



U.S. Department of Justice

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December 10, 2013

Richard Reeve, Esq.
Anand Balakrishnan, Esq.
Sheehan and Reeve
139 Orange Street, Suite 301
New Haven, CT 06510

Re: *United States v. Syed Talha Ahsan*, 3:06CR194(JCH)

Dear Attorneys Reeve and Balakrishnan:

This letter confirms the plea agreement between your client, Syed Talha Ahsan (the “defendant”), and the United States Attorney’s Office for the District of Connecticut (the “Government” or “this Office”) concerning the referenced criminal matter.

THE PLEAS AND OFFENSES

Syed Talha Ahsan agrees to plead guilty to (1) conspiracy in a violation of 18 U.S.C. § 371 (Count One) and (2) providing material support to terrorists in violation of 18 U.S.C. §§ 2339A and 2 (Count Two) of the Indictment. He understands that to be guilty of these offenses the following essential elements of the offense must be satisfied for each count:

Count One:

1. That two or more persons agreed to provide material support to terrorists, as charged in the indictment.
2. That the defendant was a party to or member of that agreement;
3. That the defendant joined the agreement or conspiracy knowing of its objective and intending to join together with at least one other conspirator to achieve that objective; and
4. That at some time during the existence of the agreement or conspiracy, at least one of its members performed an overt act in order to further the objective of the agreement.

Count Two:

1. The defendant, within the United States, provided material support or resources or concealed or disguised the nature, location, source, or ownership of material support or resources, or aided and abetted the provision of such support; and

2. The defendant did so intending that such support or resources be used in preparation for or in carrying out, or in preparation for or in carrying out the concealment of an escape from the commission of, violations of one or more of the following: Title 18, United States Code, Section 956 (conspiracy to commit at a place outside the United States an act that would constitute the offense of murder, kidnaping, or maiming if committed in the special maritime and territorial jurisdiction of the United States, where one of the conspirators committed an act within the jurisdiction of the United States to effect an object of the conspiracy); or Title 18, United States Code, Section 2332(b) (attempt or conspiracy to kill a national of the United States while such national is outside the United States).

The defendant understands that the term “material support or resources” includes currency, financial services, communications equipment, personnel, lodging, training, safehouses, false documentation and identification, facilities, transportation and other physical assets, including military items.

THE PENALTIES

The conspiracy charge in Count 1 carries a maximum penalty of 5 years imprisonment and a \$250,000 fine. Count 2 carries a maximum penalty of 10 years imprisonment and a \$250,000 fine. Thus, the total effective statutory maximum is 15 years imprisonment and a \$500,000 fine.

The defendant also is subject to the alternative fine provision of 18 U.S.C. § 3571. Under this section, the maximum fine that may be imposed on the defendant is the greatest of the following amounts: (1) twice the gross gain to the defendant resulting from the offense; (2) twice the gross loss resulting from the offense; or (3) \$250,000 for each count.

In addition, the defendant is obligated by 18 U.S.C. § 3013 to pay a special assessment of \$100 on each count of conviction, for a total of \$200. The defendant agrees to pay the special assessment on or before the date of sentencing unless he establishes an inability to pay on or before the date of sentencing through the financial disclosure to the Probation Office as part of the presentence investigation and report, in which case the defendant agrees to pay it as soon as practicable.

Forfeiture

Upon conviction of one or more of the federal crimes of terrorism offenses alleged in this Indictment, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(G), all right, title, and interest in all assets: (i) of any individual, entity, or organization engaged in planning or perpetrating any federal crime of terrorism against the United States, its citizens or residents, or their property, and all assets affording any person a source of influence over any such entity or organization; (ii) acquired or maintained by any person with the intent and for the purpose of supporting, planning, conducting, or concealing any federal crime of terrorism against the United States, its citizens or residents, or their property; (iii) derived from, involved in, or

used or intended to be used to commit any federal crime of terrorism against the United States, its citizens or residents, or their property; and (iv) of any individual, entity, or organization engaged in planning or perpetrating any act of international terrorism against any international organization or against any foreign Government, including but not limited to, the following:

1. One (1) MT5 Computer Tower Computer (SN 11326020070930)
2. One (1) Dell Dimension Tower Computer (SN 80D1X0J)
3. Any and all loose electronic media, including but not limited to 118 compact disks, 114 floppy disks, and one USB flash drive seized by authorities in searches of residences associated with the defendant in London, England.

