

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA : Case No. 3:07CR57(MRK):
 :
 v. :
 :
 HASSAN ABU-JIHAAD : DECEMBER 7, 2007

GOVERNMENT’S LISTING OF EVIDENCE IMPLICATED BY ITS MOTION IN LIMINE AND IDENTIFICATION OF THE EVIDENTIARY BASIS PURSUANT TO WHICH IT SEEKS ADMISSION OF THAT EVIDENCE

Pursuant to the Court’s request at the conclusion of the evidentiary hearing on November 28 and 29, 2007, the government respectfully submits the following listing of the evidence implicated by its motion in limine, categorized by the evidentiary basis pursuant to which the government seeks its admission. The government has divided the evidence into three categories: (1) evidence that it maintains are co-conspirator statements, admissible under Rule 801(d)(2)(E) of the Federal Rules of Evidence; (2) evidence that it maintains are admissions by Abu-Jihaad, admissible under Rule 801(d)(2)(A); and (3) evidence of “other acts” of Abu-Jihaad that the government maintains are admissible under Rule 404(b). In the hopes that it will be most helpful to the court in rendering a decision on each piece of evidence at issue, the government has identified each item in a bullet point below, followed by a detailed description of the evidence.

I. Co-Conspirator Statements / Rule 801(d)(2)(E) Evidence

- **October 1, 2006.** The very first time Shareef told the CW about his friend in Phoenix, Hassan Abu-Jihaad – (who he described as having taught him his Islamic ideology as well as some weapons training) – he also told the CW about Abu-Jihaad’s having provided the battle group material.

Specifically, on October 1, 2006, while introducing the topic of his associate, Abu-Jihaad, Shareef told the CW that Abu-Jihaad was a “good guy” who was a 31 year old former member of the United States Navy who previously served in the Gulf region. Shareef told the CW that Abu-Jihaad had connections to Islamic militants outside the United States, including a well known Pakistani Imam who resided in England and was connected to Al Qaeda. Shareef told the CW that Abu-Jihaad used Azzam’s internet websites to pass military information and had previously provided Navy logs, coordinates for Navy ships, docking places, docking times specifics on the weapons on those ships, and the number of personnel on those ships. Shareef told the CW that, after the recovery of the information on computer disk(s) the information was reported in the media. Shareef told the CW that, following the news reports, Abu-Jihaad believed the news story was about him and he destroyed all remaining records and jihad tapes. Shareef told the CW that he was present when Abu-Jihaad destroyed the material. Shareef stated that Abu-Jihad also destroyed Shareef’s videotape depicting Bosnian mujjahideen.

- **The October 5, 2006 Recording (AR001).** During a recorded conversation between Shareef and the CW on October 5, 2006, Shareef and the CW looked for news stories about Abu-Jihaad on the internet. During the conversation, Shareef told the CW more about Abu-Jihaad’s having provided the battle group information. Among other things, Shareef told the CW that Abu-Jihaad sent the information through contact with Azzam’s website and that Abu-Jihaad did not know the people with whom he communicated. Shareef also stated that upon Abu-Jihaad’s seeing the media coverage in 2004, Abu-Jihaad “immediately started getting rid of everything,” including Chechen videos. Shareef also stated his belief that the articles that came out in 2004 did not state Abu-Jihaad’s name and acted surprised when the CW informed him that certain of the articles had, in fact, identified Abu-Jihaad. Shareef also indicates that Abu-Jihaad spoke with him about the situation, asking Shareef what he thought Abu-Jihaad should do. Shareef stated that he was “the closest brother” to Abu-Jihaad and that he could be trusted because, since that day, Abu-Jihaad “has been layin’ the utmost low.” Shareef told the CW that it was “definitely a wake up call” and since then, Abu-Jihaad is much more secretive and discreet, “keepin’ off all radars.”
- **October 9, 2006.** On October 9, 2006, Shareef again told the CW that Abujihaad disclosed U.S. Navy coordinates and information to Azzam to a contact in England.
- **The October 11, 2006 Recording (AR002).** During a recorded conversation between Shareef and the CW on October 11, 2006, the CW and Shareef again discussed Abu-Jihaad’s provision of the battle group information. During this discussion, the CW wanted to tell what Shareef had told him about Abu-Jihaad’s

disclosure of the battle group information to another individual present with them in Rockford, "Muneer." Shareef indicated that he was not supposed to tell the CW about it because he took an oath to Abu-Jihaad and Abu-Jihaad's brother. Shareef ultimately agreed, however, to give the CW permission to tell Muneer. Although much of the ensuing conversation about Abu-Jihaad's provision of the battle group information comes from the CW, Shareef indicated that Abu-Jihaad was so upset by the media reports in 2004 that Abu-Jihaad was even burning videos belonging to Shareef without Shareef's permission. Shareef added that Abu-Jihaad told him that he told the recipients, who were anonymous to Abu-Jihaad, that they should destroy and get rid of the battle group information.

- **The October 13, 2006 Recording (AR003).** During an October 13, 2006 consensual recording, Shareef assured the CW that Abu-Jihaad is down with jihad, he is just trying to stay off the radar and is less open about it. Shareef stated that when he first met Abu-Jihaad, Abu-Jihaad "was on it," and "gung ho," but "after he got into that fitna [trouble] . . . he just kicked back." Shareef stated that Abu-Jihaad is "still down to ride, he just ain't as open with it" and agrees with the CW that he made a mistake earlier by going about it the wrong way.

Shareef told the CW that Abu-Jihaad can be trusted because the "fitna [trouble] was a while ago." Shareef explained that Abu-Jihaad "was still kickin' it after that" and "the only thing that was different is that he just went . . . underground with it." Shareef told the CW that Abu-Jihaad is more subtle with jihad now and "he won't talk about it on the computer."

During the conversation, the CW told Shareef that he wished that Abujihaad had not burned his materials because he would have liked to have seen what Abu-Jihaad had. Shareef again confirmed that Abu-Jihaad destroyed "Russian Hell I, II and III" showing "the Chechnyan Mujahideen just puttin' it down." Shareef stated that the videos were not just "little 30 second video clips," but "hour and a half feature films . . . with professional quality." Shareef stated that Abu-Jihaad also "deleted all his computer files," and explained that Abu-Jihaad had a lot of old articles that you can no longer get, [be]cause certain websites . . . have been closed down and stuff."

II. Admissions / Rule 801(d)(2)(A) Evidence

- **The November 11, 2006 10:33:31 MST and 18:30:49 CST Recordings (AR008 and AR009).** During a conversation between the CW and Abu-Jihaad on November 11, 2006 at 10:33:31 MST, the CW told Abu-Jihaad that Derrick Shareef (a/k/a “Talib”) “told me everything, you know, about the brothers you know and stuff.” The CW told Abu-Jihaad that “Talib, man, he be talking a little bit too much, to me”

During a resulting conversation between Abu-Jihaad and Shareef, the same day, November 11, 2006, at 18:30:49 CST, Abu-Jihaad admonishes Shareef for telling the CW things about him, demonstrates consciousness of guilt and engages in significant admissions not only about being discreet and not speaking openly about jihad over the phone or the internet, but also about his present versus his former ability to provide inside information regarding the U.S. military (an adoptive admission regarding his having provided the battle group information).

Shareef called Abu-Jihaad when Shareef was unable to understand what Abu-Jihaad was trying to tell him over the computer.

During the call, among other things, Abu-Jihaad told Shareef that he “was talking about Sutra [security], man.” Abu-Jihaad told Shareef “I don’t talk on the phone about that . . . I just hope you ain’t, if I share something with you, that I thought that ah, it should be secure, I hope you keeping it secure, that’s all I’m saying.” Abu-Jihaad explained: “If I told you something, that means that I hope it’s secure as, secure as a, as a dead man’s mouth.” Abu-Jihaad explains that “once a man is being tortured, any man can be forced to say anything. Hopefully he won’t but that’s not a guarantee . . . that should be ah, secure as a dead man’s mouth, and it should be between you and me . . . I just talking about anything. Before or future.” Abu-Jihaad explains that it’s “nothing to talk about on the phone” and that “the pigs, they probably already got my new phone number.” Abu-Jihaad reiterates “I’m just talking about sutra . . . if I told you something, eh, something, things I say you should keep to yourself so it doesn’t compromise the sutra . . . because if you did, and you, say you shared something with somebody that you shouldn’t, and you left me in the dark, that means my sutra compromised because it doesn’t give you time to prepare, or to be have a sense of awareness for what could come at any time – this year, next year, next month, next day” Abu-Jihaad explains that “everything is in piecemeals, you know I don’t trust the phone. The phones are tapped . . . about as tapped as the internet,” but he tells Shareef that he “tried to give it to [him] as well as [he] c[ould],” notwithstanding those limitations. Abu-Jihaad tells Shareef that “there’s nothing more important than someone’s sutra” and tells Shareef that he’s “about securing [him]self” and that he’s “not gonna hand [him]self to a Kaffir.” Abu-Jihaad tells Shareef that

he's not going to sit down with a Kaffir and tell them "yes, I thought that was a good M.O. [martyrdom operation]."

Significantly, when Abu-Jihaad goes on to tell Shareef that "there's no need to be talking," and goes on to discuss, in code, his (Abu-Jihaad's) providing "L" [logistics] to Shareef, Abu-Jihaad, in an adoptive admission, tells Shareef that he is no longer in as good a position to provide current intelligence in support of an attack on the U.S. military, strongly suggesting that he once was – and once did.

Specifically, during the conversation, Abu-Jihaad explains his ability to provide current intelligence and logistical support with his past efforts to do so in the coded terms of "cold meals" (referring to old or outdated information or intelligence) and "hot meals" or "fresh meals" (referring to current information or intelligence).

