

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

**STATE OF CONNECTICUT** : **ss: BRIDGEPORT, CT**  
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**FAIRFIELD COUNTY** : **March 1, 2007**

**A F F I D A V I T**

David G. Dillon, being duly sworn, does depose and state that:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed for nearly fifteen years. As a Special Agent of the FBI, among other things, I am authorized to investigate the counterterrorism laws of the United States as embodied in Title 18 of the United States Code, and I have received specialized training in the investigation of violations of the counterterrorism laws.

2. Since becoming a Special Agent with the FBI, I have participated in numerous criminal investigations. I am currently assigned to the Bridgeport Office of the FBI, and for most of the past twelve years, I have been assigned to the Bridgeport Violent Crimes Safe Streets Task Force (hereinafter referred to as the "Task Force"), which investigates those drug organizations believed to have the greatest adverse impact on the Bridgeport area.

3. Between 2004 and 2006, however, I was assigned to the Connecticut Joint Terrorism Task Force ("JTTF") with the FBI in New Haven, Connecticut and, in late 2004, after joining the JTTF, I was assigned to join other federal law enforcement agents in the ongoing investigation of Azzam Publications, including Babar Ahmad and Syed Talha Ahsan, two British nationals who are now under indictment in the District of Connecticut for, among other things, conspiring to provide and providing material support to terrorists, and conspiring to kill or injure persons in a

foreign country. Among other things, the investigation focused on determining the source of an electronic document found in Babar Ahmad's possession during a law enforcement search in the United Kingdom in December 2003, which contained previously classified material regarding the makeup and movements of a U.S. Naval battle group and went on to discuss its vulnerability to terrorist attack (hereinafter referred to as "the battle group document").

4. Although I have since returned to my previous position with the Bridgeport Task Force, I, along with Senior Special Agent Craig Bowling of the Department of Homeland Security ("DHS"), am one of the primary case agents in the pending terrorism cases of United States v. Babar Ahmad, 3:04CR301(MRK) and United States v. Syed Talha Ahsan, 3:06CR194(JCH), and the related investigation into the source of the battle group document, which has been a joint investigation involving the efforts and resources of several federal law enforcement agencies including the FBI in New Haven, Phoenix and Chicago; the Department of Homeland Security ("DHS"); and the Naval Criminal Investigative Service ("NCIS"). In my capacity as one of the primary case agents, I have been personally and actively involved in the case for over two years and have also been kept regularly apprised of developments, including those referenced herein.

5. During my tenure as a Special Agent with the FBI, I have been an affiant on several previous affidavits filed in support of applications for arrest warrants and search warrants including those submitted in large, complicated multi-defendant narcotics and RICO investigations. These affidavits and applications resulted in orders being issued by judges of the United States District Court for the District of Connecticut which authorized arrests and searches in connection with such investigations. My work in those federal investigations and numerous

related federal trials has led to the conviction of over 100 defendants for narcotics trafficking, money laundering, firearms offenses, racketeering crimes, and violent crimes in aid of racketeering (including several murders and conspiracies or attempts to commit murders).

6. This affidavit is being submitted in support of a complaint and an application for a warrant of arrest charging the defendant, **HASSAN ABUJIHAAD a/k/a “Paul R. Hall,”** date of birth December 24, 1975 (hereinafter referred to as “Abujihaad”) with: (1) providing material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of 18 U.S.C. § 2332(b) (conspiring to kill United States nationals), in violation of 18 U.S.C. § 2339A; and (2) delivering, communicating, transmitting or causing the delivery, communication or transmission of classified information relating to the national defense to persons not entitled to receive it, in violation of 18 U.S.C. § 793(d).

7. This affidavit is based upon my personal knowledge of the evidence in the case and the ongoing investigation; my review of reports and other materials prepared by other law enforcement officers; and on information provided to me through materials provided by, or discussions with, other Special Agents of the FBI, Special Agents of the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”), the Naval Criminal Investigative Service (“NCIS”), the Internal Revenue Service – Criminal Investigation Division (“IRS-CID”), and the Defense Criminal Investigative Service (“DCIS”).

8. Because this affidavit is being submitted for the limited purpose of supporting a complaint and warrant of arrest for the defendant, this affidavit does not purport to set forth all of the facts and circumstances known to me about this case. Instead, this affidavit sets forth only

those facts which I believe are necessary to support a finding of probable cause to believe that the defendant has committed the charged offenses.