The defendant understands and agrees that by virtue of his pleas of guilty he waives any rights or cause of action to claim that he is a “substantially prevailing party” for the purpose of recovery of attorney fees and other litigation costs in any related forfeiture proceeding pursuant to 28 U.S.C. § 2465(b)(1).

THE SENTENCING GUIDELINES

Applicability

The defendant understands that the Court is required to consider any applicable Sentencing Guidelines as well as other factors enumerated in 18 U.S.C. § 3553(a) to tailor an appropriate sentence in this case. The defendant agrees that the Sentencing Guideline determinations will be made by the Court, by a preponderance of the evidence, based upon input from the defendant, the Government, and the United States Probation Office.

Acceptance of Responsibility

At this time, the Government agrees to recommend that the Court reduce by two levels the defendant’s adjusted offense level under § 3E1.1(a) of the Sentencing Guidelines, based on the defendant’s prompt recognition and affirmative acceptance of personal responsibility for the offense. Moreover, should the defendant qualify for a decrease under § 3E1.1(a) and his offense level determined prior to the operation of subsection (a) is level 16 or greater, the Government will file a motion with the Court pursuant to § 3E1.1(b) which recommends that the Court reduce the defendant’s Adjusted Offense Level by one additional level based on his prompt notification of his intention to enter his pleas of guilty. The defendant expressly understands that the Court is not obligated to accept the Government’s recommendations on the reductions.

The above-listed recommendations are conditioned upon the defendant’s affirmative demonstration of acceptance of responsibility, by (1) truthfully admitting the conduct comprising the offense(s) of conviction and truthfully admitting or not falsely denying any additional relevant conduct for which the defendant is accountable under Sentencing Guideline § 1B1.3, and (2) truthfully disclosing to the Probation Office personal information requested, including the submission of a complete and truthful financial statement detailing the defendant’s financial condition.

In addition, the Government expressly reserves the right to seek denial of the adjustment for acceptance of responsibility if the defendant engages in any acts, unknown to the Government at the time of the signing of this agreement, which (1) indicate that the defendant has not terminated or withdrawn from criminal conduct or associations (Sentencing Guideline § 3E1.1); or (2) could provide a basis for an adjustment for obstructing or impeding the administration of justice (Sentencing Guideline § 3C1.1). Moreover, the Government reserves the right to seek denial of the adjustment for acceptance of responsibility if the defendant seeks to withdraw his plea of guilty or takes a position at sentencing, or otherwise, which, in the Government's assessment, is inconsistent with affirmative acceptance of personal responsibility. The defendant understands that he may not withdraw his plea of guilty if, for the reasons explained above, the Government does not make one or both of the recommendations or seeks denial of the adjustment for acceptance of responsibility.

Stipulation

Pursuant to § 6B1.4 of the Sentencing Guidelines, the defendant and the Government have entered into a stipulation, which is attached to and made a part of this plea agreement. The defendant understands that this stipulation does not set forth all of the relevant conduct and characteristics that may be considered by the Court for purposes of sentencing. The defendant understands that this stipulation is not binding on the Court. The defendant also understands that the Government and the United States Probation Office are obligated to advise the Court of any additional relevant facts that subsequently come to their attention.

Guidelines Stipulation

The parties agree as follows:

The Guidelines Manual in effect on November 1, 2000 is used to determine the applicable Guidelines range.

For Count 2, the parties stipulate that the defendant's base offense level under U.S.S.G. §§ 2X2.1 and 2A1.5 is 28. The parties further stipulate that this base offense level is increased by 12 levels under § 3A1.4 because the offense involved or was intended to promote a federal crime of terrorism.

For Count 1, the parties agree that under § 2X1.1(c), the offense conduct for this count is covered by the Guidelines section applicable for Count 2.

The defendant reserves his right to argue that under § 3B1.2 a mitigating role decrease of two levels applies. Should the defendant advance this argument, the government reserves its right to oppose it. Both parties, however, recognize that such an adjustment does not materially impact the Guideline calculation set forth in this agreement.

Three levels are subtracted under U.S.S.G. § 3E1.1 for acceptance of responsibility, as noted above, resulting in a total offense level of 37.

Pursuant to § 3A1.4(b), because the offense involved, or was intended to promote, a federal crime of terrorism, the defendant's criminal history is automatically assigned Criminal History Category VI.

