

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

Case Nos. 6:11-cr-277-Orl-31GJK  
6:12-cr-63-Orl-31GJK

MARCUS DWAYNE ROBERTSON

**GOVERNMENT'S SENTENCING MEMORANDUM**

**I. INTRODUCTION**

On January 8, 2014, the Court found the defendant, MARCUS DWAYNE ROBERTSON, guilty of conspiracy to submit a false claim to the United States. Doc. 237. In its Verdict, the Court made several findings of facts. In particular, the Court found that one of the defendant's conspirators, Jonathan Paul Jimenez, "came to Florida to live with Defendant who was Jimenez's mentor" and that "Jimenez was a relatively uneducated and unsophisticated individual who was being trained by Defendant for a mission overseas." Doc. 237-4 (emphasis added). The Court further found that "Defendant, Jimenez, and [Tony] Osias conspired to file the false tax return in order to obtain money for Jimenez's overseas mission." Doc. 237-4 (emphasis added).

One of the issues to be decided at the defendant's sentencing is whether the planned "overseas mission" qualifies for application of the terrorism enhancement set forth in U.S.S.G. § 3A1.4. When Jimenez was sentenced, the Court found that the enhancement did apply and that Jimenez intended on committing violent jihad overseas:

If it was a casual statement or two said in a joking manner or otherwise, my conclusion might be different; but, the she[e]r number and extent of the conversations concerning Mr. Jimenez' intent to commit jihad is under a preponderance of the evidence standards sufficient for me to conclude that the terrorism enhancement applies and that is Guideline 3[A]1.4.

The result should be the same with respect to the defendant in this case. Over the course of spending seven months living with the defendant, Jimenez learned about killing, suicide bombing, and identifying and murdering United States military personnel. According to Jimenez, he was getting prepared to do those acts to advance the cause of violent jihad. Jimenez's motive was that he believed that, by engaging in violent jihad and killing American military personnel and others, he would obtain forgiveness for his sins and be blessed with eternal life.

Jimenez did not learn any of this by himself. As has been recognized by the Court and the defendant, Jimenez is an uneducated and unsophisticated individual. He needed a teacher and a mentor. Over the course of seven months, the defendant served that role by instructing and training Jimenez in violent jihad. Proof of the defendant's role in training of Jimenez is found in the defendant's own background, his extensive collection of extremist documents and speeches from perpetrators of violent jihad, and the recordings that were made during the investigation of the defendant and Jimenez. This evidence proves that Jimenez was not learning about violent jihad on his own, but was adopting the extremist worldview of his teacher.

## **II. SENTENCING MEMORANDUM**

### **A. Background on the Defendant**

The defendant has been an extremist for many years. In the early 1990s, the defendant was a leader of the "Forty Thieves," which was a group of Muslims who conducted numerous armed robberies of Government installations and banks to generate funds that were used, among other things, to buy weapons and explosives. Doc. 98-1. As part of his crimes, the defendant murdered several individuals; participated in

assassination attempts; used pipe bombs, C-4, grenades, other explosives, and automatic weapons; participated in a robbery resulting in a hostage situation; and attempted the murder of police officers. Doc. 98-1. Following the first Gulf War, the Forty Thieves stockpiled weapons and explosives in preparation to fight against the perceived threat of interment of Muslims by the United States. Doc. 98-1. The defendant served as personal protection for the Blind Sheikh, Omar Abdel-Rahman, and personally gave over \$300,000 of the stolen funds to mosques that the defendant attended. Doc. 98-1. The defendant was arrested in 1991, testified for the prosecution, and served 4 years in prison. Doc. 98-1.

**B. The Defendant's Extremist Views**

The defendant continues to be an extremist who is seeking to promote acts of violent jihad. According to Jimenez,<sup>1</sup> the defendant is a recruiter for al-Qaeda who sends people overseas to fight. The defendant was responsible for putting it in Jimenez's head that Jimenez should want to go overseas and fight and die. The defendant taught Jimenez how to shoot guns, how to kill someone, employ one strike moves, the Quran, and "everything he knows." Jimenez was supposed to travel to West Africa where Jimenez would meet with the defendant's contacts. Jimenez was then supposed to attend an al-Qaeda-based camp in West Africa.

Proof of the extremist views that the defendant used to train Jimenez was found on the defendant's computer, which was seized during execution of federal search warrants.

---

<sup>1</sup> The information in this paragraph reflects statements made by Jimenez to another inmate. This information was included in the Government's Sentencing Memorandum and its Memorandum in Opposition to Defendant's Motion to Compel. Doc. 131, 146. Both of those documents summarized information provided in discovery.

The defendant's computer included documents and speeches from a "who's who" of extremists, including:

- Sayyid Qutb, who was identified in In The 9/11 Commission Report, at 51 (2004) as an influence on Usama Bin Laden's worldview
- Abu Hamza, who is serving a life sentence in federal prison for terrorism
- Abdullah Azzam, who was a founding member of al-Qaeda
- Abu Muhammad al-Maqdisi, who served a prison sentence in Jordan for recruiting jihadists to fight in Afghanistan and is a leading Jihadi Theorist.

The documents found on the defendant's computer include some of the works that form the ideological foundation of extremism, such as The Book of Jihad, Qutb's Milestones, Hamza's Allah's Governance of Earth, Azzam's Defense of the Muslim Lands: The First Obligation After Iman and Signs of ar-Rahman in the Jihad of Afghan. These documents, and the others found on the defendant's computer, set forth the defendant's extremist views and correspond to what the defendant taught Jimenez.<sup>2</sup>

The defendant's worldview starts with the premise that he hates the United States. The defendant has a conspiratorial view of the United States. At trial, the defendant struggled to remember the year when the 9-11 attacks occurred. Doc. 231-32 ("I say 9/11. I forget the exact year. I think it's 2001."). The defendant believes that known

---

<sup>2</sup> This section of the Sentencing Memorandum will summarize a sample of some of the extremist beliefs that were found in documents on the defendant's computer. Due to the number of those documents, an exhibit has been attached to this Memorandum as Exhibit A that compiles a sample of those extremist statements, with quotations and citations. Pertinent portions of the documents found on the defendant's computer are included as Exhibit Nos. B to U. The undersigned apologizes for the size of the exhibits, but wanted to get them to the Court and the defendant in advance of sentencing. The United States will electronically file a table of contents for the exhibits, along with Exhibit A. The United States will provide a paper copy of the remaining exhibits to the Court and will provide a copy of them at the same time to defense counsel.

terrorists, such as Anwar al-Aulaqi, should not have been killed,<sup>3</sup> and his computer includes documents that claim that the 9-11 attacks were not perpetrated by Usama Bin Laden and al-Qaeda, but were actually perpetrated by the United States. Based on the documents on his computer, the defendant believes that the “war on terror” is nothing more than a way to get control over oil and that the United States is an oppressor that acts “tyrannically” in Muslim lands.

The defendant’s hatred of the United States is evident in some of the recordings of him. In Arabic, the term “kuffar” (also kufar or kafir) means “disbeliever.” The defendant believes that the United States is the land of the “kuffar” that must be destroyed: <sup>4</sup>

**Every, every tornado that comes over there is to destroy that place. May it destroy the land of the disbelievers. And the people that are living in the land of the disbelievers, what’s the ruling on them if they get destroyed with the kuffar? They shouldn’t have been there if they could leave. You know?**

**In this recording on May 25, 2011, ROBERTSON stated that he had been praying for the destruction of the land of the disbelievers (United States) since he was in Egypt, which was last documented to be in 2005. The defendant’s hatred of the United States has caused him to state that he is looking to leave the country and that he wants to give up his American citizenship “[j]ust as long as they let me get another country.”<sup>5</sup>**

---

<sup>3</sup> Ex. V, at 2 (“The non-Muslims killed him by blowing his car up etc. Because they didn’t like what he said.”).

<sup>4</sup> In this Memorandum, the portions that summarize the recordings that have been submitted to the Court are highlighted in **bold**. For example, the portion in bold in this paragraph is from the May 25, 2011 excerpt. Unless otherwise indicated, quotations are from recorded conversations. References to CONSPIRATOR #2 are to the same individual referenced in prior filings (e.g., Doc. 98).

<sup>5</sup> May 25, 2011 excerpt (CM 1D18.1).

The defendant's hatred is not limited to the United States. The defendant's computer includes a collection of documents that advocate the violent overthrow of rulers in Muslim states. As evidenced by the documents on his computer, the defendant's goal is the establishment of sharia law [Islamic law]. The defendant believes that democracy is "kufr" [disbelief in Allah] and that individuals should be "reliev[ed]" from the "corruptions, harms and burdens of democratic elections."

To achieve the establishment of sharia law, the defendant supports the use of violent jihad. Contrary to what the defendant is expected to argue at sentencing, his version of jihad is not limited to peaceful self-improvement. Rather, the defendant's documents prove that the defendant believes that "Jihad means fighting" and that its definition includes "waging war against a non-Muslim who has no peace agreement with Muslims and the fighting is for the sake of the word of Allah to prevail," "fighting the non-Muslim who attacks Muslim territory," and "attacking non-Muslims in their [Muslims'] land." According to the defendant's own documents, jihad can only be accomplished with bloodshed, and it is better to be on the battlefield than any other place. Indeed, "Fighting alone pleases Allah."

From reviewing the defendant's documents, there is no doubt who the defendant believes should be the subject of such violent jihad, which is the kuffar. "Jihad against Kufar is among the greatest of deeds," and the term "Jihad is overwhelmingly used to refer to fight against non-believers[.]" Any non-believer met in battle should be killed. If the kuffar cannot be defeated, then it "becomes incumbent on all the Muslims of the world" to join in the fight.

According to the defendant's documents, individuals who participate in violent jihad are considered to be the Mujahideen. The Mujahideen "offer their blood and person" on the "field of battle." Despite the grief of parents and the distress it may entail, the Mujahideen do this and martyr themselves for the "protection of the religion:"

That is, jihad (with the parents grief and distress it may entail) is protection of the religion which has priority over the protection of the individual. Moreover, Jihad itself is the destruction of the mujahid's self if he is martyred. In which case the protection of the religion is assured.

The defendant's documents indicate that individuals who die while engaging in violent jihad are martyrs. "The honor of martyrdom is achieved only when one is fighting in the cause of God, and if one is killed for any other purpose this honor will not be attained." "Martyrdom is a great blessing and a noble status that is not given except to the very fortunate." Martyrs who engage in jihad receive many benefits, such as forgiveness of sins and a guaranteed place in Paradise.

The documents on the defendant's computer propose several ways for an individual to die as a martyr, such as "immersing themselves within a large army of nonbelievers in search of martyrdom and causing damage to the enemy" and fighting the enemy by oneself. In addition, suicide bombing is specifically endorsed as a means to engage in violent jihad:

Although I have some remarks on these operations which are carried out by certain youths in Palestine by exploding themselves with bombs in order to make Jihad against the Jews and to inflict gross damage within their tanks, I disagree with those who regard it as suicide and that the executor is decreed to Hellfire.

According to one of the defendant's documents, suicide bombing is permissible under certain conditions, such as where the "latest technological methods" are used to

“minimize[] the number of victims in the ranks of the Mujahideen,” where “[t]hese operations . . . focus on military targets which distress the enemy,” and where “the motive behind such operations” is to obtain “a truly important and general” benefit or to repel a blight “that can not be repelled in any other way.”