### **BACKGROUND**

9. Prior to his being charged with terrorism-related offenses in the District of Connecticut in August of 2004, Babar Ahmad was the leader of a terrorist support cell in London. Together with Syed Talha Ahsan and other members of the conspiracy, and through an entity called “Azzam Publications,” Ahmad covertly engaged in efforts to provide material support and assistance to the Chechen mujahideen, the Taliban and associated terrorist groups.<sup>1</sup> They did so through money laundering and by assisting in the provision of funds, military equipment, communications equipment, lodging, training, expert advice and assistance, facilities, personnel, transportation and other supplies to these groups, with the knowledge and intent that such conduct would support the military activities of these and associated terrorist groups.

10. One of the means Ahmad and his coconspirators used in this effort was the management of various Azzam Publications websites that promoted violent jihad – principally “azzam.com” – which, along with associated administrative email accounts, were hosted for a period of time on the servers of a web hosting company located in the State of Connecticut.

11. The Azzam websites were specifically designed to incite readers and to provide a support network for terrorist related entities including the Taliban and the Chechen mujahideen. Indeed, the Azzam sites expressly stated that their purpose was to “incite the believers and also secondly to raise some money for the brothers.” Among other things, the Azzam sites also: (1)

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<sup>1</sup> The term “mujahideen” refers to militant Islamic guerrilla fighters, for example Taliban fighters in Afghanistan and militant Muslim guerrilla fighters in Chechnya, who engage in jihad and fight against persons or governments that are deemed to be enemies of a fundamentalist version of Islam.

published Usama bin Laden's 1996 Declaration of War; (2) translated and published an exclusive September 2002 interview with Al-Qaeda's second in command Ayman al-Zawahiri; (3) posted various manuals and articles on how to train for jihad before traveling abroad to fight, including instructions on obtaining physical, martial arts, survival and firearms training; and (4) provided specific guidance on how to support the jihad and the mujahideen, including: overt appeals for people to physically fight in the jihad battle fronts; requests to raise, collect and donate money to support the jihad; and solicitations to join or otherwise support the organization. The sites also: (1) set forth postings extolling the virtues of martyrdom and describing it as "exactly what is needed at this time"; (2) provided postings on a female's role in jihad, which included raising funds, physical training, firearms training and raising mujahid children by obtaining for them martial arts training, target shooting and camping/survival training; and (3) posted a practical guide to dealing with law enforcement, which contained specific advice on how to prevent and deal with law enforcement interviews, house or premises searches, raids, visits from intelligence agents, and arrests.

12. The Azzam sites also provided detailed instructions, many of which were specifically directed at U.S. residents, on how to make financial donations and provide other direct assistance to terrorist-related groups. At various times, for example, the sites included: (1) an urgent appeal for large quantities of gas masks and NBC (nuclear-biological-chemical) suits for the Taliban; (2) an urgent appeal for cash donations to support the Taliban, which contained explicit and detailed instructions on how U.S. residents were to personally deliver cash in amounts in excess of \$20,000 (US) to the Taliban Consul General in Pakistan; and (3) an express solicitation of Pakistani nationals around the world to travel to Afghanistan to fight for the Taliban.

13. The efforts of Ahmad and his coconspirators extended beyond cyberspace as well, as the available evidence demonstrates real-world effects and consequences flowing from the criminal activity, regardless of the media used to plan, coordinate and execute the conduct. For example, in addition to their postings on the websites, members of Azzam Publications also operated and administered the various email accounts associated with the sites. Through those email accounts, members of Azzam Publications engaged in efforts to assist those who responded to the websites' calls for support. Recovered emails and other electronic materials include, for example, discussions regarding: donations; shipments of gas masks; procurement of night vision goggles; safe routes into Afghanistan; and the type of personnel needed to support the jihad. Through the Azzam email accounts, members of the support cell also checked on the bona fides, through direct contact with then Chechen mujahideen leader Shamil Basayev, of an individual seeking to return from the United States to Chechnya with hand warmers for the Chechen mujahideen.<sup>2</sup> Members of Azzam Publications also sold various products through the websites, including graphic videos of the murders/executions of captured Russian soldiers. At the end of one video, Ibn Khattab, the then-Commander of the foreign mujahideen in Chechnya,

