

ORIGINAL



1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF VIRGINIA
3 (Alexandria Division)

3 - - - - -x
4 UNITED STATES OF AMERICA :
5 VS. : Grand Jury Number 04-2
6 JOHN DOE A01-246 :
7 - - - - -x

8 U.S. Courthouse
9 401 Courthouse Square
10 Alexandria, Virginia

11 June 22, 2004

12 The testimony of RANDALL TODD ROYER was
13 taken in the presence of a full quorum of the Grand
14 Jury beginning at 9:47 a.m.

15 BEFORE:

16 GORDON D. KROMBERG
17 Assistant United States Attorney

18 JENNIFER LOMBARDO
19 Special Assistant United States Attorney

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GOVERNMENT
EXHIBIT

9D4



P R O C E E D I N G S

1
2 Whereupon,

3 RANDALL TODD ROYER

4 was called as a witness and, after first being duly
5 sworn by the Foreperson of the Grand Jury, was
6 examined and testified as follows:

7 EXAMINATION

8 BY MR. KROMBERG:

9 Q. Mr. Royer, this is a federal Grand Jury.
10 This right in front of you is not an amplifier. It's
11 merely a -- helps record so that the reporter down at
12 the end of the table can write -- can keep track of
13 what you say. So it doesn't amplify what you say, so
14 keep your voice up.

15 A. Okay.

16 Q. Can you state your full name and spell your
17 last name for the record?

18 A. Yes, it's Randall Todd Royer, R-O-Y-E-R.

19 Q. All right. You're obviously an inmate,
20 presently, at the Alexandria Detention Center?

21 A. Yes, I am.

22 Q. Is it correct that you pled guilty to
23 various offenses in, in about January 2004?

24 A. Yes, that's correct.

25 Q. And what did you plead guilty to?

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1 A. I pled guilty to aiding and abetting,
2 carrying firearms in furtherance of a conspiracy to --
3 several things.

4 Q. Including the Neutrality -- in violation of
5 the --

6 A. Including violation of the Neutrality Act,
7 yes.

8 Q. And the Neutrality Act is regarding
9 shooting, is, is --

10 A. Involvement in a conflict against the
11 country with which the United States is at peace.

12 Q. Okay. And as part of your plea agreement
13 you were sentenced to 20 years in jail?

14 A. Yes, sir.

15 Q. And you're obviously looking for a Rule 35
16 that would reduce your sentence for cooperation?

17 A. Yes, sir.

18 Q. Okay. And your obligation under your plea
19 agreement on how to testify is you have to testify
20 truthfully, right?

21 A. Yes, that's correct.

22 Q. Okay. I'd like to direct your attention to
23 September 16th, 2001. On that date, did you attend a
24 gathering at Yong Kwon's house?

25 A. Yes, I did.

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1 Q. How did it come about that you attended that
2 gathering?

3 A. Yong sent me an e-mail, and -- I believe he
4 either sent me an e-mail or called me and told me that
5 we would have dinner at his house.

6 Q. What was your understanding of the purpose
7 of that meeting?

8 A. Sheikh Ali Timimi was going to give us his,
9 his view of the September 11th attacks and what the
10 response of Muslims in the United States should be
11 now.

12 Q. What was the significance to you and to
13 other members of the group, if you know, of receiving
14 Ali Timimi's opinion?

15 A. Well, he was a local scholar, if you will,
16 of Islam and we respected his opinion and valued it.

17 Q. Who was at that meeting?

18 A. Hammed Id Raheen (ph.), Masoud Kahn, myself,
19 Caliph, Caliph Ibrahim, and, let's see --

20 Q. Was there --

21 A. Mohammad Aatique and Mahmood Hasan. Q.
22 Who spoke at the meeting?

23 A. Ali Timimi talked, but some of us asked
24 questions afterwards.

25 Q. How open were the, the attendees at the



1 meeting to being overheard or seen at the meeting?

2 A. It was a secretive meeting, so we closed the
3 blinds, turned off the cell phones.

4 Q. Why were those steps taken, the closing the
5 blinds and turning off the cell phones?

6 A. Ali Timimi asked us to do that.

7 Q. What was said at the beginning of the
8 meeting with respect to whether what was said at the
9 meeting should be repeated outside the meeting?