A total offense level 37, assuming a Criminal History Category VI, would result in a sentencing range of 15 years imprisonment given the statutory maximums of the offenses of conviction and a fine range of \$20,000 to \$200,000, U.S.S.G. § 5E1.2(c)(3). The defendant is also subject to a supervised release term of 2 years to 5 years. U.S.S.G. § 5D1.2.

The defendant reserves his right to seek departures or a non-Guideline sentence, including but not limited to a sentence of time served. The government reserves its right to respond and oppose any such requests.

The defendant expressly understands that the Court is not bound by this agreement on the Guideline ranges specified above. The defendant further understands that he will not be permitted to withdraw the plea of guilty if the Court imposes a sentence outside any of the ranges set forth in this agreement.

In the event the Probation Office or the Court contemplates any sentencing calculations different from those stipulated by the parties, the parties reserve the right to respond to any inquiries and make appropriate legal arguments regarding the proposed alternate calculations. Moreover, the Government expressly reserves the right to defend any sentencing determination, even if it differs from that stipulated by the parties, in any post-sentencing proceeding.

At sentencing, the defendant will request that the District Court recommend to the Bureau of Prisons that the defendant be given credit for time spent in official detention in the United Kingdom prior to his extradition to the United States. The government will not oppose this request. The parties understand, however, that any initial decision regarding credit for time spent in official detention in the United Kingdom prior to extradition will be made by the Bureau of Prisons. To the extent permitted by law, the defendant reserves his right to bring any adverse ruling regarding credit for time served by the Bureau of Prisons before the District Court.

Waiver of Right to Appeal or Collaterally Attack Conviction and Sentence

The defendant acknowledges that under certain circumstances he is entitled to challenge his conviction and sentence. The defendant agrees not to appeal or collaterally attack in any proceeding, including but not limited to a motion under 28 U.S.C. § 2255 and/or § 2241, the conviction or sentence imposed by the Court if that sentence does not exceed 180 months of incarceration, and a 5 year term of supervised release, even if the Court imposes such a sentence based on an analysis different from that specified above. The Government and the defendant agree not to appeal or collaterally attack the Court's imposition of a sentence of imprisonment concurrently or consecutively, in whole or in part, with any other sentence. The defendant acknowledges that he is knowingly and intelligently waiving these rights. Furthermore, the parties agree that any challenge to the defendant's sentence that is not foreclosed by this provision will be limited to that portion of the sentencing calculation that is inconsistent with (or not addressed by) this waiver.

Information to the Court

The Government reserves its right to address the Court with respect to an appropriate sentence to be imposed in this case. Moreover, the Government will discuss the facts of this case, including information regarding the defendant's background and character, 18 U.S.C. § 3661, with the United States Probation Office and will provide the Probation Officer with access to material in its file, with the exception of grand jury material.

WAIVER OF RIGHTS

Waiver of Venue

The defendant understands that by entering a plea, he is knowingly, intelligently and voluntarily waiving his right to a trial by an impartial jury in a particular place or "venue" in the United States. The defendant understands that the United States must prosecute an offense in a state or district in the United States where venue is proper. To the extent that the defendant believes venue is an issue, by entering into this plea agreement, the defendant expressly acknowledges that he is knowingly, intelligently and voluntarily waiving his right to be prosecuted or tried in another district or districts where venue may be proper; and he knowingly, intelligently and voluntarily consents to the disposition of this case in the District of Connecticut. Such a waiver of the right to be tried in a particular state and district is constitutionally permissible. See Singer v. United States, 380 U.S. 24, 35 (1965).

Waiver of Trial Rights and Consequences of Guilty Plea

The defendant understands that he has the right to be represented by an attorney at every stage of the proceeding and, if necessary, one will be appointed to represent him.

The defendant understands that he has the right to plead not guilty or to persist in that plea if it has already been made, the right to a public trial, the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against him, the right not to be compelled to incriminate himself, and the right to compulsory process for the attendance of witnesses to testify in his defense. The defendant understands that by pleading guilty he waives and gives up those rights and that, if the plea of guilty is accepted by the Court, there will not be a further trial of any kind.

The defendant understands that, if he pleads guilty, the Court may ask him questions about each offense to which he pleads guilty, and if he answers those questions falsely under oath, on the record, and in the presence of counsel, his answers may later be used against him in a prosecution for perjury or making false statements.