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<sup>2</sup> Until his death in 2006, Shamil Basayev was the leader of what is known as the Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs, also known as the "Riyadus Salikhin Martyrs' Brigade (hereinafter referenced as "RSRSBCM"), a group of Chechen mujahideen that has employed violence and military action to kill, injure and maim people and to damage and destroy property in an effort to promote the political goals of its members, which include establishing the independence of Chechnya from Russia. Basayev, as the leader of the RSRSBCM, took part in the planning and execution of a number of terrorist acts, including: (1) the bloody school siege and hostage crisis in Beslan from September 1-3, 2004, which resulted in the deaths of approximately 338 people, including many children; (2) the seizing of the Dubrovka Theater in Moscow in October 2002 that resulted in the deaths of 129 people, including one U.S. citizen; (3) the December 27, 2002 destruction of the Chechen administration complex in Grozny by Chechen suicide bombers, which resulted in the deaths of 78 people and wounded 150 others; and (4) the May 12, 2003 truck bombing of a government compound in the Chechen town of Znamenskoye, which resulted in the deaths of 60 people, including 7 children, and the wounding of an additional 200 people.

personally acknowledged the brothers at Azzam Publications for publicizing the jihad, explicitly thanked them for their support and efforts, and advised the viewer that he or she could support the Chechen mujahideen by contacting the brothers at Azzam Publications, who Khattab described as being in direct contact with him and other Chechen mujahideen.<sup>3</sup>

14. Ahmad and his coconspirators also personally attempted to procure and provide military equipment, communications equipment and other materials to support the Taliban, the Chechen mujahideen and associated terrorist groups. For example, Ahmad sought to personally and directly provide assistance to these groups by purchasing 100 cold-weather woodland camouflage uniforms he procured from a Long Island-based company. Ahmad also procured GPS equipment and a bullet-proof vest while visiting the United States in 1998.

#### **THE BATTLE GROUP DOCUMENT**

15. During a December 2003 search of Babar Ahmad's room at his parent's house in London, British law enforcement officers recovered a computer floppy disk that, among other things, contained a password-protected Microsoft Word file that set forth previously classified information regarding the movements of a United States Navy battle group that was charged with enforcing sanctions against the Taliban and engaging in missions against Al Qaeda – information which included details on the battle group's movements as it was to transit from California to the Gulf region in the Spring of 2001.<sup>4</sup> The document went on to discuss the battle group's

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<sup>3</sup> Until his death in March 2002, Ibn Khattab was the mujahideen leader of the Islamic International Peace Keeping Brigade (IIPB), a group of Chechen mujahideen that has employed violence and military action to kill, injure and maim people and to damage and destroy property in an effort to promote the political goals of its members, which include establishing the independence of Chechnya from Russia.

<sup>4</sup> The file is not a U.S. Navy document, but a Microsoft Word document compiling the foregoing material.

perceived vulnerability to terrorist attack. Additional investigation and computer forensic analysis by DHS later determined that Ahmad's now co-defendant, Syed Talha Ahsan, had previously possessed, accessed, modified and re-saved the electronic battle group document before it was found in Ahmad's possession. As noted above, Babar Ahmad and Syed Talha Ahsan are both British nationals. In addition, neither of them have ever had any clearance to receive or possess information classified by the United States. Accordingly, Ahmad and Ahsan were both "persons not entitled to receive" the battle group material within the meaning of 18 U.S.C. § 793(d).

16. The electronic document, which forensic analysis by DHS determined was last modified and saved on April 12, 2001, discussed, in considerable detail, the makeup of a U.S. Navy battle group, each of its member ships (including a Navy destroyer, the *U.S.S. Benfold*), the specifications, assignments and missions of each ship, the battle group's planned movements, and a drawing of the group's formation when it was to pass through the Straits of Hormuz. The document specifically noted that the battle group was tasked with enforcing sanctions against Iraq and conducting operations against Afghanistan and Al Qaeda. The document stated that the battle group was scheduled to pass through the Straits of Hormuz on April 29, 2001 at night, under a communications blackout, and explicitly described the group's vulnerability to a terrorist attack:

**Weakness:**

They have nothing to stop a small craft with RPG etc, except their Seals' stinger missiles.

**Deploy ops in Gulf 29 April - 04 October.**

**29th APRIL is more likely the day through the Straits. For the whole of March is tax free - a moral booster. Many sailors do not like the Gulf.**

**Please destroy message.**

[sic] (emphasis in original). A copy of the battle group document, as recovered from Ahmad and Azzam Publications, is appended hereto as Exhibit 1.