10 A. Ali Timimi asked us not to repeat what was
11 said at the meeting.

12 Q. By the way, how long was Timimi's entire
13 talk?

14 A. Somewhere between 15 and 30 minutes.

15 Q. How did he begin his talk?

16 A. Well, he began by, by -- we had an, an
17 Arabic printout of the fatwa or religious opinion from
18 Sheikh Al Uqla (ph.), a scholar from Saudi Arabia, in
19 which the scholar approved of the 9/11 attacks and
20 said that, that there would be a -- essentially there
21 would wind up being a war between the United States
22 and -- the United States would invade Afghanistan and
23 the -- it was beneficial as a -- it was a positive
24 thing for Muslims to go and help the Taliban defend
25 against the U.S. invasion.

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1 Q. And this -- at this point, it's Timimi
2 describing what Sheikh Al Uqla said?

3 A. That's correct, yes.

4 Q. Okay. What if anything did Timimi say Al
5 Uqla said Muslims around the world should do when the
6 U.S. invaded Afghanistan?

7 A. Well, as I said, he, he, he said that it
8 would be a good deed to go and help the -- defend the
9 Taliban.

10 Q. After describing the Al Uqla fatwa, what did
11 Timimi say would happen as -- what did Timimi say
12 himself would happen as a result of the 9/11 attacks?

13 A. I don't recall if it was immediately after
14 that but, you know, he, he, he said that the United
15 States would invade Afghanistan. He predicted that.
16 I think it was, it was previous obvious from the, from
17 the news reports as well, that that was what was going
18 to occur.

19 Q. Who if anyone came to the house after Timimi
20 had started his talk?

21 A. Well, Nabil Gharbieh, a friend of ours, came
22 and he arrived with someone that, that we didn't know.
23 And so Ali stopped talking and wrapped up his, his
24 talk. And to me and I think to everyone else it was
25 pretty clear that he did so because, you know, he,

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1 he -- none of us knew this guy and, and Timimi didn't
2 want to talk -- or didn't want to speak his mind in
3 front of this person that no one knew. So, I took
4 Nabil aside and I asked him if he would leave with
5 this guy that he brought, and then come back so that
6 we could hear the rest of Ali Timimi's talk.

7 Q. And did Nabil leave at that point?

8 A. Yeah, he became a little angry with me and
9 then he left.

10 Q. Did Timimi then resume talking?

11 A. Yes.

12 Q. What did Timimi send -- say then?

13 A. Well, then he said that, you know, now, now
14 would be the time whether -- where we would find out
15 whether or not the Taliban were, were, were good or,
16 or, or not good, and if they were good they would hold
17 on to Usama bin Laden and wouldn't turn him over as
18 the United States was demanding, and that if, if they
19 were in fact not really very worthy then they would
20 hand him over.

21 Q. What advice -- I'm sorry, what prediction if
22 any did Timimi make regarding the future relations
23 between the United States and Afghanistan?

24 A. Well, you know, he said that, you know,
25 essentially that the United States would invade -- he

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1 didn't say specifically that the United States would
2 invade regardless, but this was -- this is the message
3 that we got or this is, I mean, this is -- this was
4 definitely -- based on, based on his, his later
5 remarks, this is the, this is the message that he was
6 sending. I think we all believed that, as well, from
7 the news reports.

8 Q. That the U.S. would invade Afghanistan?

9 A. That the U.S. would invade Afghanistan
10 regardless of what the Taliban did.

11 Q. Okay. What advice, if any, did Timimi give
12 the gathered group about what they should do as a
13 result of the impending war with Afghanistan --
14 between the United States and Afghanistan?

15 A. Well, Timimi said that, that there would
16 be -- that there were really three options left open
17 to the Muslims in the United States that they should
18 do. The first thing that they should do is if they
19 could they should go and be with the mujahedin,
20 mujahedin meaning those who fight for the sake of
21 Islam. Now, he wasn't specifically in, in this
22 case -- he wasn't specifically saying go and be with
23 the Taliban or go and be with al-Qaeda, but he, he, he
24 was saying go and, you know, go and be with the
25 mujahedin. And, and then he said if you cannot do

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1 that the second best thing you can do is to go to a
2 non-Muslim country -- I mean, I'm sorry, to go to a
3 Muslim country and live there, study there and
4 practice your religion. And if you can't do either of
5 those two things, then you should -- he mentioned a
6 hadev (ph.) or saying of the prophet Mohammed, peace
7 be upon him, that you should stay in your home and
8 stick to your home like a, like a rug, you know, lay,
9 lay in your home like a rug, basically is the, the
10 figure of speech that he said.