To motivate an individual, such as Jimenez, to become a martyr, the defendant’s documents advise that an individual should embrace the fact that he is going to die and accept that “the death of the martyr is the easiest, most honorable and most noble type of death.” The defendant’s documents encourage individuals in his position to train and support others who will be engaging in violent jihad. His documents urge participation in jihad across the world, and they criticize moderate voices in the Muslim community or anyone who seeks to cooperate with law enforcement.

**C. Jimenez’s Arrival in Central Florida**<sup>6</sup>

By his own admission, the defendant has known Jimenez since the 9-11 attacks. Doc. 231-32 (“Mr. Jimenez, I’ve known him since 9/11.”). On November 18, 2010, Jimenez traveled to Central Florida and began living with ROBERTSON. About 10 days after Jimenez’s arrival, the following Google entry was found in the internet history of the defendant’s computer: “origin of the word assassin.”<sup>7</sup> Ex. U. The internet history of the defendant’s computer also shows a Wikipedia entry, around that same time, for Hashshashin, which is the Arabic term for assassin. Ex. U.

---

<sup>6</sup> Parts II.C through II.G of this Memorandum summarize some of the information contained in the recordings that have been filed, the PSR dated April 22, 2015 (PSR), and the affidavit for the search warrants of ROBERTSON’s residences in Case Nos. 6:11-mj-1362 & 1363 (SW Aff.).

<sup>7</sup> The word “assassin” was misspelled by the person who typed it.

Shortly after his arrival, Jimenez began describing the defendant's plan of training him to become an assassin to a cooperating source (CS-1) of the FBI. As was reported by CS-1 on January 15, 2011, Jimenez told CS-1 that he felt he was being trained and groomed by ROBERTSON to join in violent jihad and fight for Islam overseas. Jimenez advised that he wanted to participate in violent jihad overseas and hoped to see action in battle. Jimenez described Usama Bin Laden and Anwar al-Aulaqi as good brothers and prayed that Allah kept Bin Laden safe.

On January 19, 2011, CS-1 reported that ROBERTSON confided to CS-1 that ROBERTSON was preparing Jimenez to travel overseas. ROBERTSON commented that Jimenez was going to be "taking care of business."

On January 24, 2011, in a recorded conversation, Jimenez stated that ROBERTSON wanted Jimenez to learn about Islam first and then ROBERTSON would teach Jimenez how to kill. **At that time, ROBERTSON believed that Jimenez was still a "tadpole" who would continue to study under ROBERTSON until ROBERTSON decided that Jimenez was ready to travel overseas. Jimenez explained how ROBERTSON was providing him paramilitary-style training to include tactical entry and room clearing as well as troop leading procedures. Jimenez stated that ROBERTSON was training Jimenez on "kill moves," such as the "guillotine choke."**<sup>8</sup> As part of Jimenez's training, ROBERTSON warned Jimenez about the possibility of law enforcement coming to get Jimenez and the need to be able to "take them n\_\_\_\_\_ out."

---

<sup>8</sup> January 24, 2011 excerpt (CM 1D1.2). See also SW ¶ 17.

**On January 29, 2011, in recorded conversations, Jimenez discussed his desire to die as a martyr in violent jihad and noted that it is better to fight for the cause of Allah than to make hajj (pilgrimage to Mecca), but doubted his readiness to do so (“I don’t feel content to die right now and that’s not good.”).<sup>9</sup> Jimenez stated that he planned on returning to New York and traveling to Saudi Arabia to make Umrah. Jimenez would then return to receive “another lesson” from ROBERTSON before departing for Mauritania. Jimenez stated that his goal is “[t]o study and one day fight. [Arabic saying], die on the battlefield.” Jimenez expressed a desire to learn how to be “dangerous” with the knife and “how to cut somebody up.” According to Jimenez, ROBERTSON was teaching Jimenez the basics of knife fighting. ROBERTSON told Jimenez that he was “gonna learn weapons,” but that ROBERTSON wanted him to become “deadly” with his hands prior to learning how to fight with weapons.<sup>10</sup>**

**On January 31, 2011, in a recorded conversation, Jimenez expressed his desire to see action in battle and to die on the battlefield where all of his sins will be forgiven:**

**I don’t just want to be in the battle, I want to die on the battlefield, but I don’t mind going through a few battles [laughing]. You know I don’t know when the Lord is going to take my soul, but at least let me. . . they say when you hit the dirt, not even when you fight B’, when you hit the dirt all of your sins are forgiven. When your feet touch that battle - grizzie sins are [Jimenez makes noise].<sup>11</sup>**

---

<sup>9</sup> January 29, 2011 excerpt (CM 1D2.2a). See also SW Aff. ¶ 18.

<sup>10</sup> January 29, 2011 excerpt (CM 1D2.2c). See also SW Aff. ¶ 19.

<sup>11</sup> January 31, 2011 excerpt (CM 1D2.3). See also PSR ¶ 14; SW Aff. 20.

**Jimenez explained the significance of ROBERTSON's plan to have Jimenez make Umrah (a pilgrimage to Mecca performed by Muslims that can be undertaken at anytime of the year) prior to traveling to Mauritania. Jimenez stated that ROBERTSON wanted him to cleanse himself of his sins in the event that Jimenez was to "jump off" and die.<sup>12</sup>**

**D. Jimenez Completes The "Tadpole" Stage of Training**

On February 4, 2011, CS-1 reported that Jimenez stated that he had completed the "tadpole" stage of his training with ROBERTSON and was moving into the next stage of his development, to include firearms training. On February 5, 2011, in a recorded conversation, Jimenez stated that he planned on putting his training from ROBERTSON to use one day **and that ROBERTSON was going to take him to the shooting range to continue his weapons training. Jimenez expressed his desire to "be better than the police" in the event of an armed confrontation with law enforcement.<sup>13</sup>** On February 11, 2011, CS-1 reported that Jimenez stated that he was receiving firearms training from ROBERTSON, but that he had not yet participated in any live shooting exercises.

On February 18, 2011, CS-1 reported that Jimenez stated that ROBERTSON was teaching Jimenez the United States military rank structure. Jimenez claimed that ROBERTSON instructed him to kill the officers first as they are the ones who direct the enlisted personnel and send them into battle. ROBERTSON instructed Jimenez that it was mandatory to kill the Marines as they are the fighters and warriors on the battlefield.

---

<sup>12</sup> January 31, 2011 excerpt (CM 1D2.3). See also SW Aff. ¶ 20.

<sup>13</sup> February 5, 2011 excerpt (CM 1D3.2a). See also SW Aff. ¶ 22.

On February 26, 2011, in a recorded conversation, Jimenez stated that **ROBERTSON said that Jimenez would be sent overseas to his people “with guns”:**

**He said, when I send you with my people, I’m sending you with, with guns. You know what I’m saying, Uzis. He said, then when you pass them, they gonna send you on another path, the other, you know what I’m saying, up the ladder, you know? To see if I’m ready to, you know?**

Also on February 26, 2011, Jimenez stated that **ROBERTSON wanted him to “fight to kill” and that ROBERTSON taught Jimenez that it is “wajib” (obligatory) to kill military officers, specifically generals, because they “can lead an army.”<sup>14</sup> ROBERTSON instructed Jimenez that it is mandatory to kill members of the military:**

**So, he said, some of them said it’s wajib, it’s obligatory, if you have, if you see them, and you can kill them and get away with it, and it’s not oppressing the Muslims, he said, you should do it. It’s obligatory on you to kill one of them cats. Now, if you know if you kill them and if they [UI], its haram [sinful]. When you know this dude is a general and he’s still an active, active within the military and teaching stuff, he said, yo, he said, yo, you take him out.**

**ROBERTSON warned Jimenez not to tell others that it was permissible to kill officers.<sup>15</sup>**

Also on February 26, 2011, Jimenez stated that **ROBERTSON was training Jimenez on firearms, including how to handle and conceal them. Jimenez stated that he had to learn to “fight with the pen first, the sword is second” and that ROBERTSON was training him “to be a mujahideen, akh, with the pen.” ROBERTSON taught Jimenez how**

---

<sup>14</sup> The portion in bold in the last half of this sentence is from the February 26, 2011 excerpt (CM 1D4.1a). See also PSR ¶ 14; SW Aff. ¶ 26.

<sup>15</sup> The portion in bold in the remainder of this paragraph and in the preceding paragraph is from the February 26, 2011 excerpt (CM 1D4.1b). See also PSR ¶ 14; SW Aff. ¶¶ 25, 26.

to obtain a firearm if necessary. Jimenez stated that ROBERTSON was under pressure to hurry up and send him overseas. Jimenez told CS-1 that he should not be talking about his plans overseas, including his training and being paid to be a “mercenary” overseas. Jimenez stated that he needed to “memorize the Quran” as his initiation.

**E. Delay in Overseas Travel**

On March 17, 2011, CS-1 reported that ROBERTSON was receiving calls about Jimenez’s status, in which he was told that Jimenez was supposed to be overseas already. ROBERTSON replied that Jimenez was not prepared to travel overseas.

On April 6, 2011, CS-1 reported that Jimenez told ROBERTSON that he felt like he was a burden on ROBERTSON. ROBERTSON replied that he was not a burden, but an investment. ROBERTSON told Jimenez that he does not want Jimenez to “freelance” or be involved in “murder for hire” when he leaves the United States, but wants him to be assigned to a group that gives him specific assignments.

**On April 7, 2011, in a recorded conversation, Jimenez explained that ROBERTSON had instructed him on how to kill people “in a good manner” and how to “do it with kindness.” Jimenez believed that ROBERTSON was prepared to make him a killer when he completed the religious aspects of his training.<sup>16</sup> On April 10, 2011, in a recorded conversation,<sup>17</sup> Jimenez stated that ROBERTSON was training him on how to transition from a firearm to a knife when close to an enemy and that ROBERTSON taught him how to shoot a BB gun and explained magazine ammunition capacity and magazine release.**

---

<sup>16</sup> April 7, 2011 excerpt (CM 1D8.4). See also SW Aff. ¶ 33.

<sup>17</sup> April 10, 2011 excerpts (CM 1D8.105 and CM 1D9.10). See also SW Aff. ¶ 34.

On April 11, 2011, in a recorded conversation, CONSPIRATOR #2 expressed concern that others were aware of Jimenez's overseas travel. CONSPIRATOR #2 gave Jimenez the same advice that he had given his son in Mauritania: "tell nobody where you're going."

During this meeting, Jimenez expressed concern that ROBERTSON was fostering an environment at a local mosque that could draw unwanted law enforcement attention. Jimenez said that ROBERTSON was speaking about "operations that he did in front of them dudes" and "talking about military stuff around them" and that people at the mosque were going to gun shows, shooting at gun ranges, and bringing weapons into the mosque. CONSPIRATOR #2 stated that he could not understand why ROBERTSON would tolerate such behavior at the mosque and that ROBERTSON could get himself into trouble by permitting that behavior. CONSPIRATOR #2 cautioned Jimenez: "I'm telling you, man, ya'll better be careful with shit like that, man." CONSPIRATOR #2 also cautioned Jimenez about speaking on the phone about his training with ROBERTSON.

Also on April 11, 2011, in a recorded conversation, Jimenez told CS-1 that his mission was to "go to Mauritania and study" and then acknowledged that the step after that was to "graduate and move on," whether that meant being a mujahid, jihadi, or mercenary.

On April 12, 2011, in a recorded conversation, Jimenez told CS-1 of his plan to use a cover story that he is traveling to Spain, so that while people are searching for him there, he will be in Mauritania. Jimenez stated that he used that cover story with his mother and that she would not be happy if she knew the true intent of his travel overseas.