17. Navy officials have confirmed that the battle group composition; and the dates and location of the movements of the battle group in the document are accurate. Navy officials have also confirmed that, at a minimum, the advance knowledge of the ships' movements through restricted waters would have been classified SECRET in or about early March 2001, the time the document appears to have been written.<sup>5</sup>

18. Navy officials have also confirmed that the information set forth in the battle group document relates to the national defense and could be used to the injury of the United States within the meaning of 18 U.S.C. § 793(d). For example, Navy officials confirmed that the information that was set forth in the battle group document has significant implications for force protection and would be very useful to terrorists attempting to plan an attack. Specifically, Navy officials indicated that, in asymmetric warfare, a significant factor in carrying out a successful terrorist attack is advance knowledge of the location of the targets – particularly where, as here, the method under consideration was an attack to be perpetrated from a small craft. According to Navy officials, knowledge of ships' movements, missions and capabilities would be extremely

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<sup>5</sup> Executive Order No. 13,292, which prescribes the system for classifying national security information, defines the "SECRET" classification level as being "applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security that the original classifying authority is able to identify or describe." Exec. Order No. 13,292, 68 Fed. Reg. 15315, 15316 (2003).

useful in planning a successful terrorist strike launched from a small boat and targeted at ships at anchor or while underway in restricted waters. Navy officials also indicated that the identification of the ships in the battle group, the description of the number of people on board, and the mission capabilities of the ships in the battle group would also provide opportunists with a priority listing of targets. Similarly, the document's identification of the leadership of the battle group and the location of high ranking officers would be of tactical importance as well. Indeed, Navy officials advised that the battle group document is consistent with the type of "intelligence support documents" that terrorist cells use to conduct independently planned operations: they contain not only target and schedule information, but also reference a political justification for attacking their specific targets – here, in noting the possible battle group targets of Afghanistan, Usama bin Laden, the Mujahideen and the Taliban.

#### **E-MAIL BETWEEN ABUJIHAAD AND AZZAM PUBLICATIONS**

19. Search warrants executed by DHS upon the various email accounts associated with the Azzam websites disclosed several email exchanges between late 2000 and the Fall of 2001 with an individual who was as an enlistee in the United States Navy on active duty in the Middle East and stationed onboard the *U.S.S. Benfold*. Specifically, the searches recovered various emails between Azzam Publications and the defendant, Hassan Abujihaad, from Abujihaad's military-based email accounts: abujihah@benfold.navy.mil and AbujihaadH@benfold.navy.mil, and his personal email account, abujihaad01@hotmail.com. Email header information for certain of the communications confirm that Abujihaad was communicating from the *U.S.S. Benfold* at the time, while for other communications, analysis by DHS, which was later confirmed by NCIS, indicated that Abujihaad was emailing from a Navy-

based IP address.

20. While aboard the *U.S.S. Benfold*, Abujihaad's primary position and responsibilities were those of a Signalman (described in his evaluations as one who maintains visual communications in port and underway in all conditions of readiness). Abujihaad's other responsibilities included Publications Petty Officer; Roving Patrol; Pier Security; and signalman / quartermaster in-port duties. Abujihaad was granted a SECRET clearance on January 6, 1998, and Navy officials have confirmed that Abujihaad's position, duties and responsibilities would have given him access to the information contained in the battle group document.

21. Recovered emails between Abujihaad and Azzam Publications include discussions regarding: (1) videos Abujihaad ordered from Azzam Publications that promoted violent jihad; (2) a small donation of money Abujihaad made to Azzam; and (3) whether it was "safe" to send materials to Abujihaad at his military address on board the *U.S.S. Benfold*. In another email, Abujihaad: (1) describes a recent force protection briefing given on board his ship; (2) voices enmity towards America; (3) praises Usama bin Laden and the mujahideen; (4) praises the October 2000 attack on the *U.S.S. Cole*; and (5) advises the members of Azzam Publications that such tactics are working and taking their toll. The response from Azzam Publications encourages Abujihaad to "keep up the psychological warfare" [sic].<sup>6</sup>

22. Specifically, in an email dated August 21, 2000, which was sent to qoqaz@azzam.com from "hassan abujihaad" using the email address abujihaad01@hotmail.com, the sailor wrote, in apparent reference to a video purchased through an Azzam website:

Salaamu"Alaikum

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<sup>6</sup> These emails are described in greater detail below and are also appended hereto as exhibits.

I will appreciate if you guys can tell me if you guys received the 30.00 dollars I sent for the indocumentation of the bosnianwar that going to be issued on SEP 4th. Brothers I will appreciate if you guys can e-mail me at abujihaad01@hotmail.com to confirm my payment.

Salaamu'Alaikum

[sic]. On August 26, 2000, a reply email from azzampublications@yahoo.com was sent to abujihaad01@hotmail.com, reading:

Assalaamu alaikum dear brother,

We have received your order recently. We will post the video to you soon, Insha Allah. Please bear with us. The video costs \$25 and you have sent \$30. Please tell us what you want done with the remaining \$5.