Waiver of Statute of Limitations

The defendant agrees that, should the conviction following defendant's plea of guilty pursuant to this plea agreement be vacated for any reason, then any prosecution that is not time-barred by the applicable statute of limitations on the date of the signing of this plea agreement (including any indictment or counts the Government has agreed to dismiss at sentencing pursuant

to this plea agreement) may be commenced or reinstated against defendant, notwithstanding the expiration of the statute of limitations between the signing of this plea agreement and the commencement or reinstatement of such prosecution. The defendant agrees to waive all defenses based on the statute of limitations with respect to any prosecution that is not time-barred on the date the plea agreement is signed.

Waiver in Right of Immigration Status

The defendant understands that pleading guilty may have consequences with respect to his immigration status if he is not a citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including the offense(s) to which the defendant is pleading guilty. Indeed, because the defendant is pleading guilty to providing material support to terrorists, removal is presumptively mandatory. Removal and other immigration consequences are the subject of a separate proceeding, however, and the defendant understands that no one, including his attorney or the district court, can predict to a certainty the effect of his conviction on his immigration status. The defendant nevertheless affirms that he wants to plead guilty regardless of any immigration consequences that his plea may entail, even if the consequence is automatic removal from the United States.

The defendant understands that he is bound by his guilty plea regardless of the immigration consequences of the plea and regardless of any advice the defendant has received from his counsel or others regarding those consequences. Accordingly, the defendant waives any and all challenges to his guilty plea and to his sentence based on those consequences, and agrees not to seek to withdraw his guilty plea, or to file a direct appeal or any kind of collateral attack challenging his guilty plea, conviction or sentence, based on the immigration consequences of his guilty plea, conviction and sentence.

INTERNATIONAL PRISONER TRANSFER PROGRAM

If the defendant is eligible and applies to transfer his sentence pursuant to the international prisoner transfer program and meets all the terms and conditions set forth in this Plea Agreement, including the notification term described below, the United States Attorney's Office for the District of Connecticut agrees to support the defendant's transfer application. The United States Attorney's Office for the District of Connecticut further agrees that it will use reasonable, good faith efforts to support the defendant's transfer application by responding in a timely fashion to the Office of Enforcement Operations ("OEO") of the Criminal Division of the United States Department of Justice. The defendant acknowledges and understands, however, that the transfer decision rests in the sole discretion of the Office of Enforcement Operations ("OEO") of the Criminal Division of the United States Department of Justice and that the position of the U.S. Attorney's Office for the District of Connecticut is neither binding nor determinative of the positions of other federal agencies or on the final transfer decision of OEO. Defendant further understands that in addition to OEO, federal law and the underlying transfer treaties require that the foreign government must also approve the transfer. To facilitate his possible transfer, the defendant intends to request that the District Court recommend to the Bureau of Prisons that he be designated to serve his sentence of incarceration in MCC-Manhattan. The government will not oppose this request, but the parties understand that any

designation is wholly within the discretion of the Bureau of Prisons and cannot be ordered by the District Court.

Prior to sentencing, the defendant shall notify the United Kingdom Ministry of Justice, in writing, that he will not contest the imposition of a term of supervision under applicable U.K. law, should he be transferred to the United Kingdom under the auspices of the International Prisoner Transfer Program.

ACKNOWLEDGMENT OF GUILT AND VOLUNTARINESS OF PLEA

Syed Talha Ahsan acknowledges that he is entering into this agreement and is pleading guilty freely and voluntarily because he is guilty of conspiring to provide and providing material support to terrorists. The defendant further acknowledges that he is entering into this agreement without reliance upon any discussions between the Government and him (other than those described in the plea agreement letter), without promise of benefit of any kind (other than the concessions contained in the plea agreement letter), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges his understanding of the nature of the offense to which he is pleading guilty, including the penalties provided by law. The defendant also acknowledges his complete satisfaction with the representation and advice received from his undersigned attorneys. The defendant and his undersigned counsel are unaware of any conflict of interest concerning counsel's representation of the defendant in the case.

The defendant acknowledges that he is not a "prevailing party" within the meaning of Public Law 105-119, section 617 ("the Hyde Amendment") with respect to the count of conviction or any other count or charge that may be dismissed pursuant to this agreement. The defendant voluntarily, knowingly, and intelligently waives any rights he may have to seek attorneys' fees and other litigation expenses under the Hyde Amendment.