11 Q. And that if you couldn't make hidra you
12 should at least pray for them, for the mujahedin?

13 A. I'm sorry, I don't recall that exactly
14 but --

15 Q. All right. Now, why did he say -- well, let
16 me ask you this. What does it mean to be -- we --
17 being with the mujahedin?

18 A. Well, say the mujahedin -- it, it, it could
19 mean either join them and, and fight alongside with
20 them or it could mean -- as well it could mean perform
21 some other sort of service towards them. For example,
22 there are many different logistical or other things
23 that you could do to help those who are fighting for
24 the sake of Islam.

25 Q. So, when you, when you are understanding to

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1 be with the mujahedin, it doesn't mean a mere
2 geographical proximity, that doesn't --

3 A. No.

4 Q. -- give you any --

5 A. No, it means --

6 Q. -- benefit?

7 A. Not to me. Help them in, in some way.

8 Q. And what is the reason -- what is the
9 benefit of being with the mujahedin in the sense of
10 helping them?

11 A. Well, in doing so you're, you're gaining
12 the, the blessings of, of, of performing the good
13 action, it's -- that's good in the sight of God.

14 Q. Was there any relationship to what -- with
15 what -- in what Timimi said between being with the
16 mujahedin and the day of judgement coming?

17 A. Yeah, he said that the day of judgement was
18 near and that, that by being with -- you know, he said
19 that you'll be raised up on the day of judgement with,
20 with those with whom you, you died, and as the
21 mujahedin are the best of mankind then these are the
22 people that you should be with, if -- as long as the
23 day of judgement is upon us, pretty much that's what
24 he said.

25 Q. So, on the basis of what he told you what

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1 did you understand Timimi to be advising you and the
2 others gathered at Kwon's house to do?

3 A. Well, I understood him to be, to be, you
4 know, implying that, you know, in pretty clear terms
5 that, that it would be beneficial for us to go and
6 help them -- help the Taliban.

7 Q. What discussion was there in Timimi's
8 presence about fighting in Afghanistan?

9 A. The only discussion is the -- that I recall
10 is I -- because he, he sort of -- you know, he, he, he
11 danced around the, the issue and he never actually
12 said go join the Taliban, you know. But I think that
13 this -- I mean, I know that this was the message that
14 all of us received, based on my own understanding and
15 based on comments -- a comment I heard afterwards.
16 And so I specifically said well, I wouldn't go and
17 join the Taliban or al-Qaeda because, you know, I
18 would be basically shot as a spy coming from America.
19 And I said that because that's true, I wouldn't do
20 that, and I also wanted to sort of put out my
21 disagreement with, with what I thought was being said.
22 At the same time I didn't, you know, I didn't -- you
23 know, unfortunately I didn't come out and clearly say
24 that's not what any of us should be about and, you
25 know, this is wrong. But that's how I stated my, my

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1 views.

2 Q. What discussion was there about whether
3 training was needed to fight with the mujahedin?

4 A. Well, what I said was that if anyone wanted
5 to, to join mujahedin then they should get training
6 first, and if they wanted to do so they, they could
7 obtain it from Lashkar-e-Taiba, an organization based
8 in Kashmir with whom I had contact.

9 Q. What did Timimi say about whether -- at that
10 meeting about whether Lashkar-e-Taiba was an
11 appropriate place to obtain training?

12 A. He said it was a good, good group of people
13 and that they were on the right path.

14 Q. Okay. Mr. Royer, thank you. If you would
15 step outside, I may come back and get you.

16 A. Sure.

17 Q. But if you'd just step out for now, thank
18 you.

19 A. Okay.

20 (Whereupon, at 10:00 a.m., the witness was
21 excused.)

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I, KEN COLLINS, the reporter for the United States Attorney's Office, do hereby certify that the witness whose testimony appears in the foregoing pages was first duly sworn by the Foreperson or the Deputy Foreperson of the Grand Jury when a full quorum of the Grand Jury was present; that the testimony of said witness was taken by me, and thereafter, reduced to typewritten form; and that the transcript is a true record of the testimony given by said witness.

Ken Collins
Ken Collins,
Official Court Reporter

Jane W. Gilliam
Jane W. Gilliam,
Official Transcriber