Jazakallahu khair

Azzam Publications

On August 27, 2000, a response from abujihaad01@hotmail.com is sent to the email account azzampublications@yahoo.com, reading:

Assalaamu alaikum

Dear Brothers you guys can keep the remaining \$5.00 and added to the funds that you Brothers are spending in the way of Allah via videos, tapes and the great web sites Qoqaz & Azzam Pub . . . . . etc.

Assalaamu'Alaikum

See Exhibit 2.

23. On March 12, 2001 an email was sent to the azzampublications@yahoo.com account from "hassan abujihaad" using the email address abujihaad01@hotmail.com, which states:

Salaamu'Alaikum  
Br/Sis of Islam

I am wondering did you guise receive my two separate orders the first was Russian hell 2000. Then I ordered Chechnya from the Ashes at a later date. If you have any info please e-mail me back Insha'Allah.

Salaam's  
Hassan Abu-Jihaad<sup>7</sup>

A reply email sent the same day, March 12, 2001, from "Qoqaz.Net," using the email account azzampublications@yahoo.com reads:

Assalamu alaikum dear brother

Could you please email us at products@azzam.com with your name and dates that you ordered the CD products? Please also supply your mailing address.

Jazakallahu khair

Azzam Publications

See Exhibit 3.

24. On May 15, 2001, Abujihad sent the following email from the *U.S.S. Benfold* to products@azzam.com from his abujihah@benfold.navy.mil email account:

assalaamu'alaikum

i am emailing you in regards to "chechnya from the ashes", I want to let you know that 2 ½ months has went by since i placed this order. i am wondering if you br/ sis even received my funds. since i am in the middle of this giant ucean it has been hard for me to keep track of the things i order. my mom told mr that she received my order or "ussian hell 2000" but not my order of what i am addressing above. home address 1681 w. 9th street San Bernardino Ca, 92411. Abujuhaad91@hotmail.com [sic] or abujihah@benfold.navy.mil

[sic]. A reply email dated May 18, 2001 from azzamproducts@yahoo.com to the email account abujihah@benfold.navy.mil reads:

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<sup>7</sup> Among other things, the Azzam Publications video "Russian Hell in the Year 2000" includes graphic footage of Ibn Khattab personally shooting / executing a captured Russian soldier with an assault weapon as a Russian personnel carrier burns in the background.

Dear Brother,  
As-salaamu'alaikum,

We apologise for not sending your complete order. A copy of "Chechnya from the Ashes" CD-ROM will be dispatched to you within the next week.

See Exhibit 4.

25. In or about July 2001, Abujihaad sent an email to Azzam Publications, in which Abujihaad described part of the substance of, and the reaction of officers and other enlistees to, a briefing given on the ship. The email indicated that the briefing was provided to help Naval personnel protect against terrorist attacks similar to the October 2000 attack on the *U.S.S. Cole*. Voicing enmity towards the "American enemies" and strong support for the "Mujahideen Feesabilillah," Abujihaad's email praised those who attacked the *U.S.S. Cole* and "the men who have bro[ught] honor . . . in the lands of Jihad Afghanistan, Bosnia, Chechnya, etc." The response sent on July 19, 2001 from an Azzam Publications email account praised Abujihaad's comments and encouraged him to "Keep up with the Dawah and the psychological warefare [sic]."<sup>8</sup>

26. The full text of the email, sent from abujihaad01@hotmail.com approximately six months after the *Cole* attack, is as follows:

Assalaamu'Alaikum  
Brothers/Sisters of Al-Islam

i am a muslim station onboard a u.s. warship currently operating deployed to the arabian gulf. it shall be noted before usama's latest video was viewed by massive people all over the world. that psychological anxiety had already set in on america's forces everywhere. all this is due to the martyrdom operation against the uss cole. since then every warship station either on the western or eastern shores of america who come to operate in the 5th fleet op area has to be given a force protect brief. well

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<sup>8</sup> I am advised that the term "dawah" is an Islamic term that means missionary work for Islam.

