Sa’ūd, nor

Ibn Zāyid (tāghūt of the “UAE”), nor Ibn Mawzah (tāghūt of Qatar), nor anyone else. And all of these rulers are stepchildren of the White House.

They said one day that there’s no jihād, then a group of believers established – with Allah’s strength alone – the Khilāfah upon the prophetic methodology. Today they say no to saby, while some slave-girls in our State are now pregnant and some of them have even been set free for Allah’s sake and got married in the courts of the Islamic State after becoming Muslims and practicing Islam well. Our father Ibrāhīm (‘alayhis-salām) took Hājar as a concubine and she bore him Ismā’īl (‘alayhis-salām) and our Prophet (sallallāhu ‘alayhi wa sallam) took Māriyah as a concubine and she bore him a son whom he named Ibrāhīm. It was reported that Zayd<sup>1</sup> Ibn ‘Alī once entered upon Hishām Ibn ‘Abdil-Malik. Hishām told him, “It has reached me that you are entertaining hopes of becoming Khalīfah. But you are not fit for it as you are the son of a slave-girl!” So Zayd replied, “As for your statement that I am entertaining hopes of becoming Khalīfah – then no one knows the unseen except Allah. And as for me being the son of a slave-girl, then Ismā’īl was the son of a slave-girl, and Allah made the best of mankind, Muhammad, from his progeny.”

Ibn Kathīr (rahimahullāh) mentioned that “al-Husayn (Ibn ‘Alī Ibn Abī Tālib) didn’t have any male descendants except from ‘Alī Ibn al-Husayn and ‘Alī Ibn al-Husayn didn’t have progeny except from his paternal cousin the daughter of al-Hasan, so Marwan Ibn al-Hakam said to him, ‘If only you took concubines, your children would be more.’ He replied, saying, ‘I cannot afford concubines.’ So he gave him a loan of a hundred thousand. He then bought concubines with it and they bore him more offspring. After Marwān became sick, he decreed in his will that nothing of which he had lent to ‘Alī Ibn al-Husayn may be taken. Thus, all of al-Husayn’s descendants are from ‘Alī Ibn al-Husayn’s progeny, rahimahullāh” [Al-Bidāyah wan-Nihāyah].

Rather, let me add to the heartache of the spiteful.

<sup>1</sup> Editor’s Note: His father was ‘Alī Ibn al-Husayn Ibn ‘Alī Ibn Abī Tālib al-Hāshimī al-Quras-hī and his mother was a Sindī slave-girl whom his father himself possessed and took as a concubine.

Indeed, from the slave-girls are those that after saby turned into hard-working, diligent seekers of knowledge after she found in Islam what she couldn't find in kufr, despite the slogans of "freedom" and "equality." Indeed it is our pure Islam, which upraises every lowly-one and puts an end to every deficiency.

Abū Hurayrah (radiyallāhu ‘anh) said that Allah's Messenger (sallallāhu ‘alayhi wa sallam) said, "Allah marvels at a people who enter Jannah in chains" [Reported by al-Bukhārī].

Ibnul-Jawzī (rahimahullāh) said, "This means that they were captured and enchained. Once they realized the truth of Islam they entered it voluntarily, and thus they entered Jannah. So the coercion into captivity and chains was the first cause. It is as if he referred to coercion (into slavery) with the word chains. And because this was behind them entering Jannah, he regarded it as the cause" [Fath al-Bārī – Ibn Hajar].

So whoever thinks that the ultimate aim of saby is pleasure, then he is a mistaken ignoramus. Otherwise, why did the Sharī'ah urge kindness towards slaves as well as good treatment of them even if they are kuffār whom Allah humiliated by making them into slaves owned by the people of Islam. Yet He (subhānah) made their liberation from the lands of kufr a way for their salvation and guidance towards the straight path.

Abū Dharr (radiyallāhu ‘anh) reported that Allah's Messenger (sallallāhu ‘alayhi wa sallam) said, "Your brothers whom were placed by Allah into your hands, feed them of what you eat, dress them of what you wear, and do not hold them to account for what they can't bear. If you hold them to account, then assist them!" [Reported by al-Bukhārī and Muslim]

Abū Mas'ūd (radiyallāhu ‘anh) said, "I struck a young slave of mine and then heard a voice from behind me saying, 'Know, O Abū Mas'ūd, that Allah has more power over you than you over him.' Then I turned and saw it was Allah's Messenger (sallallāhu ‘alayhi wa sallam). I then

said, 'O Messenger of Allah, he is free for Allah's sake.' So he said, 'If you hadn't done so, the fire would've surely scorched you' or 'the fire would've surely touched you' [Reported by Muslim].

Yes, this is our – as they allege – "savage" Islam, ordering us with kindness even towards slaves. This is demanded even if they were to remain upon their kufr. And I swear by Allah, I haven't heard of nor seen anyone in the Islamic State who coerced his slave-girl to accept Islam. On the contrary, I saw all of those who accepted Islam had done so voluntarily, not against their will. Once she bears witness that there is no god but Allah and that Muhammad is the Messenger of Allah and begins performing what has been prescribed for her of rites, then we say, "Come and be welcomed." As for her heart, then we defer it to Allah (ta'ālā).