**F. Further Preparations for Overseas Travel**

On April 20, 2011, in a recorded conversation, Jimenez told CS-1 that he would be with the “killers” and part of the “mujahideen.” Jimenez stated that ROBERTSON instructed Jimenez to never say that he wanted to die as a martyr, because martyrs never die, they are reborn to fight another day:

Jimenez: Brothers (UI), and Abu Taubah [ROBERTSON] told me say, yo, don't ever say that you'll die a martyr. He said martyrs don't die, baby. They living and they're with their Lord. That's what Allah says in the Quran, and they want to come back to the life and die again. That's their wish, *shaykh*, they said, what do you, you could have anything in the *jenna* [heaven], they said I want to go back and fight the jihad and die again and get raised back, and then go fight again, and get raised, and go fight.

CS-1: And that's your (UI)?

Jimenez: Yo, that's my goal, *akh*.<sup>18</sup>

On April 27, 2011, in a recorded conversation, ROBERTSON told CS-1 that he did not want Jimenez to take a camouflage backpack with him overseas “cause that might make him look like he's a jihadi or something like that.” ROBERTSON stated that “going into some of these countries that might cause him some problems.” ROBERTSON stated that “it would be nice if we could just do what's natural, but the reality is you have to worry about what people think when you get in these countries.”<sup>19</sup>

On May 2, 2011, in a recorded conversation, Jimenez discussed his desire to become cleansed prior to being martyred overseas. Jimenez referred to his travel

---

<sup>18</sup> April 20, 2011 excerpt (CM 1D12.1). See also SW Aff. ¶ 43.

<sup>19</sup> April 27, 2011 excerpt.

overseas as his “quest” and explained that he hoped to make Umrah, so that his sins would be forgiven. **Jimenez acknowledged that his goal is to be martyred and to “[m]aybe save some lives.”**<sup>20</sup> **Jimenez compared the process he was going through to preparing his own grave, in that each step in the process of traveling overseas, studying the Quran, and reaching the battlefield put him deeper in the grave:**

**Jimenez:** That’s why, man, at least I’m getting my grave ready. It’s a little, it’s a little, it’s not there yet, but it’s, it’s being dug.

**CHS:** You just got to be prepared for that, you know?

**Jimenez:** So, when I get overseas, I’ll be up to here. You know when I go, when I get off that plane, I’m gonna be up to here, up to the knees. You know what I’m saying? When I make the umrah, I’ll be up above my navel. Then from there it’s memorization, studying, giving it back, you’ve got to give it back, you know? And, uh, hit that dirt, akh [brother].<sup>21</sup>

On May 22, 2011, in a recorded conversation, Jimenez stated the following:

a. Jimenez explained that ROBERTSON saw “probably something” in him that he did not see in himself, but that ROBERTSON also recognized his limitations. Jimenez overheard a conversation in which CONSPIRATOR #2 told ROBERTSON that ROBERTSON was “taking too long” with Jimenez in that they needed to “get him outta here.” ROBERTSON replied that he did not trust Jimenez and that, when he goes to New York, “he ain’t going to be talking to people, he’s right on the plane.”

---

<sup>20</sup> May 2, 2011 excerpt (CM 1D21.3a). See also PSR ¶ 14; SW Aff. ¶ 45.

<sup>21</sup> May 2, 2011 excerpt (CM 1D21.3b). See also PSR ¶ 14; SW Aff. ¶ 45.

b. **Jimenez advised that he prays to be martyred and explained how a single drop of blood shed on the battlefield would result in the forgiveness of one's sins:**

**Yo, I try to make that *dua* [supplication] in every *salat* [obligatory prayer], *akh*, to be martyred, *akh*. They said a pinch of blood, if you on the battlefield, a drop of blood, yo, a drop of blood all your sins are forgiven, a drop, a drop.**

c. **Jimenez stated that he and ROBERTSON had discussed the permissibility of suicide bombings. ROBERTSON told him if one could "go to a place where there's seven top generals," it would be permissible to use a suicide bomb to kill them.<sup>22</sup> Jimenez indicated that he wants to be on the battlefield, even if he would "go out like that" as a suicide bomber. Jimenez stated that ROBERTSON instructed him that suicide bombing is "permissible, *akh*, on certain things."**

d. **Jimenez explained:**

**Everything that he told me it's conditions behind it, there's knowledge behind it. It's not, you just don't do it unintentionally, and do it stupid, you know? Everything, everything has its place. Everything has its place. You know what I'm saying? Everything has its time and everything has its place. There's a time to put the sword away and take the pen out. That's the time right now. The time right now is to get the pen, get the knowledge. It ain't time for jihad right now cause I ain't ready. I'm not ready, *akh*. It got nothing to do with no physical, it's the spiritual. It's the spiritual aspect behind it. You know? Everybody go to war, but the main thing that starts the wars is the pen. It's the pen.<sup>23</sup>**

---

<sup>22</sup> The portion in bold in the first two sentences of this paragraph and the preceding paragraph is from the May 22, 2011 excerpt (CM 1D17.1a). See also PSR ¶ 14; SW Aff. ¶¶ 50.c and 50.d.

<sup>23</sup> The portion in bold in this paragraph and the last two sentences of the preceding paragraph is from the May 22, 2011 excerpt (CM 1D17.1b). See also PSR ¶ 14; SW Aff. ¶¶ 50.d and 50.e.

**e. Jimenez said that he would rather kill using a firearm by “bang[ing] that iron” than to kill by being a suicide bomber, which he justified due to his desire to have children and die at an old age. Jimenez stated he wants to die either as a shaykh or in jihad.<sup>24</sup>**

On May 22, 2011, ROBERTSON (derived from court authorized surveillance) spoke with one of his mentors located in Saudi Arabia. ROBERTSON noted that they had been in Mauritania together. ROBERTSON explained that Jimenez was about to go to Mauritania in a few weeks and was waiting to get his shots. ROBERTSON stated that Jimenez had been with ROBERTSON for about 6 months, but that ROBERTSON had known Jimenez for about 11 years. ROBERTSON stated that Jimenez had been with CONSPIRATOR #2 and another individual in New York.

**On May 27, 2011, in a record conversation, Jimenez told CS-1 that ROBERTSON “said you gotta, gotta condition your mind and be ready” to murder:**

**CS-1: What’s with you and murdering?**

**Jimenez: Yo, yo, Taubie [ROBERTSON] done told me about (UI). Yo, trying to get, trying to get my mind ready, man.**

**CS-1: Talk to me.**

**Jimenez: Just in general, man. He said you gotta, gotta condition your mind and be ready to do it. They said you’re gonna like it the first time.<sup>25</sup>**

**On June 5, 2011, CONSPIRATOR #2 (derived from court authorized surveillance) updated Jimenez on the status of his visa. CONSPIRATOR #2 told**

---

<sup>24</sup> May 22, 2011 excerpt (CM 1D17.1c). See also SW Aff. ¶¶ 50.f.

<sup>25</sup> May 27, 2011 excerpt (CM 1D19.1). See also SW Aff. ¶¶ 53.

**Jimenez that he would be back in New York the following week, and then Jimenez would be “out the door.” CONSPIRATOR #2 told Jimenez that there “ain’t no turning back.” Jimenez responded, “No turning back.” CONSPIRATOR #2 told Jimenez that everything was in movement and for Jimenez not to get “cold feet” because he was “out the door.” CONSPIRATOR #2 reiterated that there “ain’t no turning back now.”<sup>26</sup>**

**On June 7, 2011, CONSPIRATOR #2 (derived from court authorized surveillance) told ROBERTSON that he would try to get the price and date for when Jimenez could leave. ROBERTSON and CONSPIRATOR #2 talked about an individual from Somalia who was believed by the Government to be “promoting Jihad.” ROBERTSON explained that he was attempting to get the person over to Mauritania. ROBERTSON told CONSPIRATOR #2, on the “down low,” information about military operations of the United States in Somalia. ROBERTSON claimed that “a lot of people don’t know that.” The conversation turned to Jimenez. ROBERTSON advised CONSPIRATOR #2 to not tell Jimenez anything, because ROBERTSON did not “want him to be too concerned.” ROBERTSON continued: “It ain’t his business. It’s our business to make sure he gets outta here.”<sup>27</sup>**

On June 7, 2011, CONSPIRATOR #2 (derived from court authorized surveillance) told ROBERTSON that the price of Jimenez’s ticket was \$1,060. ROBERTSON stated that he would send the money to CONSPIRATOR #2 the next day, and then told

---

<sup>26</sup> June 5, 2011 excerpt. See also SW Aff. ¶¶ 58.

<sup>27</sup> June 7, 2011 excerpt.

CONSPIRATOR #2 to buy the ticket as soon as CONSPIRATOR #2 received the passport. ROBERTSON stated that he would send Jimenez up to New York three days before Jimenez was supposed to leave the country. CONSPIRATOR #2 stated that he would speak to another individual about watching Jimenez when he was in New York to keep Jimenez out of trouble. ROBERTSON offered to pay whoever watched Jimenez, stating that it was a “job” and that it would be “worth it.” ROBERTSON was concerned that if he sent Jimenez to New York too early that Jimenez would get in trouble and commented that Jimenez “ain’t too bright.”

**On June 9, 2011, CONSPIRATOR #2 (derived from court authorized surveillance) told ROBERTSON that Jimenez’s passport should come the next day. ROBERTSON stated that he had the money to send to purchase Jimenez’s ticket. ROBERTSON and CONSPIRATOR #2 discussed the arrangement that had been made to pay someone to watch Jimenez. ROBERTSON stated that he would pay that person and for CONSPIRATOR #2 to tell that person that it was a “job.”<sup>28</sup>**

**G. Jimenez is “Ready to Die”**

**On June 10, 2011, ROBERTSON (derived from court authorized surveillance) spoke again with his mentor and told him that he could afford to send a “brother” to make umrah, to travel to Mauritania, or both. ROBERTSON’s mentor replied, “I’m saying, I’m saying damn that’s hard, you know? `Cause if he’s ready to die, he should make umrah.” ROBERTSON replied with the Arabic word for yes. ROBERTSON’s mentor reiterated that if Jimenez was ready to die, he should make**

---

<sup>28</sup> June 9, 2011 excerpt.

umrah. After stating that, ROBERTSON's mentor asked, "You know what I'm saying?" ROBERTSON replied, "Yeah." ROBERTSON's mentor stated, "If his time is close, just." After an unintelligible portion of the conversation, ROBERTSON replied, "It'll be a duty for him." ROBERTSON and his mentor then discussed different options to help Jimenez make umrah, but a final decision was not made.<sup>29</sup>

On June 17, 2011, ROBERTSON (derived from court authorized surveillance) told CONSPIRATOR #2 that he had purchased a ticket for Jimenez to travel to New York and had taken him to the airport. CONSPIRATOR #2 asked ROBERTSON if he wanted to send Jimenez to Mauritania. ROBERTSON replied:

I wanna send him to make umrah because you know, if he's gonna die, I asked the sheikh the other day I said what do we do? He said if he's ready to die then send him to umrah, so he can make sure that he at least fulfills his obligation to his Lord. You know?<sup>30</sup>

CONSPIRATOR #2 asked: "So that's what you wanna do, you wanna send him to make umrah or you wanna send him to Mauritania?" ROBERTSON responded that he "wan[t]ed to send him to both."

In that same conversation, ROBERTSON explained that, to fund Jimenez's travel to Mauritania, ROBERTSON "made" Jimenez file a tax return in which Jimenez falsely claimed three of ROBERTSON's children as exemptions so that Jimenez could "use that money to go overseas." ROBERTSON stated that he told Jimenez, "If you don't, I'm not letting you go nowhere with that money."

---

<sup>29</sup> June 10, 2011 excerpt. See also SW Aff. ¶ 65.