during the brief, i attended there was one thing that stuck out like thorns on a rose bush. i do not know who was the originator of this either top brass or an american politician. well here is his/her statement: "america has Never faced an enemy with no borders, no government, no diplomats, nor a standing army that pledges allegiance to no state." Allahu Akbar! Allahu Akbar! i give takbirs because i know deep down in my heart that the american enemies that this person has discribe is the Mujahideen Feesabilillah. these brave men are the true champions and soldiers of Allah in this dunya. i understand fully that they are the men who have brong honor to this weak ummah in the lands of jihad afghanistan, bosnia, chechnya, etc. Alhamdulillah! With their only mission in life to make Allah's name and laws supreme over this world. i want to let it be known that i have been in the middle east for almost a total of 3 months. for these 3 months you can truly see the effects of this psychological warfare taking a toll on junior and high ranking officers. but after the latest video supporting palestine. the top brass and american officials wererunning around like headless chickens very afraid, wondering if there is a possible threat. but this time the american population got wind of this and they came to know just how afraid the u.s. government is. thomas l. friedman wrote an article in the new york times called: "what it takes to make the americans turn tail, run." this article was distributed on my ship and most of the sailors said it was so true about the american government, and they feel like they are working for a bunch of scary pussies.....a Brother serving a Kuffar nation..

Astaghfir'Allah....Hassan

[sic]. The reply email dated July 19, 2001, sent from "Qoqaz.Net" from the email account azzampublications@yahoo.com to both abujihaad01@hotmail.com and qoqaz@azzam.com reads:

AsSalaamAlaikum brother hassan,

What can we?

You said it all, and all I can add is that the Kuffar know that they cannot defeat the Mujahideen (the warriors of Allah). I trust that you are doing your best to make sure that the other brothers & sisters in uniform are reminded that their sole purpose of existence in this dunya is purely to worship our Lord and Master, Allah (SWT).

May Allah be with you & your brothers and sisters and keep you from all harm.

Keep up with the Dawah and the psychological warefare.

WasSalaam,

From just another slave of Allah at Azzam Publications.....

[sic]. See Exhibit 5.

27. Additional email exchanges in late July 2001 indicate that Abujihaad sought to

purchase an additional video from Azzam Publications; instructed them to send that video to him on the *U.S.S. Benfold*; and further encouraged Azzam Publications to “keep up the great work.” The July 2001 correspondence also indicates that Abujihaad had twice viewed Part II of “Russian Hell in the Year 2000,” a graphic video showing mujahideen operations in Chechnya, which was previously sent to him by Azzam Publications. By stating that he had watched the video, he demonstrated further knowledge that Azzam supported acts of terrorism. In the email, Abujihaad specifically requests that the video be sent to him on board the *U.S.S. Benfold* at the following address: “Uss Benfold DDG-65 Fpo Ap 96661-1283.” [sic]. A July 26, 2001 reply from the azzamproducts@yahoo.com email account to the enlistee’s military email account, AbujihaadH@benfold.navy.mil indicates that sending the video to the enlistee onboard the *U.S.S. Benfold* “is OK as long as you think it is safe . . .” A July 27, 2001 email reply from Abujihaad informs Azzam Publications that he has sent his order for the additional video; instructs them to go ahead and send the additional video to his *U.S.S. Benfold* address; and thanks them for their “great quality services.” See Exhibit 6.

28. On September 2, 2001, Abujihaad sent Azzam Publications an additional email in which Abujihaad expressed his view that a decree from the Taliban pronouncing the penalties for committing apostasy in Afghanistan was too weak. Specifically, the email, sent from AbujihaadH@benfold.navy.mil to qoqaz@azzam.com read, in pertinent part:

What disturbs me more is the two decrees. 1st stating that who ever commits apostasy and the one who incites it , and are found guilty of such actions shall be punished by death. i personally agree with this decrement. 2nd decrement states that a foreign aid worker found guilty of converting Muslims to their faith shall be placed in jail for a month then expelled from Afghanistan. My opinion about this decrement is that it is to weak of a punishment ( watered down ). I personally feel that the foreign aid workers shall get the same punishment that the Afghan Nationals

shall receive. I feel that this will be real justice according to Sharee'ah in the sight of Allah and to the true people who adhere to this Deen . . . .  
Your Brother of Al-Islam. Hassan

[sic]. See Exhibit 7.

29. In addition, searches executed in 2004 on email accounts that were associated with administering the Azzam websites determined that Hassan Abujihad's contact information – that is, his abujihah@benfold.navy.mil email account – was among the relatively few saved by, and found in the possession of, the members of Azzam Publications, insofar as it was proactively saved in the Azzam Publications Yahoo Address Book or list of contacts. In other words, of the estimated hundreds of individuals who contacted Azzam Publications through their websites by email, only a much smaller subset of those addresses were saved to the Azzam Publications Yahoo Address book. Hassan Abujihad's military email address was among those saved and recovered during the 2004 search.

30. On or about January 25, 2002, Abujihad received an honorable discharge from active duty from the United States Navy and subsequently moved to Phoenix, Arizona.