Abu-Jihaad tells Shareef and the CW (participating by speaker-phone): "Whatever I can give you, that's beneficial, I'll give it to you. And whatever's cold turkey, if it's cold turkey, I can't give it to you. 'Cuz that means that, if it's cold turkey, I'm talking about 'L,' – you figure it out – And that means that, that's saying that, *I haven't been on that job, so I don't, you know what I'm saying, I haven't been there, to see what the fresh meal is.*" Abu-Jihaad continues, referring to the ability of an associate – who more recently left the military – to provide them with current intelligence or inside information regarding the U.S. military: "*I can't give you the fresh meal, I ain't been there in x-amount of years. You see what I'm saying? Now, if the Hispanic, the Mexican, he just, was there a minute ago, he can give you a fresh meal. So you put that together. If it, if it's in terms he can give you fresh meals 'cuz, you know what I'm saying, he just finished his job there, less than a month ago . . . I mean, in those terms, and L's, I'd be giving you a cold meal.*"

Through the end of the conversation, Abu-Jihaad and Shareef continue to discuss "cold meals" versus "fresh meals" and "hot meals," that would be "tasty" are of "higher caliber" and where they "could eat a whole lot."

In further admissions demonstrating Abu-Jihaad's attention to discretion, maintaining operational security, not speaking openly about jihad over the phone or the internet – and significantly, avoiding any paper or electronic "trail" back to him, he tells Shareef that "*We can have all the conversations you want. Me you and my shredder . . . No electronic components. You will be frisked at the door.*"

- The November 11, 2006 18:33:36 MST Recording (AR010).** During a November 11, 2006 recording that takes place shortly thereafter – at 18:33:36 MST, Abu-Jihaad speaks with the associate that Abu-Jihaad recommended to Shareef and the CW as not only being able to provide them with a connection to obtain sniper training, but also being better able to provide them with more current intelligence and inside information regarding the U.S. military. Abu-Jihaad tells the associate that he doesn't want to speak about it over the phone, but Abu-Jihaad tells his associate that he spoke about it with Shareef and the CW in terms of "cold meals" and "hot meals." Abu-Jihaad tells his associate that he told Shareef and the CW that he didn't have anything "hot," but if they wanted a "hot meal," to "ask the Mexican" because "he got something hot for your ass." The associate agrees, saying that he's "got some burnt tongue, homey . . ." and that he has a "hot meal with a lot of eating" with "some hot sauce and chili and everything, man."

Significantly, Abu-Jihaad, in an adoptive admission, again indicates that he is no longer in as good a position to provide current intelligence in support of an attack on the U.S. military – this time expressly stating (1) *that he hasn't been working in the field of making meals in a long time*; and (2) *that he has been out of the field of making meals for over four years now*. Specifically, Abu-Jihaad says "I don't know how to get him no hot meal," and admits "I ain't been working ah in, in, in the field of making meals and or, you know, in a, in a long time. I've been out of that for, ah, over ah, quatro years, you know." (Moreover, this conversation takes place in 2006 and Abu-Jihaad left the U.S. Navy in 2002).

- The November 11, 2006 19:11:46 MST Recording (AR011).** During a November 11, 2006 recording at 19:11:46 MST, Abu-Jihaad tells Shareef that an associate of Abu-Jihaad's tried to get him to "talk to the Gumshoes when [he] had that fitna [trouble]." Abu-Jihaad says he told the associate "you crazy. I don't talk to the enemy. You talking to a kaffir, you crazy. Because like, they're gonna say, oh yeah, tell me . . . I will be your friend." Abu-Jihaad continues, saying: "Man, I ain't got nothing to tell you, man. You gonna have to be ah, torturing me like Gitmo or something but I ain't going out like that. Not myself. Not me."
- The November 16, 2006 11:02:38 MST and 12:16:55 MST Recordings (AR016 and AR017).** During a November 16, 2006 conversation at 11:02:38 MST between the CW and Abu-Jihaad, the CW tells Abu-Jihaad again that Shareef is talking too much. Specifically, in reference to Shareef, the CW says "I like him, he's a good brother, but he, he be talking too much." Abu-Jihaad agrees and tells the CW that he and Shareef recently got into an argument because Shareef was speaking too much and not being discreet with a female in the U.K. The CW agrees and tells Abu-Jihaad that he's been getting nervous because of Shareef's lack of discretion, because he has some dirt from the past, too. The CW

explains that he doesn't tell Shareef everything because Shareef has been telling him about everything. The CW tells Abu-Jihaad that he told Shareef that he "can't be running around telling people's business like this." Abu-Jihaad agrees and says Shareef "shouldn't be putting whatever, you know, or whatever he presumes he knows, out there like that." The CW agrees, saying that Shareef is "gonna put a lot of brothers in jeopardy, man." Abu-Jihaad responds: "I had some fitna [trouble] in my life recently. Heh [laughs]." The CW responds: "Aki, trust me, I know. He told me." The CW goes on to tell Abu-Jihaad that if Shareef tells the wrong person about that, Abu-Jihaad is "in big trouble."

Within the hour, Abu-Jihaad calls Shareef and confronts him regarding what the CW just told him. Specifically, during the resulting November 16, 2006 conversation that takes place minutes later at 12:16:55 MST, the following heated conversation takes place:

Abu-Jihaad Yeah, let me ask you a question, man. Why you putting things that might be true or . . . not true . . . out there and telling people stuff, you know what I mean?

Shareef: What are you talking about?

Abu-Jihaad: About me, you know what I'm saying? You can't be, you can't be doing that.

Shareef: I ain't said nothing about you.

Abu-Jihaad: Man, this brother that you stay with said that you told him some stuff. I mean, if you know something –

Shareef: I didn't . . . every . . . everything I . . .

Abu-Jihaad: Just listen . . . listen . . . just listen to me, man . . . if I know something about you, would you share that with somebody else? If you wrote a book, and you the copywriter, I mean, you have the print on that book, do you put that out there, if it wasn't my book?

Shareef: I only said . . . I . . .

Abu-Jihaad: Hey . . . listen . . . listen . . . I ain't sayin' that you did . . . and I . . . I don't talk on the phone . . . but if you puttin' serious issues out there, you know what I mean, on people . . . whether you showin' them the website . . . of the latest and greatest story written about

me, or whatnot . . . that's not good business . . . and uh, don't be Judas to me homey, you know what I mean?

Shareef: I don't know what you're talking about, man, and I don't appreciate you coming down on me

Abu-Jihaad: No, listen, I'm just gonna tell you . . . no, I'm just saying I'm gonna put it out there like that . . . I mean, you know these people they came and botherin' me . . . I mean, if you shared that story with him . . . with uh, you know, the Navy and the *L.A. Times* and . . . whatever and whatnot . . . that's not even cool, that's what I'm talking about . . . puttin' that out there, that's not cool.

Shareef: Man, that thing is . . . on the website . . . for a free-for-all, man, what are you talking about?

Abu-Jihaad: That's not what I'm saying, 'lib . . . that's not what this brother say . . . he just said that you, you know, you be talking a lot . . .

Shareef: That's a negative . . .

Abu-Jihaad: And that's not good, you know what I'm saying? . . .

Shareef: You must've took that outta context . . .

Abu-Jihaad: First of all, I'm not accusing you of anything, all right? You know what I'm saying? . . . I love you like my little bro, I hope you ain't out there doing that, you know what I mean? . . . 'cuz, first of all that issue ain't even over. You got me?

Shareef: All right.

Abu-Jihaad: So, that's still a hot issue with these kaffirs . . . I don't need . . . like I told you that day, I don't need nobody kicking the door down . . . while I'm taking a shit . . . and I ain't got nothing to defend myself with . . . or don't know what the fuck is goin' on . . . and, uh . . . like I said . . . I don't like to talk on no phone, I'll talk to you personally one-on-one . . . I'm not, I'm not heated or mad, believe me . . . but you gotta be my witness, but I'm like wow, this dude. . . he talking about me we ain't even seen each other in about two or three years . . . and I just barely ran into you . . . and I ain't had a good conversation with you . . . since then . . . that's all I'm asking you . . . You got me?

Shareef: Yeah.

Abu-Jihaad: So what I'm saying, you know, you gotta go back, you ain't gotta say nothing to this brother right here, I'm just saying, you know what I'm saying . . . whether you did or whatnot, or whether you didn't . . . 'cuz, you know what I'm saying . . . first of all, I never told you anything about that . . . if I did . . . Allahu [U/I] . . . Second to that . . . um . . . I'm not trying to end . . . I'm not trying to be like people at Gitmo . . . See what I'm saying?

Shareef: Mmmm-hmmm.

Abu-Jihaad: Allah, I mean . . . Allah is like . . . Allah is the best of knowers about . . . Allah knows what is honesty and what isn't, you know what I mean? . . . And, uh . . . I would rather not . . . what I mean . . . I would rather be assassinated from a kaffir than be executed by a brother's mouth.

Shareef: Okay.

Abu-Jihaad then asks Shareef why he was "hanging out with some other dudes?" Abu-Jihaad asks Shareef: "Is it good to socialize or to keep your ear open? . . . I'd rather be an ear hustler any day because I like to put things into perspective . . . I ain't gonna be the one running the mouth." Shareef says, "I didn't go over there and say nothing." Abu-Jihaad instructs Shareef to keep his mouth shut again:

Abu-Jihaad: But anyway . . . these phones ain't secure. Ain't nothing secure but a close conversation face-to-face.

Shareef: All right.

Abu-Jihaad: So . . . I'm saying, anybody asks you anything about me . . . you don't know nothing about me, just like I don't know nothing about you.

Shareef: All right, man.

Abu-Jihaad: All right?

Shareef: Yeah.

Abu-Jihaad: No – that's some real shit.

Shareef: All right, man!

Abu-Jihaad: Whether I know something about you or not . . . ain't nobody's business . . . somebody come ask me about 'lib, you know what I'm gonna tell 'em? . . . You gonna have to go talk to him. That's what we told . . . when the gumshoes came to this one brother, um . . . came and asked somebody about somebody we said you can go ask him yourself. You go talk to him. You know that I mean?