<sup>30</sup> June 17, 2011 excerpt. See also SW Aff. ¶ 67. This paragraph and the next one are from the same recording.

**H. Jimenez Leaves Central Florida**

On June 17, 2011, Jimenez traveled by airplane from Orlando to New York. On June 21, 2011, CONSPIRATOR #2 (derived from court authorized surveillance) told ROBERTSON that he had not seen Jimenez since his arrival in New York. CONSPIRATOR #2 thought that Jimenez was speaking differently than usual when he talked with him on the phone. ROBERTSON instructed CONSPIRATOR #2 to “fall back” and to not send Jimenez “nowhere with us.”

On June 26, 2011, Jimenez (derived from court authorized surveillance) told CONSPIRATOR #2 to get him “out of here.” Jimenez stated that he had not touched any of the money and was waiting to travel. Jimenez told CONSPIRATOR #2 not to think that he had “cold feet” and would not be ready when the time came. When Jimenez asked if it was too late for him, CONSPIRATOR #2 replied that it was never too late.

On July 1, 2011, CONSPIRATOR #2 (derived from court authorized surveillance) told ROBERTSON that he had seen Jimenez a few times and would return Jimenez’s passport to him when CONSPIRATOR #2 received it. ROBERTSON stated that he had not heard from Jimenez since he left Orlando. ROBERTSON and CONSPIRATOR #2 agreed to move on without Jimenez.

On July 13, 2011, Jimenez (derived from court authorized surveillance) told an unknown male that he was scheduled to go to Mauritania in a month and that he had spent a year with ROBERTSON getting conditioned for Mauritania. When asked why he was not going to Saudi Arabia, Jimenez replied that he was going to finish studying the

Quran in Mauritania and “go on my way, akh.” Jimenez stated, “Getting ready for that grave, baby.”

On July 24, 2011, CONSPIRATOR #2 (derived from court authorized surveillance) told Jimenez that they would go see the individual who was getting the passport. Jimenez replied, “I’ve been waiting to hear that, akh. Been waiting to hear that.” On that same date, CONSPIRATOR #2 (derived from court authorized surveillance) told Jimenez that if the visa was not ready, he wanted Jimenez to call and cancel his passport. CONSPIRATOR #2 stated that it only took two weeks to get his son a visa to Mauritania. CONSPIRATOR #2 stated that it was “real abnormal” and that he was not “feeling this.” Jimenez asked CONSPIRATOR #2 to tell ROBERTSON that he was being patient and that he did not want to keep “bugging” him with unnecessary talk.

On July 25, 2011, ROBERTSON (derived from court authorized surveillance) told CONSPIRATOR #2 that he did not want to send Jimenez to Mauritania, because he would be a distraction: “[w]e can’t send people over there that’s going to be a distraction. If he’d been over there right now, he would have distracted your son.”

**On August 4, 2011, ROBERTSON (derived from court authorized surveillance) spoke with an individual located in Mauritania, who asked when Jimenez was coming to Mauritania.<sup>31</sup> ROBERTSON responded that he did not want to send Jimenez over to Mauritania “without testing him first, you know, because I don’t want to send you no problem out there, you know what I’m saying.”**

---

<sup>31</sup> August 4, 2011 excerpt.

On August 20, 2011, CONSPIRATOR #2 (derived from court authorized surveillance) told ROBERTSON, "That young boy [Jimenez] is really bugging to get over there." CONSPIRATOR #2 speculated that Jimenez was using drugs. ROBERTSON responded, "Let's see what happens after Ramadan." CONSPIRATOR #2 stated that Jimenez was calling and asking him about going and what ROBERTSON was saying about it. ROBERTSON stated that nothing would happen until after Ramadan and told CONSPIRATOR #2 to tell that to Jimenez.

**I. Search Warrants and ROBERTSON's Arrest**

On August 23, 2011, the FBI executed federal search warrants at ROBERTSON's two residences. Some of the items that were seized, by warrant or consent, were ones that had been discussed by the conspirators, including the firearm that Jimenez had described, the BB gun that was used to teach Jimenez how to shoot, and a metal lock box containing documents for the bank account where Jimenez deposited his refund check, an envelope of Jimenez's money from the fraudulent tax return that was being controlled by one of ROBERTSON's wives, and postal receipts for Jimenez's vaccination records and photographs that had been sent to CONSPIRATOR #2 to get Jimenez's passport.

ROBERTSON was arrested on August 23, 2011. After his arrest, Osias called the person who ROBERTSON had told him to call in the event of his arrest: "**I always asked him [ROBERTSON], if something go up, you know, you know, do you have a, you know, do you have a plan, and he said Makeen. So, I'm assuming you know what to do.**"<sup>32</sup> Later that day, ROBERTSON called CONSPIRATOR #2 and read the

---

<sup>32</sup> August 23, 2011 excerpt (17:46:33 UTC).

items that were to be seized pursuant to the federal search warrants. Osias stated, “They kept asking about Yahyah [Jimenez]. You hear me?” CONSPIRATOR #2 replied, “Yeah.”<sup>33</sup>

That same day, one of ROBERTSON’s wives called an individual located in New York who was going to watch Jimenez before his travel overseas. They discussed who they believed was the Government’s source and agreed on who they thought it was. The individual in New York stated that ROBERTSON had brought that person to his house. The individual in New York stated, “It’s a good thing we wasn’t talking about what we normally talk about, you know.” ROBERTSON’s wife replied in the affirmative.<sup>34</sup>

### **III. ARGUMENT AND CITATION OF AUTHORITIES**

#### **A. The Defendant Was Involved In Promoting Violent Jihad.**

No one needs to be “ready to die” to go to Mauritania to study. For seven months, the defendant had Jimenez live with him. The defendant did not do that as an act of charity. Rather, the defendant viewed Jimenez as an “investment” who could be used to advance an extremist agenda overseas through violence. As part of his investment in Jimenez, the defendant trained him spiritually, to get Jimenez mentally prepared for what he was about to do. The defendant also trained him in killing, suicide bombing, and identifying and murdering United States military personnel.

---

<sup>33</sup> August 23, 2011 excerpt (18:13:36 UTC).

<sup>34</sup> August 23, 2011 excerpt (22:11:11UTC).

During the investigation, the United States was able to obtain almost real time information from Jimenez as to the training that he was receiving from the defendant and the purpose to which it was to be put. As noted above, Jimenez repeatedly identified the defendant as the individual who was training him and provided details of that training. In this Memorandum alone, there are references to over a dozen occasions when Jimenez specifically identified the defendant as the one who was training him in violent jihad. In those recordings, Jimenez detailed how the defendant had trained him to identify and kill members of the American military and others. Jimenez explained how the defendant had advised him on the permissibility of suicide bombing and the way to kill people “with kindness.” Jimenez stated that the defendant had trained him on military protocol and procedure, how to use a knife and fire a gun, and everything that he would need to be able to go into “battle” so that he could “hit that dirt” and “die on the battlefield” after killing as many people as possible.

In those recordings, Jimenez explained that the defendant was also providing him spiritual training, but that his spiritual training was intended to help him become a martyr. Jimenez stated that the defendant’s plan was to get him cleansed of his sins for him to be able to “jump off” and die, and Jimenez described various teachings that he had received from the defendant about how “martyrs never die” and the fact that Jimenez’s sins would be forgiven if he martyred himself.

The extremists beliefs that Jimenez was taught can be traced to the extremists documents that the defendant had collected on his computer. As noted in this Memorandum and Exhibit A, the defendant’s computer contains several documents that

reflect the same extremist beliefs that he taught Jimenez. The defendant possessed documents that set forth his beliefs that the United States is evil, that its military is involved in unjust operations overseas, that jihad against the kuffar is obligatory, and that suicide bombing is permissible in certain circumstances, among other things.

The defendant’s involvement in promoting violent jihad is also proven by his own statements, his independent actions, and the other evidence in the case. One of the clearest expressions of the defendant’s participation in terrorism is his acknowledgment on June 17, 2011 that Jimenez was “gonna die” and was “ready to die.” The importance of those statements is confirmed by what the defendant says right after that, which was that he was going to send Jimenez to both Umrah and Mauritania. The defendant’s explanation of the plan for Jimenez is the same as what Jimenez explained back on January 31, 2011:

<b>Jimenez</b>	<b>ROBERTSON</b>
Yo, I’m with you. There’s a reason why he bringing me to umrah. I’ll tell ya, one thing about Taubie-Taub (ROBERTSON), he got a plan, akh. He, he, he know, just in case you jump off, man, I did the main thing. I gave my rights to Allah, one time in a lifetime.	I wanna send him to make umrah because you know, if he’s gonna die, I asked the sheikh the other day I said what do we do? He said if he’s ready to die then send him to umrah, so he can make sure that he at least fulfills his obligation to his Lord. You know?

According to both the defendant and Jimenez, the cleansing of Jimenez’s sins by going to Umrah had to occur before Jimenez could go to Mauritania to do what would then cause him to “jump off” (or, to use the defendant’s words, “gonna die”). In other words, the defendant and Jimenez had the same “plan.” When Jimenez was “ready to die,” he would go to Umrah to get cleansed, so that he could then commit the violence overseas

that he had been trained to commit (such as suicide bombing and killing of military personnel) and that would likely result in his death (which is why he was “gonna die”). The similarity in the expression of the “plan” by the defendant and Jimenez, as shown by the defendant’s own statements, prove that the defendant was a participant in the conspiracy.<sup>35</sup>

There is no ambiguity about what the defendant meant when he said that Jimenez was “gonna die” and was “ready to die.” When the defendant told his mentor that he had someone ready to make Umrah, travel to Mauritania, or both, the defendant’s mentor immediately knew that the defendant was talking about someone who was “ready to die.” The defendant was not surprised by that reaction. In fact, the defendant agreed, on two separate occasions, that Jimenez was “ready to die.” The defendant’s mentor then stated, “If his time is close, just.” As of the date of this conversation, Jimenez was 26 years old. In terms of his expected life span, Jimenez’s time was not “close.” It was only “close,” because there was something that Jimenez was going to do that was going to bring his time on Earth to a “close,” which was that he was going to be martyr. The defendant understood that and replied to his mentor, “It’ll be a duty for him.”

Similarly, the defendant’s involvement in training Jimenez in violent jihad is found in his use of the term “assassin” to describe the plan for Jimenez. As noted above, a Google entry for “origin of the word assassin” was found in the internet history of the

---

<sup>35</sup> The defendant’s statement about Jimenez being ready to die is similar to one of the speeches of Usama Bin Laden found on the defendant’s computer: “Young men know that those who are not killed are going to die [one day], and that the most honorable way to die is to die for the sake of God’s cause. They repeat the saying of their grandfather, the companion ‘Abdallah Bin-Rawahah, especially after the murder of the four heroes who blew up the American in Riyadh – these young men have restored daring operation: If not killed, one will die one day anyhow – here is the fire of death blazing – if you engage in it, you will be rightly guided.” FBIS Report, Compilation of Usama Bin Ladin Statements 1994 – January 2004, at 26-27.

defendant's computer about 10 days after Jimenez had arrived in Orlando. During this case, the only individual who has used that term to describe what Jimenez was learning is the defendant. That term was not used in the search warrants for the defendant's residences. It was not used in the Indictment in either case. It was not used in the Rule 404(b) Notice. The only places where the undersigned has been able to find any use of the term "assassin" was in the Google entry and in the defendant's own jail correspondence where he explains what Jimenez is alleged to have been doing: "Memorize Quraan' is initiation for future suicide bombers and asassins" and "Was (AT) preparing him [Jimenez] to be an assasin<sup>36</sup> of sorts or any other type of international killer?" Ex. V at 7, 13. By using that term in his own correspondence, including the same misspelling that was used in the Google entry, the defendant has linked himself to use of that term on his computer and to his knowledge of what he was training Jimenez to become.