SCOPE OF THE AGREEMENT

The defendant acknowledges that this agreement is limited to the undersigned parties and cannot bind any other federal authority, or any state or local authority. The defendant acknowledges that no representations have been made to him with respect to any civil or administrative consequences that may result from this plea of guilty because such matters are solely within the province and discretion of the specific administrative or governmental entity involved.

COLLATERAL CONSEQUENCES

The defendant further understands that he will be adjudicated guilty of each offense to which he has pleaded guilty and will be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to possess firearms. Finally, as described above, the defendant may be subject to deportation or removal from the United States as a consequence of his conviction as well as exclusion from admission or readmission to the United States. The defendant understands that pursuant to section 203(b) of the Justice For All Act, the Bureau of Prisons or the Probation Office will collect a DNA sample from the defendant for analysis and

indexing. Finally, the defendant understands that the Government reserves the right to notify any state or federal agency by which he is licensed, or with which he does business, as well as any current or future employer of the fact of his conviction.

SATISFACTION OF FEDERAL CRIMINAL LIABILITY; BREACH

The defendant's guilty plea, if accepted by the Court, will satisfy the federal criminal liability of the defendant in the District of Connecticut as a result of his conspiring to provide and providing material support to terrorists, which forms the basis of counts One and Two of the Indictment in this case. After sentencing, the Government will move to dismiss the remaining charges of the Indictment as they apply to this defendant.

The defendant understands that if, before sentencing, he violates any term or condition of this agreement, engages in any criminal activity, or fails to appear for sentencing, the Government may void all or part of this agreement. If the agreement is voided in whole or in part, defendant will not be permitted to withdraw his plea of guilty.

NO OTHER PROMISES

The defendant acknowledges that no other promises, agreements, or conditions have been entered into other than those set forth in this plea agreement, and none will be entered into unless set forth in writing, signed by all the parties.

This letter shall be presented to the Court, in open court, and filed in this case.

Very truly yours,

DEIRDRE M. DALY
ACTING UNITED STATES ATTORNEY

STEPHEN B. REYNOLDS
ASSISTANT UNITED STATES ATTORNEY

ALEXIS L. COLLINS
TRIAL ATTORNEY, CTS-DOJ

RAY MILLER
ASSISTANT UNITED STATES ATTORNEY

The defendant certifies that he has read this plea agreement letter and its attachment(s) or has had it read or translated to him, that he has had ample time to discuss this agreement and its attachment(s) with counsel and that he fully understands and accepts its terms.

SYED TALHA AHSAN
The Defendant

Date

I have thoroughly read, reviewed and explained this plea agreement and its attachment(s) to my client who advises me that he understands and accepts its terms.