Shareef: Yeah.

Abu-Jihaad: You go ask, you ask old boy what you want, I mean, what you want to know about him. Why you asking me? You know? I say "you harassing me." . . . But anyway, man, Insha'Allah we'll see you tomorrow, then, or whatever day you all get here . . . but man, be more ears than mouth . . . that's all I can tell you.

Shareef: Yup.

Abu-Jihaad: 'Cuz the world is dangerous . . . When I tell you I don't trust people, believe me . . . for a reason . . . even if I said I didn't trust you . . . it's better to put your trust in Allah than to put your trust in man, believe me . . . Listen to this . . . I want you to let it sink in your ears . . . Man fails man, all right?

Shareef: Yup.

Abu-Jihaad: But Allah never fails anybody. You got me?

Shareef: Yup.

Abu-Jihaad: Put your trust in a dude, sometime, even intentionally or unintentionally, he can let you down, all right? But Allah ain't gonna fail you no time. You got me?

Shareef: Mmmm-hmmm.

- The November 19, 2006 7:43:49 CST Recording.** During a November 19, 2006 recording at 07:43:49 CST between Abu-Jihaad and an associate, Abu-jihaad and the friend discuss internet sites, books and videos relating to jihad, which they refer to as “J.” During the conversation the friend tells Abu-Jihaad: “yeah, they mad at us ’cuz we found these sites . . . they mad” Abu-Jihaad responds: “yeah and Humdillah for that brother who put it up . . . only one person . . . may Allah reward him” Abu-Jihaad goes on to say “I mean, you don’t even see, I mean, things like that from Anwar¹ . . . you wonder if they just did something like that on-line, where the CDs at, man?” The friend responds: “that just tell you right there, they don’t care if you, if you, uh . . . if you following the . . . the regular uh, like prayer . . . paying zakat . . . performing haj . . . but if it’s on . . . talking about it . . . hinging on some “J” . . . nah, man – they don’t want you to practice that.” Abu-Jihaad says: “People aren’t even givin’ you that, though, you know what I mean? . . . If I had money . . . like in a . . . for a studio, for something like that? I would wanna, you know what I mean, I would wanna put that out there.” A2 replies, “I wonder if they’re scared . . . if the people are scared . . . or they don’t know about it? To put it in their stores.” Abu-Jihaad responds: “I don’t know, but is there a CD farm? Only one I know that takes risks and chances like that is that Maktabah-Al-Ansar . . . they don’t care, man . . . look at what we got for you.”²
- The November 20, 2006 12:06:51 CST Recording.** During a November 20, 2006 recording at 12:06:51 CST between Abu-Jihaad and an associate, the two discuss an Azzam Publications article that Abu-Jihaad had found on waaqiah.com – one of the various Azzam websites – which stated that a fatwa issued by a scholar in the field, carries greater weight than a fatwa from one who is not in the field – particularly when it relates to matters of jihad:

Abu-Jihaad: And then, I can . . . I wanna find that, um, that haditha I found a long time ago that during the, um . . . that the, that the scholar in the field . . . his fatwa is more than the one who’s not in it.

¹ Based on this and other intercepts, this is believed to be a reference to Imam Anwar al-Alwaki, the lecturer / author of “Allah is Preparing us for Victory,” discussed in greater detail below.

² The Maktabah Al-Ansar bookshop is based in London and sells books, videos, tapes and other material relating to violent jihad. During the existence of the Azzam family of websites, Maktabah Al-Ansar’s website was cross-referenced and linked to the Azzam sites. Later, Maktabah Al-Ansar became the exclusive distributor of the Azzam Publications books, videos and tapes glorifying violent jihad that were offered for sale on the Azzam websites.

Associate: I don't think that's a hadith.

Abu-Jihaad: No?

Associate: That's just a statement from, uh . . . I think that's just a statement, wasn't it? . . . That somebody made . . .

Abu-Jihaad: Hmmm. I don't know . . . I had this article. That's why I'm saying, I got it from, I'm trying to find that original article . . . 'Cuz he had . . . even if that was a statement . . . he had something that was backing it up . . . and I was like, man . . . And this was from *The Pubs* . . . long time ago I read it . . . from Waaqiah . . . I was like, man . . . I mean, 'cuz, you know, if it's considering "J" especially? Man, whose weight is better – the one who sits at home or sitting in some [U/I] somewhere with AC? Or the scholar that's in the field?

- **The November 21, 2006 19:21:17 MST Recording (AR020).** During a November 21, 2006 recording at 19:21:17 between Abu-Jihaad and Shareef, Abu-Jihaad admits that “a guy like me, I don't like talking on the phone or, or internet. You know what I'm saying? And ah, that's just for security purposes, you know what I'm saying?” Abu-Jihaad continues: “You know if you see me, I don't ask any questions. 'Cuz, you know what I'm saying, asking questions means compromising. You know I ain't trying to compromise anybody. You know what I'm saying? And, what's important is that you stay tight, you know what I'm saying? And you don't introduce me to any people to, what you are. 'Cuz once you start introducing many people, you just look like them dumb ass dudes that, over there in the U.K., a couple months ago . . . I said if you have a tight outfit, keep it tight. Don't be introducing a lot of dudes to your outfit.”
- **The December 8, 2006 08:59:32 MST Recording (AR032).** On December 8, 2006 at 08:59:32 MST– before news of Shareef's arrest on 12/6 becomes public – Abu-Jihaad initiates another call to the CW and Shareef. During the call, the CW tells Abu-Jihaad that Shareef “be talking too damn much anyway, man . . . for me,” Abu-Jihaad responds: “Yeah, yeah, yeah . . . that talking man . . . he be getting himself in trouble . . . and everybody else!”
- **The December 8, 2006 10:02:12 MST Recording (AR033).** During a conversation between Abu-Jihaad and the CW on December 8, 2006 at 10:02:12 MST– again before news of Shareef's arrest on 12/6 becomes public – the CW warns Abu-Jihaad again that Shareef is talking too much and tells Abu-Jihaad to lay low because Shareef's been talking about the “Navy ship crap.” Abu-Jihaad assures the CW that he's “chillin.” The CW tells Abu-Jihaad that Shareef told

him and another brother Muneer about Abu-Jihaad's "sending stuff to websites and all that." Abu-Jihaad says: "I mean, I send, uh . . . you know, uh . . . I mean, corresponded with an e-mail site . . . it wasn't sendin' nothing, it wasn't nothing, top secret like these people are sayin' . . . You know what I mean? . . . I was just talkin' about like the *Cole*, whatever . . . what I thought about it. You know what I mean? Like, this dude here, idiot, you know what I mean? I mean, he's an idiot."

Abu-Jihaad tells the CW that he does not want to deal further with Shareef because Shareef is undisciplined, does not listen and talks too much: "You know what? You know why I don't wanna mess with Talib? . . . It ain't nothin' to do with you, you know what I mean? 'Cuz he's, he's undisciplined . . . he don't listen. You know what I'm saying? . . . Like say if you was Emir right now. If you was Emir you'd tell him to shut his mouth. Shut up! Simple as that! Just shut the hell up! Ain't no, ain't no ifs, ands and buts. You know what I mean? You . . . you supposed to be somebody who . . . you want some . . . 'cuz he ain't no leader . . . you want a leadership role, I mean he ain't even ready for it. Just shut up! You gotta be somewhat self-disciplined. You know what I mean? I . . . I . . . I don't see him havin' that. I'm like, man, you'll have the brothers on channel, whatever news."

Towards the end of the conversation, before the call gets inadvertently disconnected, the CW also tells Abu-Jihaad that Shareef was running his mouth to some brand new, otherwise unknown, brothers in DeKalb. The CW tells Abu-Jihaad that one of the brothers approached him and, among other things, told the CW that he had "heard about your boy in Phoenix with the ship crap." Abu-Jihaad, upset, responds: "Aaaaahhhh! See what I'm talking about . . . that dude . . . that dude's stupid . . . that'll be their favorite story!"

- **The December 8, 2006 10:10:34 MST Recording (AR034).** During the continuation of the previous (inadvertently disconnected) conversation between Abu-Jihaad and the CW on December 8, 2006 at 10:10:34 MST— still before news of Shareef's arrest on 12/6 becomes public – the CW tells Abu-Jihaad that Shareef told him "that you and him burnt all your records together and all your videotapes together and all this and that, man." Abu-Jihaad says: "And he's, and he's a liar, he ain't burned nothin' with me, you know what I'm saying? I had some "J" flicks and they ain't got nothing to do with nobody, you know what I'm saying? All I did was take my "J" flicks and got rid of 'em. I mean, 'cuz I mean, it's stupid, these people they bother you for stupid stuff, like . . . my boy was watchin' somethin' on, uh . . . on, uh . . . National Geographic, and he says that uh . . . there's this dude that be selling videos in, uh, London for Maktabah Al-Ansar and he's like, they talkin' about puttin' people in jail for videos. You know what I mean? He's like how can you put you in jail for buyin', buyin', jihadi flicks,

when you sell porno? [Laughs]. You got me? . . . It's not even a big deal, it's just like . . . first of all, I don't own anything with "J" . . . I don't own any, any articles with "J" because it doesn't benefit you."