The fact that the defendant was training the defendant in violent jihad is confirmed by his other statements and actions in this case that establish the extent of his "investment" in Jimenez. For example, the defendant was instrumental in assisting Jimenez in attempting to get his passport and arranging his travel overseas. In the course of doing that, the defendant told CONSPIRATOR #2 to not tell anything to Jimenez, because "[i]t ain't his business. It's our business to make sure he gets outta here." The defendant also discussed with CONSPIRATOR #2 paying someone to watch Jimenez to keep him out of trouble when he was in New York waiting for his flight, stating

---

<sup>36</sup> This is how the defendant spelled the word in this letter, which is the same way that it was misspelled in the Google entry. The defendant misspelled the word a different way in his other letter.

that it was a “job” and that it would be “worth it.” There is no other reasonable explanation for these statements other than the fact that they support what Jimenez himself stated, which was that the defendant saw him as an “investment.”<sup>37</sup> Given that the defendant thought that Jimenez “ain’t too bright,” the defendant would not have invested this amount of time and effort in Jimenez unless the defendant knew that Jimenez was going to be committing violent jihad overseas. In other words, the defendant would not have undertaken all of this effort to help someone who was not “too bright” just to go over and study.

The defendant’s participation in Jimenez’s training can also be established from the items that were seized during execution of the search warrants. The defendant is expected to claim at sentencing that he was simply helping send people overseas to study Islam. There was only one individual who was traveling overseas, however, whose documents were securely stored in a metal lockbox at the defendant’s house, and that was Jimenez. In that metal lockbox, there were documents from Jimenez’s bank account, money from Jimenez’s tax refund, and receipts for packages that had been sent to CONSPIRATOR #2 to supply vaccination records and photographs for Jimenez’s passport. Doc. 208-7; Gov. Trial Exs. 5-A, 5-B, 5-C. The steps that were undertaken to secure Jimenez’s documents confirms that Jimenez was no ordinary “student” looking to travel overseas to “study.”

---

<sup>37</sup> The nature of the defendant’s investment in Jimenez is confirmed by the fact that the defendant never definitively ruled out the possibility of Jimenez going overseas, even after Jimenez returned to New York and had some issues. Instead, the defendant stated that he would “test[] him first” and decide after Ramadan whether to send Jimenez overseas.

The United States was also able to seize some of the items that were used in Jimenez's training, including the firearm that he had described and the BB gun that the defendant used to teach him how to shoot. A search of the defendant's computers resulted in the discovery of documents useful to training someone to engage in violent jihad, including ones from the United States military regarding survival, psychological operations, and interrogations. Ex. Z. All of these items support the conclusion that the defendant was involved in a conspiracy to send Jimenez overseas to engage in violent jihad.

**B. The Defendant Is Not a Credible Witness.**

The defendant's supporters believe that the defendant has been convicted by a "crooked court" that is going to require him to "prove he was not a terrorist." Ex. X, at 1. The defendant calls the United States the "kuffar" and explains that "[t]he kuffaar are doing what Allah tells us they are going to do. Which is spreading lies and raising all types of doubts." Ex. X, at 3. The defendant publicly asks for "victory over the heathen people." Ex. X, at 6.

As part of his presentation to the Court at sentencing, it is expected that the defendant will claim that he was not involved in promoting violent jihad overseas. Such a claim by the defendant is not credible.

The Court has already found that the defendant was not a credible witness at trial. Doc. 237-7. Since then, the defendant has made a series of claims about his alleged cooperation with the United States, many of which have been determined to be false or unsupported. Doc. 272. In addition, the defendant has attempted to obstruct justice by

attempting to tell witnesses what to say. For example, the defendant sent Osias a copy of an FBI summary of an interview where Osias had told the FBI that he “would not be surprised if ABU TAUBAH [ROBERTSON] showed people how to make a bomb in his garage because that’s how he is.” Ex. Y, at 4. The defendant sent a copy of that summary to Osias with the message that he needed to “explain[]” that statement, as well provide “clarification” for other statements that Osias had made that supported the conclusion that the defendant was engaged in violent jihad. Ex. Y, at 4.

In short, the defendant has shown through his actions during the pendency of this case that he is not a credible witness. As a result, any attempt by the defendant to offer alternative explanations of the evidence in this case should be disregarded.

### **III. CONCLUSION**

The defendant is a danger. Over the course of seven months, the defendant trained another individual to engage in violent jihad overseas. To fund this operation, which would involve the targeting of United States military personnel, the defendant conspired to submit a false tax return, so that the United States would, in effect, be funding the killing of its own soldiers.

The defendant claims that he was providing Jimenez with spiritual training. The United States agrees that there was a spiritual aspect of the defendant’s training. Jimenez, however, was not a religious student. He is an extremist. No one needs to be “ready to die” to go to Mauritania to study. No legitimate “student” needs to know how to kill American soldiers, how to be “dangerous” with a knife, how to “fight to kill,” or when it is “permissible” to become a suicide bomber. The only individuals who need to learn

how to do any of those things are extremists who are seeking to engage in violent jihad. The spiritual aspects of Jimenez's training served only one purpose. As Jimenez stated on several occasions, the spiritual aspects of his training were to prepare him to become a killer who could then go into battle:

**That's what I'm [ROBERTSON] doing with you, I'm making sure that I get you the *iman* [personal faith] then I'll teach you how to kill and, you know? [February 26, 2011 excerpt CM 1D4.1b]**

**Then from there it's memorization, studying, giving it back, you've got to give it back, you know? And, uh, hit that dirt, *akh*. [May 2, 2011 excerpt CM 1D21.3b]**

The defendant was the one who was training to make Jimenez such a killer to promote the cause of violent jihad. The terrorism enhancement set forth in U.S.S.G. § 3A1.4 applies, and the defendant should be sentenced accordingly.

Respectfully submitted,

A. LEE BENTLEY, III  
United States Attorney

By: *s/ Roger B. Handberg*  
Roger B. Handberg  
Assistant United States Attorney  
Florida Bar No. 0241570  
501 West Church Street, Suite 300  
Orlando, Florida 32805  
Telephone: (407) 648-7500  
Facsimile: (407) 648-7643  
E-mail: Roger.Handberg@usdoj.gov

**U.S. v. MARCUS DWAYNE ROBERTSON    Case Nos. 6:11-cr-277-Orl-31GJK &  
6:12-cr-63-Orl-31GJK**

**CERTIFICATE OF SERVICE**

I hereby certify that on April 24, 2015, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Daniel N. Brodersen  
Corey Ira Cohen

s/ Roger B. Handberg  
Roger B. Handberg  
Assistant United States Attorney  
Florida Bar No. 0241570  
501 West Church Street, Suite 300  
Orlando, Florida 32805  
Telephone: (407) 648-7500  
Facsimile: (407) 648-7643  
E-mail: Roger.Handberg@usdoj.gov

## Table of Contents

Exhibit A	Summary chart that identifies extremist beliefs found in documents on the defendant's computer
Exhibit B	<u>Shaykh Salih as-Suhaymee on the Taliban</u>
Exhibit C	<u>Recapturing Islam from the Pacifists</u> by Usamah Hasan
Exhibit D	<u>Prisoners of the Cave</u> by Zahir Ebrahim
Exhibit E	<u>Gordon Duff: Classified CIA Transcript Counters Bin Laden Terror Role</u>
Exhibit F	<u>Allah is not Oblivious of What the Oppressors Do</u>
Exhibit G	<u>Allah's Governance on Earth</u> by Abu Hamza
Exhibit H	<u>Milestones</u> by Sayyid Qutb
Exhibit I	<u>This is our `Aqidah</u> by Shayk Abu Muhammad `Asim Al-Maqdisi
Exhibit J	<u>Relieving the People of Understanding from the Corruptions, Harms and Burdens of the Democratic Elections</u>
Exhibit K	<u>Defense of the Muslim Lands: The First Obligation After Iman</u> , by Addullah Azzam
Exhibit L	<u>The Book of Jihad</u>
Exhibit M	<u>Jihad with people of major sins and innovations!</u>
Exhibit N	<u>Signs of ar-Rahman in the Jihad of Afghan</u> by Abdullah Azzaam
Exhibit O	<u>Good Deeds of the Kuffar With Not Be Accepted</u>
Exhibit P	<u>Advice for the Seeker of Knowledge</u> by Shaykh Sultan Al-`Utaybi

- Exhibit Q The Slicing Sword: Against the One Who Forms Allegiances With the Disbelievers and Takes Them As Supporters Instead of Allah. His Messenger and the Believers by `Abd Allah ibn `Adb al-Bari al-Ahdal, with a forward by Anwar Al-Awlaki
- Exhibit R The Muslim Creed
- Exhibit S US Manufactured Scholars
- Exhibit T Not permissible to inform the kuffaar
- Exhibit U FBIS Report, Compilation of Usama Bin Ladin Statements 1994 – January 2004
- Exhibit V Letters from ROBERTSON regarding Anwar al-Aulaqi and allegations about training an assassin (information about CS-1 has been redacted)
- Exhibit W “Origin of the word assassin” and “Hashshashin” computer evidence
- Exhibit X Facebook postings by ROBERTSON and supporters
- Exhibit Y Letter from ROBERTSON to Osias (information potentially covered by Fed. R. Crim. P. 6(e) has been redacted in addition to redactions of file numbers)
- Exhibit Z Sample of military-related documents from ROBERTSON's computer from regarding survival, psychological operations, and interrogations (full documents not provided, just samples of the cover pages, table of contents, and limited content)

**Exhibit A<sup>1</sup>**

<b><u>Defendant's Extremists Belief</u></b>	<b><u>Document Possessed by the Defendant</u></b>	<b><u>Quotation</u></b>
<b>Usama Bin Laden and al-Qaeda were not behind 9-11.</b>	<u>Shaykh Salih as-Suhaymee on the Taliban</u>	"As for what is happening now of aggression against Afghanistan, we hold it is not from wisdom and it is not correct to do this. Since there is no proof at all [that al-Qaeda perpetrated the 9-11 attacks]. Even some of the so-called hijackers, some of them have actually been dead for a number of years (and others alive). So there is no clarity yet at all."
	<u>Recapturing Islam from the Pacifists</u>	"All this, despite the fact that no credible evidence of Muslim involvement [in the 9-11 attacks] has been produced so far."
	<u>Prisoners of the Cave, at 153</u>	Excerpt from Chapter entitled, "The Role of a 'Pearl Harbor' in Empire Building"  "Bin Laden himself has denied it in (supposedly) his own statements published in local newspapers in Pakistan, as opposed to the 'doctored video' confessions conveniently found in some cave or someplace else in Afghanistan, which means either some other patsies were found and Bin Laden was just blamed to find a reason to enter Afghanistan as had been forewarned to Pakistan months earlier to prepare for attack on Afghanistan in October, or there were no hijackers at all and it was entirely a <b>home-run</b> operation [i.e., Government using remote control on the airplanes to fly them remotely] from start to finish."
	<u>Prisoners of the Cave, at 153</u>	Excerpt from Chapter entitled, "The Role of a 'Pearl Harbor' in Empire Building"  "In the best of circumstance, the Government of the United States of America is the main suspect, and while evidence is being sought, nothing it says can be trusted given its manifest character of history of deceits and its own

<sup>1</sup> For purposes of this Exhibit, no effort was made to correct any of the misspellings in the source documents.

		vested interest in the crime for ‘imperial mobilization’, and towards which end it also conveniently rushed to obliterate all the forensic evidence including the crime scene itself. And least of all, its own explanations of 911 cannot be trusted, and must not be accepted by any rational and fair person still in possession of even a modicum of commonsense.”
	<u>Gordon Duff: Classified CIA Transcript Counters Bin Laden Terror Role</u>	“Doubt Thrown on Proof Bin Laden a Terrorist Leader”
<b>The United States is an oppressor.</b>	<u>Allah is not Oblivious of What the Oppressors Do</u> , at 2.	“The soon-to-be-vanquished forces of injustice are now in the abode of Islaam. It has occupied the land and seized valuable properties in many of Muslim countries. They hide their enmity, betrayal and hatred under the guise of reform. They commit crimes and occupied lands under the guise of liberation. They act tyrannically, seized land, violate honours and viciously and maliciously kill and maim and they violate all treaties and agreements.”
	<u>Prisoners of the Cave</u> , at 93	Excerpt from Chapter entitled, “Don’t Ever Ask ‘Why is it possible to hate America”  “Based on the preceding analysis of America's own history of secret proxy wars, and its economic and military terrorism designed to shock and awe a civilian population into subjugation, we can outright reject the assertion that this is a ‘war on terrorism’. Because if it was, then the first obvious target of this war would have been the United States itself, the godhead of all terrorism as evidenced above.”
	<u>Prisoners of the Cave</u> , at 95	“This war [against terrorism] is indeed about the battle for control of the world’s precious and diminishing energy resources, because that is what all the Western industrialized societies run on, from production and distribution to transportation to plastics to military machines to textile and manufacturing, all need oil and energy.”