RICHARD REEVE, ESQ.
Attorney for the Defendant

Date

ANAND BALAKRISHNAN, ESQ.
Attorney for the Defendant

Date

Stipulation

1. The defendant, Syed Talha Ahsan (“Mr. Ahsan”), and the government stipulate to the following offense conduct that gives rise to the defendant’s agreement to plead guilty to Counts One and Two of the indictment in this case. Sections of this stipulation contain information of which the defendant did not have personal knowledge.
2. Syed Talha Ahsan is a resident and citizen of the United Kingdom. During the entire period of this indictment he was resident and living in the United Kingdom.
3. Between 1997 and 2002, Babar Ahmad (“Mr. Ahmad”) helped to establish and operate a family of websites collectively known as Azzam Publications. During the entire period of its existence, Azzam Publications was an entity based in the United Kingdom. Azzam Publications was named after Sheikh Abdullah Azzam.
4. Azzam Publications established its first website in 1997. This website first went online on February 20, 1997 at www.webstorage.com/~azzam and then subsequently at www.azzam.com. From January 1997 until December 1998, Azzam Publications purchased web hosting services from Webstorage.com. Webstorage.com was owned by Internet Quality Services (IQS) in Nevada.
5. From February 1999 until September 2001, Azzam Publications purchased web hosting services from Alabama-based Allwebco.com. Allwebco was a reseller of internet web-hosting services who purchased and leased bandwidth and server storage space from OnLineMarketing (OLM), LLC, a web hosting company whose headquarters were located in Trumbull, Connecticut. OLM stored Azzam.com’s data on its servers in Lisle, Illinois. Mr. Ahmad had administrative access to Azzam.com.
6. Azzam.com went offline on September 27, 2001 and was no longer hosted by Allwebco, on OLM servers. Azzam.com remained offline until November 20, 2001. In October 2001, Azzam Publications received donated web space on a server in Canada for Azzam.com. Thereafter, from late November 2001 until July 2002, when Azzam.com shut down permanently, it was hosted through a provider of internet webhosting services located in Indonesia.
7. The second website established by Azzam Publications was www.qoqaz.net. Qoqaz.net was established with and hosted by Swift Internet, a company located in the United Kingdom. Qoqaz.net went online in November 1999 and was primarily focused on the war in Chechnya. (“Qoqaz” is an Arabic term referring to the Caucasus region between the Black Sea and the Caspian Sea along the Russian border.). This English language site posted information from the Arabic language www.qoqaz.com. The home page of Qoqaz.net stated, “Qoqaz.net is an independent site and a translation of the Arabic Sawt-ul-Qoqaz. It has no affiliations or agreements with the latter.” Qoqaz.net had mirror sites, that is, identical sites in English that published the same content as Qoqaz.net but with different internet addresses. Qoqaz.net and its mirror sites were hosted by Swift Internet in the United Kingdom and on web space donated from around the world. Qoqaz.net and its mirror sites were operated out of the United Kingdom. One of Qoqaz.net’s mirror sites was hosted until September 2001 on donated web space belonging to a web hosting company in New Jersey named MindCraft, Inc., which utilized DNS servers resolving

to CI Host in Bedford, Texas. Qoqaz.net shut down as an independent site on September 15, 2001. From November 2001 until the permanent shut down of Azzam.com in July of 2002, the Qoqaz.net domain automatically redirected users to Azzam.com. Mr. Ahmad personally helped to establish and had administrative access to Qoqaz.net.

8. Azzam Publications accepted web-based voluntary assistance from individuals around the world, including the United States. This assistance took the form of translation, proofreading, and donations of web space for the Azzam Publications websites. No administrators of the websites were based outside the United Kingdom.

9. From February 20, 1997 until April 04, 1998 www.webstorage.com/~azzam included a page entitled, "Who is Azzam Publications?" The page stated: "Azzam Publications has been set up to propagate the call for Jihad, among the Muslims who are sitting down, ignorant of this vital duty. . . . Our purpose is to respond to Allah's call in Sura Nisa, ayah 84 (which means): 'Then Fight (O Muhammad) in the cause of Allah, you are not accountable except for yourself, and incite the believers to fight along with you' Thus the purpose of Azzam Publications is to 'Incite the believers' and also secondly to raise some money for the brothers." In 2000, an updated FAQs section of the website stated: "Since the number of sites on the Internet dealing exclusively about Jihad are very small in number, we have taken this obligation upon ourselves" The websites were primarily focused on the wars in Bosnia and Chechnya. The sites posted articles on how to train for Jihad, how to support the Jihad and Mujahideen, and gave guidance on how women could participate in Jihad. The sites posted biographies of martyrs.

10. Mr. Ahsan conspired to provide and assisted the provision of material support for terrorism in three ways through Azzam.com: (1) by assisting Mr. Ahmad, Mr. Ahsan assisted the solicitation of and conspired to provide funds for the Taliban regime in Afghanistan; (2) by assisting Mr. Ahmad, Mr. Ahsan assisted the solicitation of and conspired to provide personnel for the Taliban regime in Afghanistan; and (3) by assisting Mr. Ahmad, Mr. Ahsan assisted the solicitation of and conspired to provide physical items for the Taliban regime in Afghanistan. Mr. Ahsan did so intending that such support or resources be used in preparation for or in carrying out violations of one or more of the following: Title 18 United States Code Section 956 (conspiracy to commit at a place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming where one of the conspirators committed an act within the jurisdiction of the United States to effect an object of the conspiracy); or Title 18, United States Code, Section 2332(b) (attempt or conspiracy to kill a national of the United States while such national is outside the United States).

11. On February 1, 2001, Azzam Publications posted on its websites an article entitled "What You Can Do to Help the Taliban." This article provided detailed instructions on how to raise, transport and personally deliver over US\$ 20,000 in cash to the Taliban government via its consulate in Pakistan. At that time the Taliban was engaged in an armed conflict with the Northern Alliance.