- The December 8, 2006 14:06:24 MST Recording (AR035).** During a conversation on December 8, 2006 at 14:06:24, the CW informs Abu-Jihaad of Shareef's arrest. Abu-Jihaad, in excited tones, says he hadn't heard. The CW says he is going to take his family and flee to Maine. Abu-Jihaad responds: "Look, I don't even know nothin'. I'll ditch your number or whatever. Whatever you want me to do, man. I don't even know nothin' about him." The CW asks: "Man, what if he talks about us, Aki? What are, what the fuck are we supposed to do?" Abu-Jihaad says: "I don't know, man. We just . . . gotta be . . . patient, man . . . [U/I] . . . Man, listen, I'm gonna try and talk to this dude . . . talk sense into him." The CW says: "He's got a big-ass mouth . . . that's the problem, man . . . He was actin' like . . . He was actin' like you and him were tight like brothers." Abu-Jihaad claims: "We ain't tight like that. You know what I'm sayin'? We ain't tight like that. I ain't seen him in years. He came in here, he start talkin' that T-shirt, I ain't gonna tell you, my blood pressure shot through the roof . . . You know what I mean?" Abu-Jihaad says: "this is what I'm gonna say . . . Look, he came at me with some bullshit, I told him to get outta my face. That's it. I don't even know you . . . I'm telling you, I'm . . . I'm telling you right now – I don't know you. You don't know me, I don't know you." The CW agrees, saying: "Na'am, na'am. That's the way it's gonna be, Ak. Because I don't want none of this crap gettin' out." Abu-Jihaad says: "That's it. I'm just sayin' I don't know you, I don't know nothin' about what this dude talkin' about. I don't know you . . . the phone number . . . if they say . . . if they look at records . . . that's because, you know what I'm sayin' . . . that phone number is 'cuz he called me from this number . . . I tried to talk some sense into him . . . I don't know . . . I don't know nobody." Abu-Jihaad claims: "I just try to follow . . . look, I try to follow Salaafi [U/I] . . . Salaafi [U/I] don't teach nothin' about terrorism . . . Simple as that . . . if you see any of his e-mails that I sent him I told him I didn't want nothin' to do with him . . . I'm not . . . about . . . jihad that way You know what I mean? . . . Because . . . because what I'm a . . . I'm a try, what I'm about is trying to . . . first of all, I follow like, you know what I'm sayin', Quran and Sunna . . . the Salaafi way, you know what I'm sayin' . . . so I'm tryin' to get, I'm tryin' to really get down with this."

Abu-Jihaad tells the CW that he tried to warn Shareef to be more discreet: "I told him don't even tell me nobody name. That's – you know what I'm sayin'? . . . I don't know 'em and don't wanna hear it because . . . you know what I'm saying? . . . I, I, I said, I don't even know your friends . . . but their security is about . . . as, as, as secure as my security. You know what I mean? . . . I keep tryin' to, tryin' to educate this dude. Look, look, man, he's so stupid, he's gonna be like them dudes

on that, on that T.V. in Florida. Do you watch T.V., I told him. Do you watch news?” Abu-Jihaad goes on to say: “When the police come to me, I’m gonna be like, look, I don’t know this dude. I ain’t seen him in two years, he came at me with some bullshit. You know I’m sayin’, I turned around, I didn’t want nothin’ to do with it . . . that’s it.”

Abujihaad and the CI agree to “chill out on the guns and stuff right now.”

The CW says he is worried about Abu-Jihaad because Shareef talks too much and he (the CW) knows “every damn thing.” Abu-Jihaad responds: “But he don’t even know nothing, though . . . He can say what he knows. He can say he knows somethin’ about me. He, he . . . I mean, first of all I ain’t send nobody nothin’. You know what I’m sayin’? If I, if I sent somebody somethin’ they would a had me.” The CW says: “All right. I mean, I just don’t want him to bring up none of that shit, man. I mean, like with the . . . like with . . . the records. I mean, he told Muneer. Of all people he could tell – some lily white dude about burnin’ records in our – in, in, in, in Phoenix with you.” Abu-Jihaad says: “But I ain’t burn no record. What kind of record he talkin’ about? He’s stupid. He don’t even know nothin’ . . . I had no records. What that was is . . . you know, um, I had this article from the internet called, uh . . . *How to Train Yourself for “J.”* And, um . . . some dude from, um, the Oregon . . . you know, from Oregon . . . those dudes that were in Oregon, when they arrested those dudes, they had the same article. You know what I mean? At they house. So, I was figurin’ like, you know I’m sayin’, these people were already puttin’ my name in the spotlight and all this bullshit, so I just got rid of stupid internet articles. What record’s he talkin’ about? . . . He doesn’t even know what he’s talkin’ about. You know what I’m sayin’? It was like articles that you get off the internet. That’s why I said, that’s not even beneficial. I mean, you can read a book . . . I can read the book [U/I] if I wanna learn about . . . what’s goin’ on, political-wise. I can buy . . . kaffir books . . . I mean there’s good kaffir books . . . I mean, like, um, *Interior [U/I]* or *Through the Eyes of the Enemy*. You know what I mean?”

The CW says: “Derrick’s got a big mouth, Ak. I mean, he done told me personal things, like you – and I’m not sayin’ you did – he sayin’ . . . this is what I’m sayin’ he sayin’ to people . . . That you were, uh . . . e-mailin’ Azzam’s website on some . . . ordinance crap in the Navy. Abu-Jihaad says: “He lyin’ . . . First of all, on some ordinance stuff, he’s stupid, ’cuz like I told the dudes in, um . . . the Moroccan dude that was from the Navy ship, I was like, man, if I did anything, you know, on the internet . . . first of all, those articles that . . . you read any articles about me . . . I sent the things *from* the ship . . . See what I’m saying? There’s nothing that . . . when you have a, you know every computer has a IP address, you know what I mean? . . . If you’re doin’ somethin’ like that, they gonna catch you anyway doin’ that. So, he’s a, he’s a idiot. You know what I’m

sayin’? So, like I’m gonna say, I ain’t seen this dude in x-amount of time . . . this dude came over here with some bullshit, told him I wasn’t wiggin’ . . . on whatever the hell he was on . . .and he just tryin’ to blow himself up so he throwin’ my name out there like cupcakes.” The CW says: “I’d break out to Morocco or somethin’, man. Be honest . . . Ak, if I were you, I’d be breakin’ out to Morocco for a few months . . . I mean, honestly, especially with that Navy crap because he be runnin’ his mouth to everybody about that stuff . . . All it . . . all it . . . all it takes is for him now just to say somethin’.. It’s over.” Abu-Jihaad responds: “Uh, yeah, he probably already did . . . or wanted them to say somethin’ . . . and he didn’t say somethin’”

At the end of the conversation Abu-Jihaad tells the CW again that he isn’t going to talk, and tells the CW what he is going to say if approached: “Yeah, well, you know what? . . . I ain’t, like I said, I just seen this dude, he came at me with some garbage . . . I wasn’t down with him . . . You know what I’m sayin’? . . . Hey . . . So, I mean, I’m gonna be like, go talk to him. You know, he’s the one put my name out there. I ain’t got nothin’ to say.”

III. Other Act / Rule 404(b) Evidence

- **Abu-Jihaad’s Ordering Shamil Basayev’s “Book of a Mujahideen: Jihad in the Name of Allah” in March 2005.** Records from PayPal indicate that on or about March 22, 2005, Abu-Jihaad used his PayPal account to order, from the website www.kavkazcenter.com, an electronic copy of a book (or an “e-book”) written by Shamil Basayev in March 2004 entitled the “Book of a Mujahideen: Jihad in the Name of Allah.” The book contains a forward by Shamil Basayev that explains his interest and intentions in creating the book from an earlier work. The book is intended to be a manual for mujahideen and contains many sections that promote preparing for battle and pursuing violent jihad. The book also seeks to provide guidance to an individual mujahid, and includes sections entitled: “Jihad,” “Mujahid,” “Strategy,” “Confrontation,” “Tactics,” “Cowardice,” “Patience,” “Perseverance,” “Resolve,” “Fear,” “Hatred,” “Shaheed” and “Victory.” A few illustrative examples from the book include: (1) Under the section entitled “Jihad,” the book states: “Jihad is spending power and energy in the war on the Way of Allah against the infidels, with the intention to exalt the word of Allah with direct participation or financial support, or with treating the wounded, or with food supplies, or with an idea.” (2) With respect to the subject of “tactics,” among other things, the book states: “When the hour of battle approaches, the Mujahid . . . always tries to strike the enemy first and thus impose his own plan of the battle on the enemy. When the enemy outnumbers, both in power and in means, the Mujahid uses the tactics of his glorious ancestors: ‘the bee tactics.’ Just like bees, the Mujahideen constantly circle around the enemy . . .

dealing weak yet multiple and regular blows to any spot that there is available. The enemy thus gets worn out and the number develops into quality.” (3) Regarding “fear,” the book states: “Allah says: ‘We will cast terror into the hearts of those who disbelieve, because they set up with Allah that for which He has sent down no authority.’” (4) On the topic of “cowardice,” the book states: “A Mujahid is not a coward. To him it doesn’t matter when to die (since he doesn’t know his term anyway), but what matters to him is how to die. A Mujahid wants to travel his way with dignity and obtain the eternal Paradise.”

- **Abu-Jihaad’s April 15, 2006 Email to Derrick Shareef, Forwarding “Could You Imagine.”** On or about April 15, 2006, Abu-Jihaad forwarded “Could You Imagine,” by the “Ibn Lyrical Terrorist ibn Abu Jihaad” in an email to Derrick Shareef. Among other things, the text stated: “Could you image marching with those [friends] of Allah . . . those who proclaim Takbirs [praises to Allah] causing the hearts the hearts of the oppressing, corrupted and idiotic kufar to vanish. Could you imagine squeezing the trigger of 2 Aks . . . , tossing grenades, causing shame to the [friends of Satan]. Could you imagine being strapped with a loud noise entering upon kufar convoys, heavy equipped vehicles filled with evil, arrogant men and ending the all by selling one . . . self feesabilillah [in the way of Allah.” The email continued: “Could you imagine . . . Taking Aim! Hitting corrupted brains silently. O Mujahideen of Iraq; O Mujahideen of Chechnya; O Mujahideen of the Hijaz; O Mujahideen of Falesteen; O Fallujah Sniper; Lets run to success! Lets run to the greatest deed! . . . Lets run to the pleasure of Allah . . .! O Mjuahideen across this world; He is with you! He is with you!” The email concluded: “For us who have not joined you yet, Insha . . . Allahu [God willing] . . . we will! . . . May Allah . . . guide us to the path of Jihaad . . . May Allah . . . grant us all Shuhuda.”
- **The October 13, 2006 Recording (AR003).** During the October 13, 2006 recording, Shareef also told the CW that while he (Shareef) and Abu-Jihaad were both living in Phoenix in 2004, Abu-Jihaad had conceived of a plan to attack U.S. military installations in San Diego. Shareef told the CW that Abu-Jihaad had proposed shooting at a military barracks and then, as soldiers ran out of the barracks, other attackers who shoot those soldiers from another angle.