<p><b>Other Muslim leaders should be violently overthrown.</b></p>	<p><u>Allah’s Governance on Earth</u>, at 3.</p>	<p>“In this day and age, the evil rulers of our time are absolutely obese with their big bellies, engorged with the blood that they have drank from Muslim societies, not to mention what they have done with the resources of Muslims. The foundations of their kingdoms have been built upon the skulls of our Ummah, with the bones from the skeletons of our people as girders and pillars that support the structures of their castles and palaces.”</p>
	<p><u>Allah’s Governance of Earth</u>, at 413</p>	<p>“Without doubt, those aligning themselves with the kuffar, the legislators, the rulers caught in the execution and the judges in the courts of these modern days Pharaohs are all to be physically removed. They are to be fought and there is to be no truce made or no agreement signed upon. They are to step down from power or be removed. If they are killed, so be it.”</p>
	<p><u>Milestones</u>, at 3, 28</p>	<p><u>Milestones</u> proposed a return the “original form” of Islam that would be accomplished by “a challenge to all kinds and forms of systems which are based on the concept of sovereignty of man:”</p> <p>“It means a challenge to all kinds and forms of systems which are based on the concept of the sovereignty of man; in other words, where man has usurped the Divine attribute. Any system in which the final decisions are referred to human beings, and in which the sources of all authority are human, deifies human beings by designating others than God as lords over men. This declaration means that the usurped authority of God be returned to Him and the usurpers be thrown out-those who by themselves devise laws for others to follow, thus elevating themselves to the status of lords and reducing others to the status of slaves. In short, to proclaim the authority and sovereignty of God means to eliminate all human kingship and to announce the rule of the Sustainer of the universe over the entire earth.”</p>

	<u>This is our `Aqidah</u> , at 66	“Rather, we believe that fighting them under all circumstances and removing them and replacing them until the <i>din</i> [religion] is entirely for Allah is from the most obligatory of the obligations.”
<b>Democracy is kufr.</b>	<u>Allah’s Governance of Earth</u> , at 376	“In short, from the Islamic point of view, democracy is a great kufr.”
	<u>Allah’s Governance of Earth</u> , at 382-83	“After all, let us remember that when these kuffar invented democracy and other ideologies, they were filling a need in their society for law and order. They started by saying that they would hang the last king with the stomach of the last priest. But in Muslim societies, we had the pure light of our workable Shari`a. We did not need to replace it with the garbage of people’s thoughts and ideologies.”
	<u>This is our `Aqidah</u> , at 55-56	“For this reason, we declare as a <i>kafir</i> the one who legislates in accordance with the <i>din</i> of democracy, just as we also declare as a <i>kafir</i> , the one who chooses, or elects on his behalf a legislator. This is because he has in that sought a judge, legislator and a lord besides Allah.”
	<u>Relieving the People of Understanding from the Corruptions, Harms and Burdens of the Democratic Elections</u>	This document identifies 28 of the “main corruptions of the electoral process,” including “an avoidance of ruling by the divine legislation of Allah,” “the spread of evil suspicion, spying, envy, hatred and lying within the society,” and the fact that the process leads to “non-Muslims gaining power” and “women attaining authority.”
<b>Establishment of Sharia law and the Caliphate requires violent jihad.</b>	<u>Allah’s Governance on Earth</u> , at 230-31	“Whoever is calling for a bid`a [heretical innovation of religious doctrine] or an astrayness and his evil wont stop unless he is killed, he should be killed, even if he pretended that he repented and he wasn’t a <i>kaafir</i> .”
	<u>Allah’s Governance on Earth</u> , at 231	“It is permissible and even compulsory to fight any group or party which refrains from a single order from the Shari`a, from the known and the apparent Islamic law.”
	<u>Allah’s Governance on Earth</u> , at 232	“Therefore, the kufr of Jews and Christians is because they hold tight to an abrogated Shari`a...And this is the Shari`a which everyone in the creation should follow. And no one has the right to go out of its boundaries. And this is the Shari`a which the Mujaahidin fight to support and the swords of Muslims helped establish the

		<p>Book of Allah and the Sunna of Muhammad as Jaabir ibn Abdullah said,</p> <p>'The Messenger ordered us to strike with this (he pointed to the sword) whoever went out against this (he pointed to the Qur'an.)'"</p>
	<p><u>Allah's Governance on Earth</u>, at 232-33</p>	<p>"Any party that refrains from following a single order from the apparent Shari`a of Islam, he should be fought until they are disciplined with the Shari`a, even if they were announcing the two shahaadas (the two statements of 'I bear witness that there is No god but Allah' and 'Muhammad is His Messenger') and practising some of the Shari`a."</p>
	<p><u>Milestones</u>, at 28</p>	<p>"The establishing of the dominion of God on earth, the abolishing of the dominion of man, the taking away of sovereignty from the usurper to revert it to God, and the bringing about of the enforcement of the Divine Law (Shari'ah) and the abolition of man-made laws cannot be achieved only through preaching. Those who have usurped the authority of God and are oppressing God's creatures are not going to give up their power merely through preaching; if it had been so, the task of establishing God's religion in the world would have been very easy for the Prophets of God! This is contrary to the evidence from the history of the Prophets and the story of the struggle of the true religion, spread over generations."</p>
	<p><u>Defense of the Muslim Lands: The First Obligation After Iman</u>, at 37</p>	<p>"We do not wait for the Caliphate to be restored. Because, the Caliphate does not return through abstract theories, amassed knowledge and studying. Rather, jihad is the right way to reform the divided authorities to the ultimate authority of the Caliphate."</p>

<b>Jihad requires an individual to fight.</b>	<u>The Book of Jihad</u> , at 8	“Jihad means fighting.”
	<u>The Book of Jihad</u> , at 8	“Jihad is a Muslim waging war against a non-Muslim who has no peace agreement with Muslims and the fighting is for the sake of the word of Allah to prevail. Jihad is also fighting the non-Muslim who attacks Muslim territory and it is also the Muslims attacking the non-Muslims in their land.”
	<u>The Book of Jihad</u> , at 9	“That is precisely the role of Jihad in Islam. First the message should be conveyed through peaceful means. If the peaceful course is exhausted and it did not bear its fruits, the bearers of the truth would need to draw their swords and fight in order for the word of Allah to prevail.”
	<u>Milestones</u> , at 28	“No political system or material power should put hindrances in the way of preaching Islam. It should leave every individual free to accept or reject it, and if someone wants to accept it, it should not prevent him or fight against him. If someone does this, then it is the duty of Islam to fight him until either he is killed or until he declares his submission.”
	<u>Jihad with people of major sins and innovations!</u> , at 3	“Because they fight know to repel the harm of kufr and to make Islam superior and this fighting is an obligatory kind of fighting, it's dignifying the Word of Allah!”
	<u>Jihad with people of major sins and innovations!</u> , at 16	“But if they are capable, but weak they are still obliged to fight. That's why the rabbani scholars of this ummah emphasized greatly this notion in their relative discussions. They stated that muslims ‘should defend themselves to the extent of their ability’. And also many of these scholars have mentioned ways of fighting and how to act if Muslims lack weapons. They did not say to surrender, rather reminded us about greatness of this blessed act, jihad and that we may use stones and similar things if we do not have other weapons.”

	<p><u>Milestones</u>, at 27</p>	<p>“Since this movement comes into conflict with the Jahiliyyah [ignorance of divine guidance] which prevails over ideas and beliefs, and which has a practical system of life and a political and material authority behind it, the Islamic movement had to produce parallel resources to confront this Jahiliyyah. This movement uses the methods of preaching and persuasion for reforming ideas and beliefs and it uses physical power and Jihaad for abolishing the organizations and authorities of the Jahili system which prevents people from reforming their ideas and beliefs but forces them to obey their erroneous ways and make them serve human lords instead of the Almighty Lord.”</p>
	<p><u>Milestones</u>, at 34</p>	<p>“If anyone accepts this way of life, we turn back and give his country back to him, and we fight with those who rebel until we are martyred or become victorious.”</p>
	<p><u>Signs of ar-Rahman in the Jihad of Afghan</u>, at 76</p>	<p>“The life of Jihaad is based on toil and exertion, on sweat, blood, tiredness, sleeplessness, difficulties and pain. Jihaad is built on the human flesh that has to be burnt so that the flame of Jihaad may stay alight, just as oil has to burn to keep a lamp alight. Jihaad binges on grief and fear. The flowing of the blood of the innocent Shuhadaa [martyrs] and scattering of corpses are all complementary to Jihaad. All these are the fuel of Jihaad, and water for its garden.”</p>
	<p><u>Defense of the Muslim Lands: The First Obligation After Iman</u>, at 13</p>	<p>“One of the most important lost obligations is the forgotten obligation of fighting.”</p>
	<p><u>Defense of the Muslim Lands: The First Obligation After Iman</u>, at 40.</p>	<p>““Fighting alone pleases Allah.”</p>
	<p><u>Defense of the Muslim Lands: The First Obligation After Iman</u>, at 32-33</p>	<p><b><u>Summary</u></b>  <b>One:</b> Jihad by your person is Fard Ayn [obligatory personal duty] upon every Muslim in the earth.</p>