#### **RECENT INVESTIGATIVE DEVELOPMENTS**

31. In September 2006, an individual named Derrick Shareef (“Shareef”) became acquainted with an individual in Rockford, Illinois, a suburb of Chicago. During the course of their acquaintance, Shareef advised this individual that he (Shareef) wanted to commit acts of violent jihad against targets in the United States and commit other crimes in order to obtain funds to further his (Shareef's) goals of violent jihad. Unbeknownst to Shareef, his acquaintance was a

cooperating source (“CS”), who was cooperating with the FBI.<sup>9</sup>

32. Investigators soon learned that Derrick Shareef had previously lived with Abujihaad in Phoenix, Arizona in 2004 – where the defendant had settled after completing his military service. As the relationship between Shareef and the CS progressed, Shareef eventually made an introduction of the CS to Abujihaad, after which the CS communicated with Abujihaad directly via phone or over the internet.

33. During the course of the relationship between Shareef and the CS, Shareef also advised the CS that he (Shareef) wanted to obtain weapons to commit violent jihad. The CS advised Shareef that he (the CS) had a friend who was able to obtain weapons and that he (the CS) would introduce Shareef to the friend. In fact, the CS’s purported friend was an undercover law enforcement agent (“UCA”).

34. On December 6, 2006, federal law enforcement authorities in Chicago arrested Shareef as he attempted to purchase, from the UCA, hand grenades that he intended to use to further a recent interest he had developed in committing a terrorist attack in a shopping mall.<sup>10</sup>

35. During post-arrest interviews Shareef told investigators that, while living with or visiting Abujihaad in 2004, he had witnessed Abujihaad’s reaction to the news of Babar Ahmad’s arrest and the related media coverage about the recovery of the battle group document and the evidence of email communications between Azzam Publications and a U.S. Naval enlistee.

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<sup>9</sup> The CS has provided credible and reliable information to the FBI in the past which has been corroborated through various means including physical surveillance and the review of consensually monitored and recorded conversations with Shareef.

<sup>10</sup> The hand grenades, unbeknownst to Shareef, were inert.

36. Specifically, according to Shareef, in 2004, when he was either living with, or a frequent visitor of, Abujihaad and while in his presence, Abujihaad was reading an online news article, which Shareef believed to be from the *Washington Post's* website. Abujihaad read the article with Shareef looking over his shoulder. Abujihaad said, in substance, "I think this is about me" or "I think this article is talking about me." According to Shareef, the article only discussed the Connecticut case against Babar Ahmad and although it referenced Ahmad's possession of the battle group document and referenced email communications with a U.S. naval enlistee aboard the *U.S.S. Benfold*, the article did not otherwise identify or name Abujihaad. According to Shareef, upon realizing and stating that the article was about him, Abujihaad became visibly upset and emotional and began to cry. Abujihaad immediately threw away certain Azzam Publications videos and deleted certain computer files that reflected material from the Azzam Publications sites.

37. On December 8, 2006, the Chicago CS placed consensually recorded telephone calls to Abujihaad. During the first call, which took place at approximately 11:00 a.m. Central Time, the CS and Abujihaad (who was apparently still unaware of Shareef's arrest) negotiated the purchase of two AR-15 assault rifles for approximately \$1300. During the conversation, the CS suggests that Abujihaad "lay low," to which Abujihaad responds that he's "chillin'." The CS goes on to explain that Abujihaad should "chill out" because Shareef "told me and his other brother about you. About overseas and everything . . . about how you sent stuff to websites and all that." Abujihaad answers: "I mean, I corresponded with an email site . . . it wasn't nothin' top secret like these people are saying you know what I mean? I was just talking about, like, the Cole . . . whatever . . . He's an idiot. I mean he's an idiot." Later in the conversation the CS

again suggests that Abujihaad keep a low profile because Shareef “also said stuff like, you and him burnt all the records together, all your video tapes together . . . all this and that man . . .”

Abujihaad responds: “He’s a liar. He ain’t burned nothing with me. You know what I’m saying? I had some (UI) links that don’t have nothing to do with nobody. I got rid of them, know what I mean? . . . It’s stupid.”

38. During the second consensually recorded conversation, made just hours later at approximately 4:00 p.m., Central Time, the Chicago CS reported Shareef’s arrest to Abujihaad. After the CS tells Abujihaad of Shareef’s arrest, there is a noticeable change in Abujihaad’s statements and his willingness to acknowledge his relationship with both Shareef and the CS. Although the recording contains arguably self-serving exculpatory statements, the conversation also contains the remarks set forth below.