Specifically, Shareef told the CW that, while together in Phoenix in 2004, he and Abu-Jihaad had discussed a plan to attack a United States military installation in or near San Diego, California. According to Shareef, Abu-Jihaad’s plan called for diversionary weapons fire that would draw soldiers from their barracks after which pre-positioned attackers would shoot the soldiers as they left their barracks. During the October 13, 2006 recording, when the CW asked Shareef whether he thought Abu-Jihaad would “be down with that,” Shareef responded that Abu-Jihaad “was“the first brother that put [him] up on” the idea and that Abu-Jihaad

“already had a plan and everything.” When the CW asked what Shareef thought about targeting military installations, Shareef described it as a “respectful action” that “cannot be refuted.” Shareef stated that his own plan “would be similar to Has’s plan” . . . which “was to go there – he had it specifically mapped out for which exact one and everything . . . to go there, have . . . simultaneously, from like different rounds . . . have like a couple brothers over here, just do like some fire at like their barracks or whatever . . . then when they all come out, have ’em gettin’ picked off from a whole different angle . . . [flanking them] . . . like already set up and everything beforehand.” Shareef stated that Abu-Jihaad’s plan had it mapped out in San Diego.

- **The October 17, 2006 Recording (AR004).** During an October 17, 2006 recording, Shareef told the CW that Abu-Jihaad had already thought up plans to attack a U.S. military base in San Diego and that Abu-Jihaad would at least provide financial aid or logistical support to that effort. Shareef told the CW that Abu-Jihaad had previously told him (Shareef) how he (Abu-Jihaad) “already knew how he was gonna do it, when and what time of day . . . How many people he needed, like he had it all mapped out. It was like, it’s all, it’s all here.” Shareef said he told Abu-Jihaad “just let me know when and where. I said somethin’ like where do I sign up. Where do I sign. Like just let me know when and where, man, I’m all for it.”

During the October 17, 2006 recording, Shareef explained that Abu-Jihaad used the code word “seven” to refer to jihad. Shareef explained that “seven is just a code word” and that Abu-Jihaad thought it up because it refers to the seven levels of paradise in Islam, with a martyr attaining the highest (i.e., the seventh) level.

- **The October 21, 2006 Recording (AR005).** During an October 21, 2006 recording, Shareef again told the CW that Abu-Jihaad was “down to help” and again confirmed that Abu-Jihaad would provide financial or logistical support in connection with Abu-Jihaad’s plans to attack a U.S. military base in San Diego.
- **The October 31, 2006 Recording (AR006).** During an October 31, 2006 recording, during which Shareef reports back to the CW regarding his trip to Phoenix, Shareef told the CW that Abu-Jihaad said that he was “down with” “anything defensive . . . any defensive operation,” meaning that the “Kuffar made an act and we are reacting.” Abu-Jihaad also told Shareef that as far as “offensive” operations, “which would be . . . targeting a place,” Abu-Jihaad “didn’t say he was in opposition,” rather, Abu-Jihaad “said you gotta make istikhara [a prayer for guidance to Allah] about it.” Shareef said he asked Abu-Jihaad to confirm whether “he was down with offering help with logistics, help with . . . pickin’ out stuff, help with organizing the operation,” and Abu-Jihaad “said all that is cool. He’s with all of that. And then he offered . . . what’s goin’

on right now, which is information . . . information about the dude who could do the sniper training.” Shareef confirmed that Abu-Jihaad “is all for it” and that he “can help coordinate something . . . so where it’s not just like some random ass raid . . . you know, to where it’s coordinated to where everything is mapped out, escape route . . . entrance route.” Shareef said Abu-Jihaad told him he was “down with it.” According to Shareef, Abu-Jihaad said they “gotta network” with other brothers who are “down,” but that everyone “don’t always need to know the operation . . . just in case somebody got popped.” Shareef explained that “there’d be less for them to possibly talk about.”

Shareef also told the CW that he had raised with Abu-Jihaad naming themselves “AIM” (the American Islamic Movement) or “AMMO” (the American Muslim Mujahideen Organization). According to Shareef, Abu-Jihaad said “we should use both names.” Shareef explained that Abu-Jihaad suggested that they “should use AIM as [their] forefront name . . . And then with the other one, that’s just straight soldiers. Nobody knows about it. Nobody even knows these two organizations are even together.”

Shareef also told the CW that Abu-Jihaad wanted the CW to go ahead and obtain weapons through the CW’s weapons connection and that Abu-Jihaad was “ready to place orders.” Shareef said that he and Abu-Jihaad spoke about driving the weapons out to Phoenix.

During the conversation Shareef provided the details of the sniper attack that Abu-Jihaad had originally conceived in 2003/2004. Shareef told the CW that Abu-Jihaad already “had plans in the works” in San Diego and it was “stuff he had planned and mapped out.” Shareef explained that it would involve them “goin’ on a base, like during their lunchtime, so you would need clearance for it.” Shareef stated that Abu-Jihaad “was talkin’ about hittin’ it, you know, where everybody at lunch . . . he said he was gonna go up in there while they on lunch.” According to Shareef, Abu-Jihaad “knows exactly where it’s at and how it’s set up. He said if you pop ’em from that angle, then everybody rush out ’cuz ain’t nobody gonna be in the cafeteria armed up.” Shareef explained that Abu-Jihaad’s plan then involved a flank sniping the service men and women as they ran out – “then you got a flank over there, that’s just poppin’ ’em. That’s where a sniper will come in.” According to Shareef, Abu-Jihaad “said with two dudes you can go in there and put it down.”

Shareef told the CW that he remembered Abu-Jihaad “telling [him] about this back when [they] first hooked up.” Shareef confirmed that Abu-Jihaad “still had that plan” and said “it’s still the same plan.”

- **The November 11, 2006 18:30:49 CST Recording (AR009).** During the November 11, 2006 recording at 18:30:49 CST, Abu-Jihaad also tells Shareef, in reference to participating or supporting an attack, “I said I like this, I don’t like this . . . Or, I like this in this situation. That’s what I said . . . But yeah, I mean, come on now. I’m, I’m down. You know what I’m saying? Whatever I can, whatever Allah has built me to do . . . help out with. If I can do that, then I’m, I’m for it. And that’s what you asking me . . . What I can give to you, I can give it to you.” Abu-Jihaad also instructs Shareef to keep the names and identities of the people Shareef knows to himself – and if and when they meet Abu-Jihaad, to simply introduce them as “Abu-Whatever,” without putting “a brother’s name out there.”
- **The November 11, 2006 19:11:46 MST Recording (AR011).** During the November 11, 2006 recording at 19:11:46 MST, Abu-Jihaad also tells Shareef that if the CW was not comfortable traveling to Phoenix, Shareef needed to come again by himself, with “concrete information,” so the CW “can get a big, better picture of what he’s looking at.” Abu-Jihaad tells Shareef that Shareef needs to come so “I can feed you, or we can, you know, you can feed me, I can feed you, so you can create a picture for him.” Abu-Jihaad tells Shareef that he is “trying to aid the situation [the] best way, that I see fit.”

During the conversation Abu-Jihaad asks Shareef to tell the CW that he (Abu-Jihaad) may have to get an AR-15 from somewhere else because he is left-handed. Abu-Jihaad explains that he wants a left-handed AR-15 because if you hold a right-handed AR-15 lefty, the hot cartridges from the expended shells eject towards, and hit you in the face, rather than in the other direction.

- **The November 12, 2006 14:20:48 MST Recording (AR012).** During a November 12, 2006 recording at 14:20:48 MST, Abujihaad provides further instructions to Shareef about what type of weapons and what models to obtain because he wants to be able to “trick them out” or modify them. Abu-Jihaad tells Shareef that getting the right weapons is “the most important thing” and says he “thought that’s what [Shareef] was gonna do at first.” Abu-Jihaad tells Shareef that he knows weapons “like [Shareef] know[s] Reeboks and Nike, homey.” Abu-Jihaad chastises Shareef’s relative inexperience with weapons, saying “You should know that already. You should be already up on that. I done took you places. I mean, we done already went to ’em.” Abu-Jihaad asks how much “cupckaes” (grenades) are going for as well and tells Shareef that he would “take them automatically . . . wouldn’t even matter who made it.” Abu-Jihaad says he knows about them, too and, in code, says the Romanian “T-Shirts” are better than the Chinese manufactured “T-shirts.” Abujihaad says he knows what he’s talking about as far as “clothing line and food line.”

- **The November 13, 2006 16:54:19 MST Recording (AR014).** During a November 13, 2006 recording at 16:54:19 MST, Abujihad called Shareef and the two continue to discuss what Abu-Jihad wants in the weapons deal. Abu-Jihad explains to Shareef particular makes and models of weapons that he likes and why. Abu-Jihad and Shareef discuss how much the weapons cost and how the exchange of “faloose [money]” is going to be handled. During the conversation Abu-Jihad describes a sniper rifle as “one shot, one kill.” Shareef responds, “that’s it . . . that’s all it takes.” Abujihad asks Shareef “What is a sniper’s paradise?” After Shareef guesses incorrectly, Abujihad tells him: “a sniper’s paradise is patience . . . I’m saying anybody sit there for one, two, three, four or five days, before he sees his tango.”