		<p><b>Two:</b> No permission for one from another for Jihad and no permission from the parents for the child.</p> <p><b>Three:</b> Jihad by your wealth is Fard Ayn and it is Harram [forbidden] to make savings while the jihad is in need of the Muslims' money.</p> <p><b>Four:</b> Neglecting the jihad is like abandoning fasting and praying, more than that, neglecting the jihad is worse in these days. We quote from Ibn Rushd: "It is agreed that when jihad becomes Fard Ayn it takes precedence over the Fard of Hajj."</p>
<b>Jihad requires bloodshed.</b>	<u>This is our `Aqidah,</u> at 14	"How can there be Jihad without bloodshed? How can blood be spared without blood being shed? How can Jihad be accomplished without sacrifice and blood?"
<b>It is better to be on the battlefield than any other place.</b>	<u>The Book of Jihad,</u> at 66	"[B]eing stationed in the path of Allah for a day in the land of war is better than spending a thousand days in any other place[.]"
<b>Jihad requires an individual to fight against the kuffar.</b>	<u>The Book of Jihad,</u> at 10	"In fact Jihad against Kufar is among the greatest of deeds. Indeed it is the greatest voluntary deed a human could do."
	<u>The Book of Jihad,</u> at 10.	<p>The term "Jihad is overwhelmingly used to refer to fight against non-believers:"</p> <p>"Evidence that Jihad is overwhelmingly used to refer to fighting non-believers:</p> <ol style="list-style-type: none"> <li>1. The objection of women: When women came to the Messenger of Allah and complained that the men join you in jihad while we don't. The Messenger of Allah told them that the jihad of women is hajj. It is obvious here that jihad refers to combat. If it meant struggle of the soul then why can't the women do it?</li> <li>2. Simply look at the table of context of the books written by our traditional scholars. In their books the chapter titled jihad only refers to</li> </ol>

		<p>fighting. If they understood it to directly include other meanings this would have been reflected in their writings. * * *</p> <p>3. The meaning of these hadiths referring to jihad can only mean fighting.”</p>
	<u>The Book of Jihad</u> , at 10	“Fighting the non-believers is mandatory even if they do not initiate war and that is according the general texts of Islam.”
	<u>The Book of Jihad</u> , at 13, 20-23	<p>Muslims are “[c]ommand[ed] to fight” against the non-believers, and there is a “stern warning against those who don’t practice jihad.”</p> <p>Individuals who do not participate in jihad are punished.</p>
	<u>The Book of Jihad</u> , at 43.	“Jihad is the greatest deed of all,” and the “Mujahid is the greatest of all people.”
	<u>The Book of Jihad</u> , at 44.	“No one can practice any act of worship equivalent to jihad.”
	<u>The Book of Jihad</u> , at 99-100	<p>“Having a pure intention in jihad is important since Allah doesn’t accept the jihad of a mujahid unless he is fighting with the right intention. There are different intentions of the mujahideen:</p> <ol style="list-style-type: none"> <li>1. The pleasure of Allah: There are mujahideen who intend with their jihad the pleasure of Allah. They do jihad because they believe Allah deserves to be served through this ritual. They do it for no reason other than gaining the approval of Allah. The ones with such an intention are few.</li> <li>2. Love for Islam: Some mujahideen participate in jihad because of their love and vigilant care for Islam. They want Islam to be victorious and they want disbelieve to be defeated.</li> </ol> <p>There is no doubt in the validity of these two intentions. An evidence that a mujahid is basing their jihad on one of the two intentions is that they wouldn’t care in having others know about</p>

		<p>their jihad and they won't brag about it. As long as Allah knows about their jihad that's sufficient for them."</p>
	<p><u>The Slicing Sword: Against the One Who Forms Allegiances With the Disbelievers and Takes Them As Supporters Instead of Allah. His Messenger and the Believers</u>, at 16</p>	<p>"So if what is obligatory regarding the Muslims is to resist the aforementioned disbelievers and to rescue those who are in it (i.e. that land) from the Muslims, and remove them (i.e. the invading occupiers) from there by waging war, besieging and applying sever pressure – as Allah orders in His Book with His statement: Then Kill the Mushrikin (polytheists) wherever you find them, and capure them and besiege them, and prepare for them each and every ambush[.]"</p>
	<p><u>Good Deeds of the Kuffar With Not Be Accepted</u>, at 1</p>	<p>"Both the one who refuses to worship Allah and the one who associates others in worship with Him are kaafirms (disbelievers), like atheists and deniers. Whoever denies the Creator or refuses to worship Him, or joins others in worship with Him, deserves the most severe punishment, because for a man to deny his Creator, or refuse to worship Him, or join others in worship with Him, is the most serious of human sins, the most abhorrent of beliefs and the worst deviation."</p>
	<p><u>Jihad with people of major sins and innovations!</u>, at 19-20</p>	<p>"But we should ask ourselves! Are we weak? Are we incapable to fight? The answer is 'No' for sure!</p> <p>The modern history proved again that muslims are not weak and they have all kind of capabilities to fight their enemies. We all know that the Christian and Jewish world surpassed us in technology and military power. They loudly declared to the world that they have such weapons that allow them to wage a war without engaging in close combats. But recent war records show us very different things and the whole world were assured once again that the decisive factor in the war is still the techniques of the conventional war. In any way you should fight your enemy face to face and we know that muslims have upper hand in these situations.</p> <p>We must mention several points that are positive for muslims:</p>

		<ol style="list-style-type: none"> <li>1. First of all and most importantly we believe in Allah and His Last Messenger. We are the Ummah of Islam.</li> <li>2. We fight to save our sanctities, while the enemy fights to get some worldly benefits.</li> <li>3. We outnumber our enemies.</li> <li>4. We fight in our own territories</li> <li>5. The enemy's military power depends on massive economic support, so the enemy can not wage long-termed wars. So it's utterly unreasonable for muslims to leave the enemy to rest without fight.</li> </ol>
	<p><u>Advice for the Seeker of Knowledge</u>, at 10</p>	<p>“Beware of those who preach for coexistence with the kuffar. Beware of those self-defeated traitors.”</p>
	<p><u>Defense of the Muslim Lands: The First Obligation After Iman</u>, at 22.</p>	<p>“Verily, the repelling of the Kaffir enemy is the most important obligation after Iman, as said Ibn Taymia: ‘The first obligation after Iman is the repulsion of the enemy aggressor who assaults the religion and the worldly affairs’.”</p>
	<p><u>Defense of the Muslim Lands: The First Obligation After Iman</u>, at 21</p>	<p>“The Lord of Honor relates to the wisdom of fighting. It is for restraining the evil might of the unbelievers because unbelievers fear not our presence unless we fight: ‘And fight them until there is no more Fitnah (disbelief and polytheism: i.e. worshipping others besides Allah) and the religion (worship) will be Allah alone. . . .’ By neglecting fighting, Shirk [sin of practicing idolatry or polytheism], which is the Fitnah spreads, and Kufr becomes victorious.”</p>
	<p><u>Defense of the Muslim Lands: The First Obligation After Iman</u>, at 41.</p>	<p>“It is obligatory to fight with any Muslim people as long as they are Muslims. It does not matter how bad or corrupted they are as long as they are fighting the Kuffar, People of the Book or Atheists.”</p>

<p><b>Any non-believer met in battle should be killed.</b></p>	<p><u>The Book of Jihad</u>, at 82</p>	<p>The Chapter entitled, “The Virtues of Killing a Non-Believer for the Sake of Allah,” the author begins:</p> <p>“Allah says:</p> <p>‘...So when you meet those who disbelieve [in battle], strike [their] necks...’”</p>
	<p><u>The Book of Jihad</u>, at 82</p>	<p>In a Chapter entitled, “The Virtues of Killing a Non-Believer for the Sake of Allah,” the author states:</p> <p>“Abu Hurairah narrated: The Messenger of Allah said: ‘The nonbeliever and the one who kills him will never be joined together in Hellfire’”</p> <p>In a footnote, the author stated that “[i]n other words the Muslim is so rewarded for killing the nonbeliever to the extent that Allah will never dishonor the Muslim by joining him with the nonbeliever in Hellfire.”</p>
	<p><u>Allah’s Governance on Earth</u>, at 396</p>	<p>“All of them, the tricked, the kuffar, the apostates, the building and otherwise are all a target that can be hit by the believers and everyone housed under the roof of this building can be sent to Allah (in other words killed) to be checked according to their intention.”</p>
	<p><u>Defense of the Muslim Lands: The First Obligation After Iman</u>, at 13.</p>	<p>“The scholars of the principles of religion have also said: ‘Jihad is Da’wah [preaching] with a force, and is obligatory to perform with all available capabilities, until there remains only Muslims or people who submit to Islam.’”</p>
<p><b>To defeat the kuffar, every Muslim is obligated to participate in jihad.</b></p>	<p><u>Signs of ar-Rahman in the Jihad of Afghan</u>, at 59-60.</p>	<p>“This Jihaad first becomes Fardh on the armed forces of the state. If the armed forces are unable to halt the advance of the enemy, or due to indifference, do not take up this duty, it then becomes Fardh on all the healthy male citizens of the state to take up the Jihaad. If they too are unable to prevent the enemies assault, then Jihaad becomes Fardh-e-Ain upon all the Muslims of the state. This includes women and children (ie. those who have not yet attained puberty, but are able to fight).”</p>

	<p><u>Signs of ar-Rahman in the Jihad of Afghan,</u> at 60.</p>	<p>“If the citizens of the Islamic state are unable to repel the enemy, or due to some reason do not engage in the Jihaad, the duty then devolves on all those Muslims who are closest to the Muslims under attack. The Jihaad becomes Fardh-e-Ain upon them.</p> <p>Here too, if these Muslims are insufficient, or fail in their duty, Jihaad will be Fardh-e-Ain upon those closest to them.</p> <p>In this manner, the duty will devolve on the closest Muslim country, then the next, and then the next. This will continue until Jihaad becomes incumbent on all the Muslims of the world.”</p>
	<p><u>Defense of the Muslim Lands: The First Obligation After Iman,</u> at 9.</p>	<p>“Furthermore, jihad will remain Fard Ayn upon every country close by until sufficient forces are attained to liberate the Muslim countries from the grip of the Unbelievers. If the Unbelievers are not beaten back, then, the Fard Ayn of jihad spreads in the shape of a circle. The nearest to the next in nearness. Until, the jihad has been Fard Ayn upon the whole earth, the destruction of the enemy and their complete expulsion from the Muslim land.”</p>
	<p><u>Defense of the Muslim Lands: The First Obligation After Iman,</u> at 23.</p>	<p>“And, if the Muslims of this land cannot expel the Kuffar because of lack of forces, because they slacken, are indolent or simply do not act, then the Fard Ayn obligation spreads in the shape of a circle from the nearest to the next nearest. If they too slacken or there is again a shortage of manpower, then it is upon the people behind them, and on the people behind them, to march forward. This process continues until it becomes Fard Ayn upon the whole world.”</p>
<p><b>Mujahideen use violence to protect the religion.</b></p>	<p><u>Defense of the Muslim Lands: The First Obligation After Iman,</u> at 28.</p>	<p>“That is, jihad (with the parents grief and distress it may entail) is protection of the religion which has priority over the protection of the individual. Moreover, Jihad itself is the destruction of the mujahid's self if he is martyred. In which case the protection of the religion is assured.”</p>