12. In bold red capital letters, the article read, "URGENT APPEAL FOR CASH DONATIONS." The article stated: "An appeal for cash donations is especially urgent at this time (Spring 2001) since a joint U.S./Russian chemical strike on Afghanistan is imminent . . . After U.N. sanctions and international isolation, the Taliban are wholly dependent on their Muslim brothers and sisters

around the world to come to their aid . . . there are many things the Taliban is unable to do due to the lack of funds. As a reasonable estimate, at least \$10 million a month are required in donations from outside the country to be of any meaningful use At present, it is relatively simple for either Muslim organisations or wealthy individuals, to assist the Taliban financially. The procedure is given below: (a) Muslim communities, organisations, mosques and centres should collect money for the people of Afghanistan through appeals, collections and fundraising events. It is advisable to hold the appeals in the name of the people of Afghanistan rather than the Taliban, since the enemies of Islam will try to prevent fundraising for the Taliban in the future.”

13. The article stated, “(b) All the money collected should be converted into US\$ in cash and deposited with two or three wealthy, trustworthy and respected members of the community or organisation. . . . (c) At the end of each month, depending on the amount of the money, two or three of the same trustworthy members or elders of the community should travel to Karachi, Pakistan with the money in US\$ in cash.”

14. The article stated, “If a large amount of money is involved, it is probably advisable to send one or two trustworthy, young, strong, fit Muslims with the delegation for protection of the money and the delegation. The delegation should carry an official letter on the letterhead of the organisation or centre, giving the full names of the members of the delegation and that they are carrying donations for the suffering people of Afghanistan. Sample text for such a letter is found below:

‘To Whom it May Concern:

We would like to introduce our official delegation from the Islamic Centre of South Arlington who are carrying monetary assistance for the suffering people of Afghanistan.

The members of this delegation are listed below:

1. Abdullah Muhammad Saeed, American Passport Holder
2. Ishaq Mansoor Al-Katib, American Passport Holder
3. Muhammad Abdur-Rasheed, Canadian Passport Holder

They are carrying a quantity of cash donations which have been collected by the Muslim community of South Arlington and are to help the suffering people of Afghanistan. We request all those whom it may concern to allow the bearers of this letter to pass freely without let or hindrance and to provide them such assistance and protection as may be necessary.

[Signed]

Chairman of the Islamic Centre of South Arlington, USA”

15. The article stated, “UNDER NO CIRCUMSTANCES MUST ANY OF THE MONEY BE HANDED OVER TO ANY OFFICIAL OF ANY AIRPORT OR COUNTRY IN THE WORLD, EVEN FOR A FEW SECONDS. IF THERE IS A MAJOR PROBLEM, SAY THAT YOU WILL RETURN BACK TO YOUR COUNTRY WITH THE MONEY BUT THAT YOU WILL NOT HAND OVER THE MONEY TO ANYONE UNDER ANY CIRCUMSTANCES, EXCEPT ITS INTENDED RECIPIENTS. IF THEY OFFER TO KEEP THE MONEY SAFELY FOR YOU

UNTIL YOU DEPART, REFUSE AND INSIST TO STAY WITH THE MONEY, EVEN IF IT MEANS STAYING IN THE AIRPORT UNTIL THE NEXT FLIGHT.”

16. The article stated, “(d) Once safely in Karachi, Pakistan, the money should be handed over to the Official Taliban Consul-General, Mullah Rahmatullah, at the Taliban Consulate in Karachi, together with a copy of your official letter from your organisation . . . It may be necessary to go to the Consulate first in person with your official introductory letter and make an appointment with the Consul-General first. It is better not to make this appointment over the telephone since the enemies of Islam will try everything possible to prevent financial help from reaching the Taliban If you do call, it is better to call from a public call centre and not give your name or the name of your centre over the telephone . . . you will also have the opportunity to request anything specific you would like the money to be used for (if possible), ask questions about their current needs and perhaps arrange a visit into Afghanistan if you have time.”

17. The article stated, “Although, there is no minimum amount to the donation that you can give, since the Consul-General will also be busy with other things, it is advisable that you wait until your donation reaches at least \$20,000 before travelling to Pakistan.”