During the conversation, Abu-Jihad also suggests that Shareef or an associate should get current intelligence or inside information about the military from a specific associate in Phoenix and after getting that information, they might want to work with a specific type of ammunition that is more potent. Specifically, Abu-Jihad says: “Our boy wanted to know was you serious . . . was you gonna get that knowledge from old dude? . . . That knowledge from his boy . . . that his boy got the handout.” Abu-Jihad says: “Then if you gonna get it, get the knowledge, then . . . then you might wanna work with a couple things, or whoever gonna get the knowledge might want to work with a couple things, like something that take 6.8.” Although Shareef indicates that he is unclear what a “6.8” is, he says “what I do know is I understand what you’re getting at.” Abu-Jihad explains “6.8 is the hottest thing out . . . 6.8 is a round . . . 6.8 round is something they introduced after Afghanistan because the 5.6, the 5.56 millimeter is not a potent round.” Abu-Jihad goes on to educate Shareef, who he calls “rookie,” on various rounds and what weapons take various rounds. Abu-Jihad says “let me tell you what I want right now . . . let me just name it to you . . . so you know . . . that way we see eye to eye.” Abu-Jihad and Shareef then proceed to review various weapons together.

- **The November 21, 2006 19:21:17 MST Recording (AR020).** During the November 21, 2006 recording at 19:21:17 between Abu-Jihad and Shareef, Abujihad also pledges logistic and financial support to Shareef (again). Shareef tells Abujihad: “brothers are still, you know, on that path and . . . I was hoping you could possibly make a contribution, man, so we can . . . so we can, you know . . . do some of the things that we need to do? . . . I’m hoping that, you know, brother would be willing to contribute towards the path, man . . . it’s been forked . . . in the cause of Allah, man.” Shareef says: “I’m talking about, man, for the path, man . . . you know what I’m talking about, dude . . . I ain’t gotta spell it out in bright orange letters . . .” Abu-Jihad says: “I already know all about that . . . I’m saying, contributing . . . contributing can be many different things.” Shareef says: “I’m talking about a financial contribution for brothers to be able to get these

supplies.” Abu-Jihaad responds: “That’s possible . . . it all depends on timing, you know what I mean?” Shareef says: “I mean, whenever you can do something, just let me know.” Abu-Jihaad responds: “Yeah, all right. That’s possible. I’m pretty sure later on I want something myself. Know what I’m saying?” Abu-Jihaad reiterates his support: “So . . . I’m hearing you . . . I’m feeling everything you’re saying. You know what I mean? . . . You just told me that . . . you know, first of all . . . you want to get to . . . from Point A to Point B . . . and Point B, it starts with an, um . . . an “M” . . . an “M” with an “N” After instructing Shareef again to be more discreet, Abu-Jihaad says: “That’s all I gotta say . . . you know? . . . But, uh . . . Insha’Allah . . . you know what I’m saying . . . I’ll keep you posted, whatever . . . we can talk . . . I mean . . . if you need . . . a camelback, or whatever . . . you know, finances . . . we’ll just . . . whatever you need . . . If I have it, you know, I’ll let you know.” Abu-Jihaad tells Shareef that if he were 15 minutes away, he would come sit down and discuss things further in person with Shareef and the CW.

- **The November 21, 2006 16:13:14 MST Recording (AR023).** During a November 21, 2006 recording at 16:13:14 between Abu-Jihaad and an associate, Abu-Jihaad criticizes the CW for purportedly being Salafi, but for not being down with Usama bin Laden – who he refers to in code as “Under the Black Leaves” – and who he says the CW calls Khawiraj. Specifically, Abu-Jihaad says: “You call yourself Salafi, and I know Salafi. Either, whether it’s the layman to the big scholars, you know what I mean? They ain’t talking that. You know what I’m saying? Now if you was, down with um, Under the Black Leaves and that crew, and you don’t even like those people, you call them Khawiraj, you know what I mean? Those who are really doing the thing, you know what I mean? So who are you? What, if you, if you not down with um, old boy that’s hiding in the cave, that you call Khawiraj, then what, who are you, you know what I mean? Get out of here, you know what I mean? ‘Cuz those the dudes that are, are doing that, you know what I mean?”

During the conversation Abu-Jihaad also explains why he got out of the Navy, saying “First, you get this captain he’s squared away. Then you get a shitty captain, then you get a coward captain, you know . . . My last captain was a coward . . . my last deployment, man, he had tactical control of the Navy Seals . . . there were like four vessels tied up, smuggling some shit . . . and the Seals wanted to take off on them, whatever they had to do. This dude, he stand down. He stood down the mission ’cuz he didn’t wanna lose the men. You don’t get the best of the best, to do a mission, and then you turn, then you stand down the operation . . . The captain didn’t wanna play the game. He was afraid of two things, losing people, and ah, running his ship aground. What a coward, you know what I mean?”

During the conversation Abu-Jihaad also tells his associate: “And I fight, I mean, a person like me, I’m gonna put it like this, me, if, if it was all about leadership . . . I think I’m more qualified than that dude, know what I’m saying? . . . Next to me, I think you’re more qualified than that . . . than both of those dudes, know what I’m saying? . . . and that’s real . . . and why do I say that? . . . ’cuz we already been there . . . and we know that it ain’t no joke . . . boot camp ain’t no joke That boot camp is probably different from the Corps boot camp, but they, what do they stress, pay attention to detail. Don’t pay attention to detail, it cost you your life, yourself your life. And it cost somebody else their life.”

Abu-Jihaad tells his associate: “I don’t see, I don’t see nobody giving me no SGLI . . . I don’t see nobody giving me no G.I. Bill . . . I don’t mean, no G.I. Bill, I mean, no money for no college . . . I don’t see nobody, uh . . . leaving no SGLI money for my loved ones. See what I’m saying?” During the conversation, Abu-Jihaad also tells his associaite that he told Shareef not to threaten his safety or “security zone” – or he would kill him. Abu-Jihaad says: “I mean, I let him know, you know what I’m saying . . . hey – don’t come over here threatening my safety, you know what I mean . . . I’ll snuff you . . . quickly . . . and I think that’s another reason I think the white boy told him aw, don’t come down there . . . those guys, they “sheisty” . . . ’cuz, I was like, man . . . man, the last guy who tried to mess with my, in my security zone, I felt like killing him, you know what I mean?”

- **The November 22, 2006 17:53:54 MST Recording (AR024).** During a November 22, 2006 recording at 17:53:54 between Abu-Jihaad and an associate, they discuss the October 2006 Juba Sniper video, the link for which the associate sent to Abu-Jihaad. The associate says “AllahuAkbar a hundred times.” Abu-Jihaad says “Yeah, that dude ain’t no joke . . . cold with it.” The associate says: “They show him knocking out about . . . probably like, ten of em. Ding! Ding! Ding! I’m like Allahu Akbar.” Abu-Jihaad replies: “Yeah, that dude ain’t no joke . . . And he gave an interview.” The associate goes on to describe the video and then describes the footage of the sniper attacks on U.S. soldiers as “the highlights . . . the ESPN.” Abu-Jihaad describes a sniper as a military grunt’s worst enemy. Abu-Jihaad says reports indicate that Juba learned his trade from a book called *Ultimate Sniper* and indicates that it’s available from Amazon for about \$50. Abu-Jihaad describes the difference between an American sniper and those from Islamic groups is that an American sniper uses a spotter and a sniper, while the Islamic groups use a sniper, a spotter – and a cameraman. The associate says that he was watching the video with a girl and she commented “that’s sad.” Abu-Jihaad and the associate agree it’s not sad because the people being killed are the kaffirs. Abu-Jihaad asks his associate whether the video has “close ups.” The associate responds: “Close enough, man. You see the helmets, pieces, tearing up.” Abu-Jihaad responds: “Oh yeah? Man, he must be cold piece, he must be better than the Fallujah sniper.” Abu-Jihaad and the associate laugh about how

“they” were trying to say that the Juba sniper had been killed to “calm the mentalities [and] psyche of the American soldiers.” Abu-Jihaad responds: “Oh man, we already know that ain’t true.” Abu-Jihaad and his associate also laugh about how one of the snipers on the video commented regarding American soldiers running away while being shot at; and they laugh about how different it is from the images portrayed in movies about the “untouchable American soldier.” Abu-Jihaad remarks: “Yeah, well, him and that sniper rifle. Sniper rifle like a 15 times Mike Tyson punch hitting you, tearing you apart.”

- **The November 22, 2006 19:34:19 MST Recording (AR025).** During a November 22, 2006 recording at 19:34:19 MST between Abu-Jihaad and Shareef, Abu-Jihaad tells Shareef again that he will provide financial support to him when he can. Specifically, Shareef calls Abu-Jihaad and asks whether he might have the money that he promised ready for him when Shareef and the CW come to Phoenix. Shareef says: “I was calling to see if, uh . . . if you could possibly have that ready for me when we come through there.” Abu-Jihaad says: “Have what ready?” Shareef says: “Some ‘faluce’ for the cause.” Abu-Jihaad says: “Brother, I’m . . . I’m like, tapped, you know what I mean? . . . You talkin’ about right now? . . . No I ain’t have money like that.” Shareef says: “Do you have any idea . . . time frame when you could possibly made a contribution?” Abu-Jihaad replies: “Whenever I get some money.” Shareef replies: “Insha’Allah.” A little further in the conversation, Abu-Jihaad chastises Shareef for asking for money when Shareef hasn’t even produced the weapons Abu-Jihaad wants: “You know I’m saying, where my goodies at? . . . I ain’t got money for that . . . I’m saying you ain’t even got it . . . so, that’s not even . . . there ain’t even . . . even something to discuss.”
- **The November 27, 2006 18:31:40 MST Recording (AR027).** During a November 27, 2006 recording at 18:31:40 MST between Abu-Jihaad and an associate, the two discuss the October 2006 Juba Sniper video again. The associate tells Abu-Jihaad that the Juba Sniper video is no longer playing on a particular website. Abu-Jihaad says: “That’s all right. My brother got it in his memory.” Abu-Jihaad says: “Juba was a cold dude. If he’s still breathin’, may Allah still let him be pluggin’ them dudes. If not, I knew he done train more . . . in the skills and tactics that he got . . . ’cuz he was layin’ ’em down!” Abu-Jihaad says: “That’s the cold thing about having a skill like that . . . you train other folks . . . and pass it on.”
- **The November 30, 2006 14:59:03 MST Recording (AR028).** During a November 30, 2006 recording at 14:59:03 MST between Abu-Jihaad and the CW, Abu-Jihaad criticizes Shareef’s lack of discretion again: “I try to talk about security, you know what I mean . . . ’cuz all that talkin’ man . . . ain’t good . . . See what I’m saying? . . . So I told, I told him yesterday I wouldn’t even let you,

um . . . I wouldn't let you lead me into a bull, a bull's pen . . . you know what I mean . . . I wouldn't let you lead me nowhere! . . . First of all, he's undisciplined . . . you know what I mean . . . no security . . . he don't care about nobody's security . . . then you're not disciplined with it . . . and, man . . . you're a loose cannon!"