	<u>The Book of Jihad</u> , at 48.	"The statement that the gates of Paradise are lying under the swords would mean that Paradise is attained through the swords of the mujahideen and using the sword is necessary to get Paradise and to open its gates."
<b>The goal is to become a martyr</b>	<u>Allah is not Oblivious of What the Oppressors Do</u> , at 2-3	"Fellow Muslims! The price of honour is great and expensive. The nation lives when its children engage in Jihaad and make sacrifice. There is no benefit in a nation whose land is trampled upon by the enemy and whose sacred places are desecrated by sinners. It then surrenders and submits to the enemy. The lands shall never be protected except through sacrifice, the cherished possessions cannot be guarded except through Jihaad and lofty-mindedness; and kingdoms and glories cannot be built except upon might and honour. The Messenger of Allaah said, 'Anyone who is killed while defending his wealth is a martyr; anyone who is killed while defending his life is a martyr; anyone who is killed while defending his religion is a martyr; and anyone who is killed while defending his family is a martyr.'"
	<u>This is our `Aqidah</u> , at 67	"So it is a group that represents the helpers of this din in every time period and it is a fighting, jihad-waging group that hastens to give victory to the din of Allah in all aspects of victory. We ask Allah the Most High to make us from its people and decree our end with martyrdom in His path."
	<u>Defense of the Muslim Lands: The First Obligation After Iman</u> , at 4-5.	"Oh you who offer prayer in the sacred mosque, had you participated with us in the fields of battle, you would have known that, compared to our jihad, your worship is the trifling of children. For every tear you have shed upon your cheek, we have shed in its place blood, on our chests. You are jesting with your worship, while you worshippers offer your worship, mujahideen offer their blood and person."
	<u>Defense of the Muslim Lands: The First Obligation After Iman</u> , at 7.	"Jihad in Allah's cause is to achieve martyrdom, about which Allah has given the good news of their election with his blessed words '...and that He may take martyrs from among you' (Al Imran: 140). It is a

		<p>progression from one abode to another. From a problematic, deceptive and unjust life to a life of happiness and pleasure.</p> <p style="text-align: center;">* * *</p> <p>The believer fights jihad for Allah that: if he falls he learns and if he is injured he is forgiven for his sins, if he is exiled he is a traveler, if he is imprisoned it is time for him for worship, if he lives he will become a leader, if he dies he is a martyr and for him is good and more.”</p>
	<u>Milestones</u> , at 72	“The honor of martyrdom is achieved only when one is fighting in the cause of God, and if one is killed for any other purpose this honor will not be attained.”
	<u>The Book of Jihad</u> , at 100	“Some mujahideen do jihad for the sake of entering Paradise and being saved from Hellfire. This is the intention of most of the mujahideen. They want Paradise and they fear Hellfire. Now some say that this intention is not sufficient to reach the status of martyrdom. But the correct opinion is that this intention is sufficient in reaching the status of martyrdom and there is an abundance of evidence from Quran, Sunnah and the action of the Sahabah to support that.”
	<u>The Book of Jihad</u> , at 111.	“Martyrdom is a great blessing and a noble status that is not given except to the very fortunate.”
	<u>Allah’s Governance on Earth</u> , at 429-30.	“When they were being killed, they voluntarily went forward, accepting martyrdom for their faith rather than living for apostasy. This is why Allah was so pleased with them that He said regarding them, ‘Truly, those who believe and do righteous deeds, they shall have the gardens of Paradise, under which rivers flow. That is the great salvation.’”
<b>There are several acts that can be done in battle to become a martyr.</b>	<u>The Book of Jihad</u> , at 84	Chapter entitled, “THE VIRTUE OF AN INDIVIDUAL OR A SMALL GROUP IMMERSING THEMSELVES WITHIN A LARGE ARMY OF NONBELIEVERS IN SEARCH OF MARTYRDOM AND CAUSING DAMAGE TO THE ENEMY”

	<u>The Book of Jihad</u> , at 92	“Abu Hamid al Ghazali said in the Ihyaa: ‘There is no difference in opinion that an individual Muslim can attack the ranks of the nonbelievers and fight them alone, even if he knows that he would be killed. And just as it is allowed for him to fight the nonbelievers until he is killed, it is also allowed to do that in enjoining good and forbidding evil.’”
	<u>This is our `Aqidah</u> , at 65-66	“Hence, it is permissible for a person to fight them even if by himself and even if he is certain of martyrdom and not gaining victory.”
<b>The death of a martyr is the easiest and most honorable death.</b>	<u>The Muslim Creed</u> , at 15	“It is a certain fact that all created souls will taste death. Martyrdom in the sake of Allah is the best fate that the believer vies for, for it is the most honorable and the easiest type of death. The Shahid [martyr] feels death just as if it as a pinch. Therefore, there is no added pain that touches those who taste death as martyrs as compared to other types of death. Hence, those who think that this type of death is harder than the death that touches one while asleep in his bed are ignorant. Rather, the death of the martyr is the easiest, most honorable and most noble type of death. Those who escape martyrdom think that they are lengthening their time on earth by running away, so they can enjoy life. Alas, Allah has proclaimed that this thought is false, when he when He said, Say (O Mohammad to these hypocrites who ask for your permission to run away from battle), ‘Flight will not avail you if you flee from death or killing, and then you will enjoy no more than a little while!’ In this Ayah, Allah states that retreating in the face of martyrdom will neither help nor benefit one. And even if it did help and bring about benefit, this benefit will only last for a short time. Death is a foregone conclusion that will surly touch every created soul. Those who run away from martyrdom will only gain little by this delay, all the while losing what is more beneficial for them: the bounties the martyr enjoys with Allah.”
	<u>The Book of Jihad</u> , at 119	“The one who dies as a Shaheed [martyr] is better than the one who wins and returns home safely.”

<b>Martyrs receive many benefits when they die in the cause of violent jihad.</b>	<u>The Slicing Sword: Against the One Who Forms Allegiances With the Disbelievers and Takes Them As Supporters Instead of Allah. His Messenger and the Believers</u> , at 12	The purpose of the book is to encourage Muslims to “fight the enemies of Allah,” with the promise that “paradise is beneath the shade of swords.”
	<u>The Book of Jihad</u> , at 47.	“Allah will never forsake the Mujahideen but would help them and respond to their prayers.”
	<u>The Book of Jihad</u> , at 111	“Martyrdom is a great blessing and a noble status that is not given except to the very fortunate. The martyrs are accompanying the Prophets in Paradise[.]”
	<u>The Book of Jihad</u> , at 115-19.	“The martyrs are blessed with many virtues from Allah[.]” including a “[d]esire to die again for the sake of Allah,” [f]orgiveness all sins,” “shade [provided by angels] for the Shaheed with their wings”, and a guarantee of Paradise.
	<u>The Book of Jihad</u> , at 120.	“The Shaheed does not feel the pain of death except like a brief sting.”
	<u>Defense of the Muslim Lands: The First Obligation After Iman</u> , at 51.	“When they were in confusion over difficult questions they should say, ‘ask the people of the battle fronts because they are the nearest to Allah’.”
<b>Suicide bombing is permissible in certain situations.</b>	<u>This is our `Aqidah</u> , at 13-14	<p>“I have scrutinized this problem in a fatwa, wherein I directed the youth who are in charge of such operations to study the matter legally and seriously. It alerted those youth to certain issues, the most important of which are the following:</p> <ol style="list-style-type: none"> <li>1. Effort should be made in utilizing the latest technological methods, like remote control bombing devices or timed-devices, which minimizes the number of victims in the ranks of the Mujahideen, for this is obligatory upon them if it is attainable, is because the Mujahid brother is a precious jewel in this time and must not be wasted for targets that can be claimed without losses of this type.</li> </ol>

		<p>2. These operations should focus on military targets which distress the enemy and it should manifest the radiant image of the Islamic Jihad by avoiding unintentional killing of children and the like[.] * * *</p> <p>3. The motive behind such operations should be to establish a truly important and general Maslaha (benefit), or to repel a true Mafsada (blight), not a doubtful one, that can not be repelled in any other way. As for carrying out these operations to kill a Kafir who can be killed by a pistol or gun, then sacrificing the self is not permitted because it is not a necessity and because it can be accomplished by other means.</p> <p>In summary, our scholars have given Fatwas which permitted operations analogous and comparative to these, whereby a great and true blight can be repelled and by no other method.”</p>
<p><b>Individuals are instructed to assist others in committing violent jihad, including scholars.</b></p>	<p><u>Advice for the Seeker of Knowledge</u>, at 9</p>	<p>“And I sincerely advice you – if you are one of those who are in (a position of responsibility over the Shabab [youth] – (Know that) you must incite the Believers to fight, either here (in the Arabian Peninsula), or there (‘Iraq, Pakistan, Afghanistan, Chechnya, Indonesia, America, etc.), or openly declare the Millah (Faith) and clarify the reasons. . .”</p>
	<p><u>Signs of ar-Rahman in the Jihad of Afghan</u>, at 9.</p>	<p>“We wish to remind those who traverse the corners of the earth for amusement and sight-seeing of the Hadith ‘The tourism of my Ummah is Jihaad,’ and we wish to caution them of the warning for abandoning Jihaad, by citing the Hadith ‘He who has neither fought (in Jihaad) nor equipped a fighter, nor has he substituted a fighter (by remaining behind and) seeing to the affairs of the fighters family with goodness, then Allaah Ta’ala will impose upon him a calamity before the day of Qiyaamah[.]”</p>

	<p><u>Defense of the Muslim Lands: The First Obligation After Iman</u>, at 27.</p>	<p>“You are aware that jihad in Afghanistan, began and still continues to raise the words of Allah, and to establish a state founded on the Qur'an. To realize this objective we need mujahideen who properly understand Islam and who are can safeguard the principles of true Islamic jihad, therefore we need Da'i and Ulama, to continually teach and instruct. You should know that there have already been many tutors and scholars martyred in the fields of jihad in Afghanistan. That is why we are in great need of men who are capable of teaching, tutoring and directing in mujahideen schools, training camps, refugee camps and battle fronts until Allah the Exalted helps us to bring about our expected our aims. We need scholars and tutors more than any other professionals or specialists. May Allah assist us and you in serving Islam and the Muslims.”</p>
	<p><u>Jihad with people of major sins and innovations!</u>, at 20</p>	<p>“So where are the military trainings and preparations?! We do not see any ongoing activities and we do not see the scholars to encourage muslims to develop new technologies, to prepare with strength. We can not see it!!! They are not sincere in their fatawa...when they call muslims abandone jihad, we do not see them offering any other solutions...we do not see them talking about military preparations!!! If even some of them do talk about such trainings, it's very little on comparison to their endless discussions about the "harms" of jihad. And Allah said: If they had intended to come out (to fight), they would certainly have made some preparation therefor...”</p>
<p><b>Moderate voices are criticized.</b></p>	<p><u>US Manufactured Scholars</u></p>	<p>“It is plain to see to the one who studies objectively, that truly the US inspired scholars are nothing but cheap products of Uncle Sams plan to subvert Islam and Muslims.”</p>
	<p><u>Allah’s Governance on Earth</u>, at 308.</p>	<p>“Those who issue fataawa against the Mujaahidin or for the jihaad to be delayed should also be degraded, exposed and harshly dealt with as individuals until their evil of slowing the establishment of the Shari`a, their support of</p>

		kaafir regimes and their wickedness is removed completely.”
<b>Individuals are encouraged to join jihad campaigns in various parts of the world.</b>	<u>Advice for the Seeker of Knowledge</u> , at 6.	“The fields of Jihad are in need of you, and the militant training camps are seeking for you – So where are you when it comes to aiding the weak and oppressed ones?”
	<u>Defense of the Muslim Lands: The First Obligation After Iman</u> , at 23.	“The sin upon this present generation, for not advancing towards Afghanistan, Palestine, the Philippines, Kashmir, Lebanon, Chad, Eritria etc, is greater than the sin inherited from the loss of the lands which have previously fallen into the possession of the Kuffar.”
<b>It is not permissible for a Muslim in the United States to go to the police or the FBI to inform them about a plot.</b>	<u>Not permissible to inform the kuffaar</u> , at 1	“And I asked him it is permissible to inform the kuffar if he knows that the takfeeriyyeen are plotting something and the answer to each question was a definitive, prompt “LAA YAJOOZ,” “LAA YAJOOZ,” AND “MA BIYAJOOZ” ( ma biyajooz lughah ‘ammiyyah/colloquial dialect) for those who don’t know ‘not permissible.’”