As for those who appeared on the screens of falsehood, claimed to have run away from the Islamic State, made up lies, and wrote false stories, then I say, whoever has read history and studied the Sīrah knows that throughout the times there were devious and wicked slave-girls with stories that would turn a newborn's hair grey. Hafsa, the Mother of the Believers, (radiyallāhu ‘anhā) ordered the killing of one of her slave-girls who had performed sorcery on her, so 'Abdur-Rahmān Ibn Zayd Ibn al-Khattāb killed her. The slave-girl of Ibn 'Umar (radiyallāhu ‘anhumā) ran away. Will we thus vilify the people of that time and blame them?!

They criticize us for a divine, praiseworthy law and ignore that over which the mountains almost crumble in shock. So woe unto the deceivers, woe unto them!

Are slave-girls whom we took by Allah's command better, or prostitutes – an evil you do not denounce – who are grabbed by quasi men in the lands of kufr where you live? A prostitute in your lands comes and goes, openly committing sin. She lives by selling her honor, within the sight and hearing of the deviant scholars from whom we don't hear even a faint sound. As for the slave-girl that was taken by the swords of men following the cheerful warrior

(Muhammad – sallallāhu ‘alayhi wa sallam), then her enslavement is in opposition to human rights and copulation with her is rape?! What is wrong with you? How do you make such a judgment? What is your religion? What is your law? Rather, tell me who is your lord? Never did the Khilāfah’s soldiers revive a Sunnah or extinguish a bid’ah except that you shouted with lewdness and heresy! Leave us alone with your burping and wait for a Khilāfah that Obama comes to you with or whose landmarks Abū Kurdūs (Iblīs) draws up for you! I swear by Allah, O you who feign to be knowledgeable and shout with falsehood in every gathering, surely the slave markets will be established against the will of the politically “correct”!

And who knows, maybe Michelle Obama’s price won’t even exceed a third of a dīnār, and a third of a dīnār is too much for her!

Our last supplication is that all praise belongs to Allah the Lord of the creation and may peace and blessings be upon our leader Muhammad and all his family and companions.



# **EXHIBIT B**



**MuslimBruh**

@muslimbruh0

Colonel Shaami #73

TWEETS  
**3010**

FOLLOWING  
**730**

FOLLOWERS  
**1262**

### Tweets

**@muslimbruh0** – July 21, 2015, 20:02:07 (EST)  
RT @Etimdz: @\_ | \_ | \_ | \_ | the girls man, how much they cost  
Retweets: 1 Favorites: 0

**@muslimbruh0** – July 21, 2015, 20:02:16 (EST)  
RT @Etimdz: @\_ | \_ | \_ | \_ | what's the market for yazidis saying now. Can I buy, how much.  
Retweets: 1 Favorites: 0

**@muslimbruh0** – July 21, 2015, 20:02:20 (EST)  
RT @\_ | \_ | \_ | \_ | : @Etimdz you wanna buy bonds in the yazidis market?\nLe epic merchant pun  
Retweets: 1 Favorites: 0

**@muslimbruh0** – July 21, 2015, 20:02:55 (EST)  
@\_ | \_ | \_ | \_ | @Etimdz How much the yazidi women cost plus what's there ages??  
Retweets: 0 Favorites: 0



**MuslimBruh**

@muslimbruh0

Colonel Shaami #73

TWEETS  
3010

FOLLOWING  
730

FOLLOWERS  
1262

### Tweets

**@muslimbruh0** – July 21, 2015, 20:05:01 (EST)

@Etimdz @\_ | \_ | \_ | \_ | I'm serious, I'm considering on buying one girl inshallah once I arrive in Islamic State looooooool

Retweets: 0 Favorites: 0

**@muslimbruh0** – July 21, 2015, 20:15:19 (EST)

RT @TheScimitar107: @Etimdz @YesSirQadhi @MuslimBruh0 @\_ | \_ | \_ | \_ | i will buy 2

Retweets: 1 Favorites: 0

**@muslimbruh0** – July 21, 2015, 20:15:36 (EST)

RT @YesSirQadhi: @TheScimitar107 @Etimdz @MuslimBruh0 @\_ | \_ | \_ | \_ | LOL we ain't bidding here bruv

Retweets: 1 Favorites: 0

**@muslimbruh0** – July 21, 2015, 20:15:38 (EST)

RT @TheScimitar107: @YesSirQadhi @Etimdz @MuslimBruh0 @\_ | \_ | \_ | \_ | still i want 2 yazidi slaves

Retweets: 1 Favorites: 0

**@muslimbruh0** – July 21, 2015, 20:15:57 (EST)

"@TheScimitar107 @YesSirQadhi @Etimdz @\_ | \_ | \_ | \_ | I just want one girl 17yearsold

Retweets: 0 Favorites: 0