Abu-Jihaad goes on to say that participating in an act of violent jihad requires someone to sponsor you, so that your family is not left behind without any financial support: "I've been trying to trying to talk about, like . . . like, for you, you got five kids, right . . . and 'lib talking about "7" . . . you know, it's just not about somebody out there sluggin', throwin' punches, you know what I mean . . . or I'm just gonna use that word, punches . . . I mean you have to have somebody like, sponsor you . . . I mean you got children, you know what I'm saying . . . you don't know who your . . . I mean, if your woman ain't tight . . . if her half is not strong . . . then, you know what I'm saying, you leaving your kids with someone who's weak!"

- The December 2, 2006 15:56:40 MST Recording regarding *Allah is Preparing Us for Victory* (AR029).** During a December 2, 2006 recording at 15:56:40 MST between Abu-Jihaad and Shareef, the two talk about several videos, web broadcasts, online discussions and textual readings that revolve primarily around the "war" between the kaffirs (the infidels) and the Muslims. During the conversation, Abu-Jihaad recommends to Shareef "*Allah is Preparing You for Victory, Parts I and II*," a lecture that he indicates is "talking about contemporary things." Abu-Jihaad says that the author talks about contemporary jihad and relying on a hadith (religious text), indicates that the enemies, during our time, will go bankrupt by spending their wealth on security, "then Allah will get the Muslim to victory." Abu-Jihaad tells Shareef: "How you see the kaffir today? You see the kaffir today . . . he spending his wealth for security . . . on many different things. And . . . he will keep spending his wealth . . . and the kaffir won't be defeated . . . he will not be defeated until . . . he . . . spends . . . until he breaks himself financially." Abu-Jihaad goes on to explain that that is why Usama bin Laden (who he again refers to in code – and explains the code) focuses on economic targets: "And that's why you see our boy online . . . we call him 'Under the Black Leaves' . . . if you use the first, uh, the first letter of each word, you'll know who I'm talking about . . . he's always talking about . . . when you see the dudes on "J" today, they always talking about . . . uh, hitting economic things . . . because that's all he's talking about . . . weakening." Shareef tells Abu-Jihaad that he is going to check out "*Allah is Preparing You for Victory*."

- **The December 3, 2006 16:42:25 MST Recording regarding *Allah is Preparing Us for Victory* (AR030).** During a December 3, 2006 recording at 16:42:25 MST between Abu-Jihaad and an associate, Abu-Jihaad praises “*Allah is Preparing us for Victory*” to that associate as well. Abu-Jihaad says: “‘*Allah is Preparing You for Victory*’ . . . that’s some cold stuff right there.” Abu-Jihaad says: “That don’t make a brother go out . . . I don’t know what will . . . It just, it gets you ready, man . . . Ain’t nobody can refute [U/I] . . . that right there.” The associate says: “Remember, the um . . . remember when he was talking about . . . he was talking about . . . Allah made the [U/I] . . . about “J” clear.” Abu-Jihaad responds: “yup.”
- **The December 3, 2006 20:21:49 MST Recording regarding *Allah is Preparing Us for Victory* (AR031).** During a December 3, 2006 recording at 20:21:49 MST between Abu-Jihaad and Shareef, Abu-Jihaad recommends “*Allah is Preparing us for Victory*” to Shareef again. Abu-Jihaad says: “You gotta get up on that what’s-it’s-name . . . not that one I told you yesterday . . . or the short one . . . this the lecture, the audio.” Shareef says: “Yeah . . . I’m gonna get up on it, Ak . . . don’t worry.” Later in the conversation, Abu-Jihaad again recommends “*Allah is Preparing us for Victory*”, saying: “But the audio is called, uh . . . let me see what it’s called . . . it’s called ‘*Allah is Preparing You for Victory, I and . . .*’” Shareef asks: “Is it on that . . . it’s on that same site that you gave me? . . . ’Cuz I still got the link.” Abu-Jihaad says: “Yeah . . . they got the book on it, too.” Shareef says: “I still got the link for it.” Abu-Jihaad says: “That’s a must-listen-to right there . . . ‘*Allah is Preparing You to Victory*’ . . . it should just kick up, it shouldn’t even . . . once you click on it . . . it’s on the audio section . . . it’s Part I and II . . . once you click on it, it’ll just come up.” Shareef says, “Oh, okay.” This conversation takes place three days before Shareef’s arrest.
- ***Allah is Preparing Us for Victory.*** The audio lecture / article recommended by Abu-Jihaad was authored by Imam Anwar al-Awlaki, who the forward describes as having been banned from the United State and subsequently arrested in Yemen by the Kuffar in light of some reported connections that he had with the September 11th hijackers. The forward describes him as among the great scholars that preach *Jihad fe Sabeelillah* (Jihad in the Way of Allah).

The article discusses what the author perceives as the problems facing the *Ummah* (the Muslim community) today. The article states: “what the disbelievers are trying to do is extinguish the light of Allah . . . they are trying to stop the flow of Islam and Allah says they will fail. When we look at the amount of money they are spending on fighting Islam it is amazing; and you think about how much Allah has given them (i.e., the Kaffireen), and how many resources are under their hands; and they spend all of this to fight Islam! Sometimes we complain that they control the media, that they control every powerful newspaper in the world, that they control every powerful radio station in the world, that they control every

powerful media outlet on the planet, that they control the governments and police forces; they control the entire planet. They have all this money and we have no chance in fighting them so let's just give up and try to use alternative means of dealing with them; let's not collide face-to-face with them as there is no way we could be equal to them! Let's try to use politics, and diplomatic means in trying to fight them. But Allah says: 'They will spend it, then it will become anguish for them, then they will be defeated.' So let them spend their money as that's how they will be defeated . . . So we should be happy that they are spending their money to fight Islam as that means that victory for Islam is soon; victory is on its way . . . they chose this battle, so they will regret putting themselves into this trouble: spending all of this money, going broke, and then being defeated . . . it's not the Muslims who are waging war against them, it's Allah! America is in a state of war with Allah!"

The article goes on to say: "Sometimes we complain about our times, that we are living in the worst times – the *Ummah* is weak, the *Ummah* is defeated and disunited, we wish we were living in the time . . . of the heroic Islamic eras." The article goes on to discuss reasons why "we should not complain about our times," primarily because "victory is around the corner." The article indicates that "if we are close to that time . . . we do not want to be waiting on the sideline when all of this is happening." The article indicates that "victory is very soon" and goes on to review the history of *Jihad fe Sabeelillah* (Jihad in the Way of Allah) and *Shahaada* (martyrdom). In a footnote, the article states "Martyrdom operations; we must refrain from calling it what the West labels it, 'Suicide bombings,' since Suicide is *haraam* (not permitted) in Islam; and *Shahaada* (martyrdom) is not suicide. It all depends on the individual's intention; if his intention is to make the word of Allah High and Supreme by killing or destroying the *Kaffireen* (infidels), then this is *Shahaada fe Sabeelillah* (Martyrdom in the Way of Allah) and not suicide. However, if his intention was because he hates his life and wants to get rid of it, then this is suicide."

The article claims that we are in an "epic battle" that will be followed by the global *Kilafah* (Islamic state). The article states "we are not living in a local *Khilafah*, we are living in a global village, therefore you either win it all or lose it all; it's not like you can win over localised [sic] small area they will leave you alone – no, the long arm of American injustice will get you where ever you are. So you either win it all or lose it all . . . So the upcoming battle will be either lose it all or win it all . . . It will be the final battle between *Kufr* and *Imam*; it will be a battle that will give victory to this Muslim *Ummah* . . . the battle that will establish the Islamic *Khilafah* on a global scale."

The article goes on to state: "So this is an indication that we are getting close to those times. Now, if we are getting close to those times, you really don't want to

be sitting on the sidelines and lose out on all of this in this Golden Era; because it is a Golden Era . . . this is a Golden Era of *Jihad* . . . Because it is the greatest status it would demand the greatest sacrifice. That is why only the best of the best – the ones whom Allah has chosen – will be able to carry it out until the end because the *fitna* [trouble / trials / tribulations] will be serious.”

In the article’s final section, entitled “The solution to the *Ummah*’s Problem,” it states: “We all agree that we have a problem now. Everyone in the *Ummah* says the *Ummah* is suffering from a problem but we differ on the solution. We should have no difference of opinion when we have the Qur’an and Sunnah with us. We should have no difference when the answer is in Qur’an and Sunnah.”

The article, relying on a hadith (religious texts) from *Rasoolullah* (the prophet), says: “This hadith tells us of the problem and the solution . . . So what is the problem? *Rasoolullah* . . . says when you are busy with business and agriculture and livestock and you leave *Jihad fe Sabeelillah*, you will be humiliated. Some Muslims say that the only way this *Ummah* can be victorious is if we follow the way of the other nations in terms of industry, agriculture, trade, then we’ll become like them and we will become victorious. So if we are successful in business, successful in agriculture, successful in technology and so on that is the way for the *Ummah*. *Rasoolullah* . . . says that is the problem.”