39. During the conversation, the CS states, “Man, what if he talks about us? What the fuck are we supposed to do?” To which Abujihaad responds “I don’t know, man. You just gotta be patient man. Hey listen, I’m gonna try to talk to this dude. Talk sense into him.” The CS goes on to say, “He was acting like you and him were tight like brothers.” To which Abujihaad responds, “We are tight like that. You know what I’m saying? We are tight like that.” Abujihaad goes on to state, however, “I ain’t seen him in years . . . he started talkin’ that shit . . .” Further on in the conversation, Abujihaad instructs the CS: “I’m telling you right now. I don’t know you. You don’t know me. I don’t know you.” To which the CS responds “No, no that’s the way it’s gonna be all right because I don’t want none of this crap gettin’ out.” To which Abujihaad responds, “That’s it. I’m just sayin’ I don’t know you. I don’t know nothing bout what this dude talkin’ about. I don’t know you . . . I don’t know you. The phone numbers .

. . say if they look at records. That's because you know what I'm sayin' that phone number is because he called me from this number. I tried to talk some sense into him . . . I don't know. I don't know nobody . . . I don't know you. I don't know him . . . I just try to follow Islam . . . don't teach nothing about terrorism." Later in the conversation Abujihaad also states: "I'm sayin' if they come to me I'm gonna be like I don't know this dude. I ain't seen him in two years, he came at me with some bullshit. You know what I'm sayin'? I turn around and don't want nothin' to do with it." Further on in the conversation, in response to the CS's expressing concerns about Shareef talking about his connections with them and the CS being nervous about "getting caught up in all this," Abujihaad responds "I ain't sayin' nothing. You know what I'm sayin'. All I can do is be patient."

40. Still later in the conversation the CS broaches the topic of Abujihaad's destruction of Azzam Publication materials in 2004, claiming that Shareef had told him about Abujihaad's burning some records in Phoenix. Abujihaad responds "But I ain't burn no records . . . What kind of record he talkin' about? He's stupid. He don't even know nothin' . . . I had an article from the internet called uh, "How to Train Yourself for J."<sup>11</sup> . . . . I just got rid of stupid internet articles. What record is he talking about? . . . . He doesn't even know what he's talking about. You know what I'm saying. It was article you get off the internet. That's what I'm sayin' . . . it's not even beneficial." A bit further in the conversation the CS states: "Derek's got a big mouth. I mean he told me personal things like you – and I'm not sayin' you did – but this is what I'm sayin' he sayin to people. That you were emailing Azzam's website on some ordinance crap

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<sup>11</sup> "How to Train Yourself for Jihad" is a known Azzam Publications article that appeared on the websites.

in the Navy.” In response, Abujihaad states: “He lie . . . . There’s nothing, you know every computer has an IP address. You know what I mean? . . . If you’re doing something like that, they’re gonna catch you anyway doing that. So he’s an idiot. You know what I’m sayin? Like, I’m gonna say, I ain’t seen this dude in X amount of time. Dude came over here with some bullshit, talking about (UI) and he just trying to blow himself up so he throw my name into it.” Towards the end of the conversation, the CS states “If I were you I’d be breaking out to Morocco for a few months,” to which Abujihaad responds, “yeah.” The CS goes on to say, “I mean, honestly, especially with that Navy crap because he running his mouth to everybody about that stuff.” To which Abujihaad responds “He’s an idiot.” The CS states: “All it takes is for him now just to say something. It’s over.” To which Abujihaad responds, “He probably already did . . . .”

**CONCLUSION**

41. Based upon the foregoing, there is probable cause to believe, and I do believe, that in or about 2001, in the District of Connecticut and elsewhere, the defendant, **HASSAN ABUJIHAAD a/k/a "Paul R. Hall,"** (1) provided material support or resources, knowing or intending that they were to be used in preparation for, or in carrying out, a violation of 18 U.S.C. § 2332(b) (conspiring to kill United States nationals), in violation of 18 U.S.C. § 2339A; and (2) knowingly delivered, communicated, transmitted or caused the delivery, communication or transmission of classified information relating to the national defense to persons not entitled to receive it, in violation of 18 U.S.C. § 793(d).

42. Your affiant further requests that this Affidavit be sealed to avoid compromising an ongoing investigation.

\_\_\_\_\_  
David G. Dillon  
Special Agent  
Federal Bureau of Investigation

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Subscribed and sworn to before me this \_\_\_\_ day of March 2007, at Bridgeport, Connecticut.

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HOLLY B. FITZSIMMONS  
UNITED STATES MAGISTRATE JUDGE