18. The site solicited personnel and physical items in addition to funds. The website stated: “Money alone is not sufficient. . . . Rather, educated and experienced Muslims are required in the forms of consultants and managers who can visit Afghanistan, perform a study of a projectreturn back to their countries and research how much that project is going to cost, raise the finance for that project and return to Afghanistan to supervise the completion of that project.”

19. Mr. Ahmad solicited and conspired to provide physical assets for the Taliban regime in Afghanistan. The Azzam.com website specifically asked for the donation of military suits and gas masks for the Taliban regime.

20. On a Canadian web server in use by Azzam Publications, there was a copy of a statement made by a Pakistani cleric, Muhammad Abdul-Qadir, called “Appeal to Pakistanis All Over the World.” The statement read: “To Pakistanis in Pakistan, America, Britain, Canada, Australia, the Middle East, and all other countries of the World Under orders from America the Pakistani Government has been told to tighten the issuing of entry visas to everyone they suspect of going to help the Muslims of Afghanistan For this reason, an appeal has been made for Pakistanis all over the World to make arrangements to travel to Pakistan, then Afghanistan, to participate in this blessed Jihad and defend the Islamic land of Afghanistan Because it is likely that they are the only ones able to travel to Pakistan without any immigration difficulties”

21. The statement read, “On the visa application form, write that the purpose of your trip is to visit relatives Remember that the Pakistani Government is NOT on the side of the Muslims and they will not be sympathetic to your desires to go and fight in Afghanistan Try to avoid mentioning your plans to other people, including your family, if you suspect that they are careless with their tongues.”

22. Azzam Publications also produced and/or sold a number of audio and video products that were advertised on the websites. Examples of these products included the audio cassettes entitled “In the Hearts of Green Birds” (1996) and “Under the Shades of Swords” (1997), which featured first-hand accounts of Muslim soldiers detailing their personal experiences on the battlefield in Bosnia during the 1992-95 war. These audio cassettes were produced in the United Kingdom. Mr. Ahmad was one of the narrators of these audio cassettes.

23. Azzam Publications also produced in the United Kingdom a VHS video cassette entitled “The Martyrs of Bosnia Part I” which was an English translation of a video originally produced by the 3rd Army Corps of the Bosnian Army. The video contained real combat footage from the war in the period 1992-93 and biographies and images of deceased soldiers.

24. Two other video products not produced by Azzam Publications were also advertised on Qoqaz.net. The first was a CD-ROM entitled “Russian Hell in the Year 2000,” which was a 50-minute video of battles in Chechnya in 1999 and 2000 between the Chechen Resistance and Russian troops. The second was a CD-ROM entitled “Chechnya from the Ashes,” which was a compilation of four videos: “A Library of Russian Crimes Against Humanity,” “Massacres in Chechnya,” “Martyrs of the Caucasus,” and “Russian Hell Part Two.”

25. Customers could purchase products from Azzam Publications by mail order. In order to do so, they had to mail a printed order form and cash or a UK Postal Order to Azzam Publications’ post office box in London, United Kingdom. The post office box address was publicized on the Azzam websites.

26. From early 2001 through August 2001, Mr. Ahsan, while a resident and living in the United Kingdom, assisted Mr. Ahmad by processing customer orders for media products advertised on the Azzam websites, as described in paragraphs 22-25 above. Mr. Ahsan processed orders received at Azzam Publication’s post office box in London and mailed purchased products to customers in the U.K. and abroad. As part of his duties, he made and provided to Mr. Ahmad electronic copies of correspondence sent to the Azzam Publication’s post office box. On one occasion, in the course of these duties, Mr. Ahsan received an unsolicited document sent to the Azzam post office box that purported to describe the makeup, capabilities, vulnerabilities and upcoming movements of a U.S. naval battle group from the United States to its deployment in the Persian Gulf. Mr. Ahsan created an electronic version of the document. The government contends and Mr. Ahsan does not dispute that this electronic version of the document was found in a residence of Babar Ahmad in December of 2003. The document was never posted on the website or otherwise disseminated.

27. The written stipulation above demonstrates that Mr. Ahsan conspired to provide and assisted the provision of material support for terrorism in violation of 18 U.S.C. §§ 2, 371 and 2339A by soliciting funds, personnel and equipment for the Taliban regime in Afghanistan. This stipulation is incorporated into the preceding plea agreement. Mr. Ahsan and the government reserve their right to present additional relevant offense conduct to the attention of the Court in connection with sentencing.

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