The article goes on to expressly states: “Some Muslims say the way forward for this *Ummah* is to distance itself from terrorism and spend their time in becoming good in Business, good in technology, agriculture and the rest; and this is how we can compete with the rest of the world. *Rasoolullah* . . . said that this is wrong and Allah . . . will dishonour us if we do that. And *Rasoolullah* . . . says there is no way out from this until you go back to your *Deen* (religion). The commentators on this hadith say going back to the *Deen* here means going back to *Jihad fe Sabeelillah* (Jihad in the Way of Allah) . . . So this is the solution; the solution of the *Ummah* is to go back to *Jihad fe Sabeelillah*.”

The article concludes: “So the solution for the *Ummah* is *Jihad fe Sabeelillah* . . . when the *Ummah* fights *Jihad fe Sabeelillah*, the *Ummah* becomes wealthiest and when the *Ummah* is fighting *Jihad fe Sabeelillah*, the least of this *Ummah* die. If we were to draw a graph of the death toll, you will find that very few Muslims dies when the *Ummah* was fighting *Jihad fe Sabeelillah* whereas when the *Ummah* left *Jihad fe Sabeelillah*, the death toll is in millions. If we draw a curve of the financial situation you will find that the *Ummah* becomes the wealthiest in the times of *Jihad fe Sabeelillah* and they become the poorest when they leave *Jihad fe Sabeelillah* . . . So the solution is right there it just needs people to wake up and read the simple hadith and follow its meanings.”

- **The December 8, 2006 08:59:32 MST Recording (AR032).** During the call on December 8, 2006 at 08:59:32 MST– before news of Shareef’s arrest on 12/6 becomes public – Abu-Jihaad also asks what Shareef has been up to. The CW tells Abu-Jihaad: “I ain’t seen Talib, man . . . in like two days . . . that brother went down to DeKalb with them other brothers, man.” Abu-Jihaad responds: “Brother crazy.” Abu-Jihaad then proceeds to pursue the pending weapons deal. Abu-Jihaad says: “Anyway, man . . . um . . . if your boy still, um, selling some things . . . when I, when I get some, uh, money . . . I’m just gonna send the money to whoever, you or Talib . . . and then, if, you can hook that up, just let me know.” The CW says: “All right, Insha’Allah.” Abu-Jihaad continues: “And then I’ll just send you the money . . . and then I’ll figure . . . I’ll figure out how to, you know what I mean, how to ship it from here to there . . . whatever.” The CW then tells Abu-Jihaad: “Talib on some bull crap, man . . . I think he’s a fruitcake . . . He talking about he gonna go down there with them brothers and hook up some missions . . . I don’t know if he told you about them dudes in DeKalb.” Abu-Jihaad says: “Yeah, no – you told me.” The CI says: “He’s stupid, man . . . ’cuz I said look, man . . . you gotta leave [U/I] and get outta my house.” Abu-Jihaad says: “I don’t, I don’t blame you.” When the CW continues: “He be talking too damn much anyway, man . . . for me,” Abu-Jihaad responds: “Yeah, yeah, yeah . . . that talking man . . . he be getting himself in trouble . . . and everybody else!” Towards the end of the conversation Abu-Jihaad returns to the pending weapons deal. Abu-Jihaad says: “I wanna do it . . . I want to do it professional, you know what I’m saying . . . I wanna see, ’cuz, you know . . . I think Talib was saying before he left, he told me to deal with, well actually, on the internet, he told me to deal with you . . . if I want anything, I’ll just send you the money . . . when I tell you what . . . I’ll tell you what I want, you give me the price, I send you the money Western Union, or whatever.” The CW says: “Okay, Insha’Allah . . . we do it, Insha’Allah.”
- **The December 8, 2006 10:02:12 MST Recording (AR033).** During the conversation between Abu-Jihaad and the CW on December 8, 2006 at 10:02:12 MST– again before news of Shareef’s arrest on 12/6 becomes public – Abu-Jihaad also continues to negotiate the purchase of two AR-15s for approximately \$1300.
- **The December 8, 2006 10:10:34 MST Recording (AR034).** During the conversation between Abu-Jihaad and the CW on December 8, 2006 at 10:10:34 MST, the CW and Abu-Jihaad also discuss and negotiate the pending AR-15 deal further.

- The December 8, 2006 11:10:39 MST Recording (AR035).** During a conversation on December 8, 2006 at 11:10:39 MST, Abu-Jihaad and the CW have another, brief, three minute conversation during which they discuss and negotiate the pending weapons deal further. The CW tells Abu-Jihaad that he spoke to their weapons connection and, since their weapons connection had waited so long and held on to the weapons for approximately three weeks, he wanted a little money to hold them further and as a sign of Abu-Jihaad's good faith in purchasing the weapons. Abu-Jihaad says he will send money next week. Abu-Jihaad says "I'll buy one, then you can send it . . . and then I'll buy the other one a week or afterward or two . . . Let me get at you, um . . . next week and then I'll try to make that happen."
- The December 20, 2006 21:46:07 MST Recording (AR037).** During a conversation on December 8, 2006 at 21:46:07 MST, Abu-Jihaad speaks with his brother about their belief that a particular associate is "snitching." Abu-Jihaad tells his brother that he needed to fix / change a tire and had to call the friend for help. During the conversation, Abu-Jihaad tells his brother that, while there, the friend was asking him a lot of "stupid questions," and while the friend was helping him with the tire, an FBI agent called the friend. Specifically, Abu-Jihaad tells his brother: "When the guy rolled up . . . and, um . . . he ain't even been there for five minutes . . . FBI agent called him" Abu-Jihaad's brother responds: "Whaaaat?" Abu-Jihaad says: "Yeah, so . . . I don't know what that all about." Abu-Jihaad's brother says: "Careful . . . how do you know an FBI agent called him?" Abu-Jihaad says: "Cuz he told me." Abu-Jihaad tells his brother that the friend said "well, you know, I hung out with you before and . . . you don't sleep that much . . . are you worried about anything?" Abu-Jihaad's brother responds: "Uh-oh . . . yeah, he's, he's fishin' for information, bro." Abu-Jihaad agrees: "Yeah, he's fishin', but, you know . . . the hell with that guy . . . he ain't gotta never worry about me callin' him . . . I ain't hangin' out with no, no more young dudes, no more . . . cut him off." Abu-Jihaad's brother says: "You know, brother . . . that's . . . that's a good, good thing . . . if you do that." Abu-Jihaad says: "You know what I mean? Cut 'em off . . . from the start. That's why I don't call him . . . I already cut him off . . . you know what I'm sayin . . . cut all of 'em off . . . tell you the truth." After Abu-Jihaad describes what the friend was asking him, his brother tells him: "It's like I tell you, bro . . . you know . . . all them stupid questions . . . that's not him . . . that's the FBI talking through him." Further in the conversation, the following exchange takes place:

Abu-Jihaad: Yeah, but he's an idiot to play in the game. That's why, I mean . . . I ain't mad at him . . . but there's a lot of young dudes . . . that he done threw his name around . . . that's pretty pissed off at him . . . young and old.

Brother: He better be careful . . . he gonna get hurt, man. You know, like . . . snitches don't live long.

Abu-Jihaad: Yeah, he's not a very articulate guy . . . so . . . you know what I'm sayin' . . . first of all . . . I wouldn't be playin' the . . . playin' the game . . . you know what I'm sayin' . . . but he have . . . if he likes to play the game, then let him play the game he likes to play . . . you know, he's . . . not bein' very wise about those things. Snitches don't live long in the streets or in jail, so hey

Brother: Yeah. He better be careful, because, uh . . . I'm quite certain right now the word's out on him . . . when he goes to the mosque . . . everybody knows what's up with him . . . he's gonna get hurt

Abu-Jihaad: Oh, yes . . . it's out . . . it's out, I'm pretty sure.

Brother: So, he's, he's like . . . he's like a dead man walking . . . he's already signed his, his death . . . his death warrant.

Abu-Jihaad: Yup, it's out . . . he ain't gotta worry about it . . . hey, if that's the type of game you play, then that's what you play

- **The “39 Ways” Email.** An email recovered from Abu-Jihaad's abu_jihaad01@yahoo.com email account bearing the subject line “J” book, indicates that Abu-Jihaad received, as a PDF attachment, a book entitled “39 Ways to Serve and Participate in Jihad.” The sixty-one page book contains detailed guidance and advice on providing support for, training for and participating in violent jihad and, among other things, identifies, in descriptive sections, the “39 Ways to Serve and Participate in Jihad” as including the following: (1) Make Your Intention for Jihad; (2) Truthfully Ask Allah for Martyrdom; (3) Go for Jihad Yourself; (4) Help Prepare the Fighter Who is Going for Jihad; (5) Take Care of the Family Left Behind by the Fighter; (6) Provide for the Families of the Martyrs; (7) Collect Funds for the Mujahidin [sic]; (8) Praise the Mujahidin and Mention Their Accounts and Call the People to Follow in Their Footsteps; (9) Encourage the Mujahidin and Incite Them to Continue; (10) Call and Incite the People to Jihad; (11) Hide the Secrets of the Mujahidin that the Enemy Can Benefit From; (12) Follow and Spread the News of Jihad; (13) Participate in Spreading Their Releases of Books and Publications; (14) Train with Weapons and Learn How to Shoot; (15) Have Enmity Towards the Disbelievers and Hate Them; (16) Electronic Jihad; (17) Stand in Opposition to the Disbelievers; and (18) Raise Your Children to Love Jihad and its People.

Respectfully submitted,

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CERTIFICATION

This is to certify that on this 7th day of December 2007, the foregoing was filed with the Court electronically and served by regular first class mail, postage prepaid, upon anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System

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