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**UNDER SEAL**

CRIMINAL COMPLAINT

ORIGINAL

UNITED STATES DISTRICT COURT

UNITED STATES OF AMERICA

v.

SOHIEL OMAR KABIR, - 1  
RALPH KENNETH DELEON, - 2  
ALEJANDRO SANTANA VIDRIALES, 3rd  
ARFEEN DAVID GOJALI, - 4  
DEFENDANTS.

U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE  
CLERK

MAGISTRATE'S CASE NO.

12-

CENTRAL DISTRICT OF CALIFORNIA

DOCKET

**ED 12-0451M**

FILED  
CLERK U.S. DISTRICT COURT  
NOV 16 2012  
CENTRAL DISTRICT OF CALIFORNIA  
RIVERSIDE

**UNDER SEAL** **CRIMINAL COMPLAINT** **ORIGINAL**

UNITED STATES DISTRICT COURT	CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA v. SOHIEL OMAR KABIR, -1 RALPH KENNETH DELEON, -2 MIGUEL ALEJANDRO SANTANA VIDRIALES, <sup>3</sup> and ARIFEEN DAVID GOJALI, -4  DEFENDANTS.	DOCKET NO.  MAGISTRATE'S CASE NO.  12- <b>ED12-0431M</b>

FILED  
CLERK, U.S. DISTRICT COURT  
**NOV 16 2012**  
CENTRAL DISTRICT OF CALIFORNIA  
BY *[Signature]* DEPUTY

Complaint for Violation of Title 18, United States Code, Section 2339A: Conspiring to Provide Material Support and Resources to Terrorists

NAME OF MAGISTRATE JUDGE HONORABLE SHERIFF YM	UNITED STATES MAGISTRATE JUDGE	LOCATION Riverside, California
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DATE OF OFFENSE August 2010 to Present	PLACE OF OFFENSE Riverside, San Bernardino, and Los Angeles Counties	ADDRESS OF ACCUSED (IF KNOWN)
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COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

Beginning on or about August 2010 and continuing to the present, defendants SOHIEL OMAR KABIR, RALPH KENNETH DELEON, MIGUEL ALEJANDRO SANTANA VIDRIALES, and ARIFEEN DAVID GOJALI conspired to provide material support and resources, including but not limited to property, services, and personnel, including themselves, knowing and intending that they be used in preparation for, and in carrying out, crimes of terrorism in violation of Title 18, United States Code, Section 2339A.

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:  
(See attached affidavit which is incorporated as part of this Complaint)

MATERIAL WITNESSES IN RELATION TO THIS CHARGE:

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT N.T. Elias <i>[Signature]</i>
	OFFICIAL TITLE SPECIAL AGENT – Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

SIGNATURE OF MAGISTRATE JUDGE(1) <i>[Signature]</i>	DATE November 16, 2012
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1) See Federal Rules of Criminal Procedure rules 3 and 54. (SJD, CDG, AWC) REC: Detention



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**AFFIDAVIT**

**INTRODUCTION**

I, N. T. Elias, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since January 23, 2005. Prior to being employed with the FBI, I was employed from July of 1998 through January of 2005 with the Washington State Patrol, first as a Trooper and then as a Detective. With the FBI, I have worked investigations involving organized crime, kidnapping, fugitives, bank robbery, drug trafficking, extortion, fraud, and terrorism. My current assignment with the FBI is in the Los Angeles Field Office, Riverside Resident Agency, assigned to the Joint Terrorism Task Force ("JTTF"). Since November of 2009, I have been assigned to work international terrorism. I have received specialized training in terrorism and weapons of mass destruction.

2. This affidavit is submitted for the purpose of establishing probable cause that beginning in approximately August 2010 and continuing through to the present, in various cities within the Central District of California, and elsewhere, SOHIEL OMAR KABIR ("KABIR"); RALPH DELEON, also known as ("aka") "Rafiq Abdul Raheem," aka "Ya Seen," aka "Ya Sin" ("DELEON"); MIGUEL SANTANA, aka "Muhammad Khalid Mikaeel Khattab"

("SANTANA"); and ARIFEEN DAVID GOJALI, aka "Arifeen Ghazali," aka "Arifeen Ghozali, aka "Arifeendavud Gojali" ("GOJALI") conspired to provide material support and resources, including but not limited to property, services, and personnel, including themselves, knowing and intending that they be used in preparation for, or in carrying out, crimes of terrorism, including conspiracy to kill, kidnap, maim, or injure persons and damage property in a foreign country in violation of Title 18, United States Code, Section 956; killing and attempting to kill officers and employees of the United States and agencies of the United States Government while such officers and employees are outside the United States in violation of Title 18, United States Code, Section 1114; killing nationals of the United States while such nationals are outside the United States in violation of Title 18, United States Code, Section 2332(b); conspiring to use a weapon of mass destruction outside the United States in violation of Title 18, United States Code, Section 2332a(b); and bombing places of public use and government facilities in violation of Title 18, United States Code, Section 2332f; all in violation of Title 18, United States Code, Section 2339A.

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and

information obtained from various FBI agents, Task Force Officers, witnesses, reports, and other sources. This affidavit is intended to show merely that there is sufficient probable cause to support the requested arrest warrants and criminal complaint charging KABIR, DELEON, SANTANA, and GOJALI with violations of federal law. Accordingly, this affidavit does not purport to set forth all facts known to me or the FBI regarding this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.<sup>1</sup> Summaries of conversations do not include references to all topics covered in the communications. All verbatim quotations of verbal statements are preliminary and draft only. Verbatim quotations of written statements include original errors. All dates are approximate.

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<sup>1</sup> Throughout this affidavit, English translations of Arabic words and phrases are offered for ease of reference. Additional information regarding the subjects' use of certain language is offered where appropriate and rests on the totality of the investigation to date, the context of the statements in light of the facts, publically available sources of information, my conversations with other officers and agents who are familiar with the investigation, and my experience and familiarity with terrorist organizations generally.

**BACKGROUND INFORMATION**

**SUMMARY OF THE EVIDENCE**

4. As described in more detail below, evidence shows that in 2010, KABIR influenced SANTANA and DELEON to convert to Islam and introduced SANTANA and DELEON to radical and violent Islamic doctrine, including by posting content on-line and by directing SANTANA and DELEON to materials featuring now-deceased Al-Qa'ida in the Arabian Peninsula spokesperson Anwar Al-Awlaqi<sup>2</sup> and other extremist materials disseminated via the Internet. Thereafter, KABIR continued to post radical content to social media sites, some of which DELEON and SANTANA reviewed and commented on, including as described in paragraphs 26 through 28 below.

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<sup>2</sup> According to a March 2010 report by the United States Military Academy at West Point's Combating Terrorism Center ("CTC"), "Anwar al-'Awlaqi: Profile of a Jihadi Radicalizer" by Christopher Heffelfinger,

Al-'Awlaqi has already served to radicalize a sizeable number of young Muslims, including Americans and other English-speaking Muslims who aspired to learn more about jihad and its permissibility according to Shari'a (Islamic law). He has translated and discussed famous Arabic-language tracts on jihad in his lectures and articles, as well as hadith stories and other matters of faith and doctrine. . . . What makes al-'Awlaqi unique is his role in the radicalization process, serving as a critical link that takes dedicated students of Salafi-jihadi ideology from an inspirational to an operational mode. Accordingly, al-'Awlaqi's greatest significance lies in his ability to function as a motivational speaker, demonstrating a proven talent to drive believers into action.



5. On December 28, 2011, KABIR traveled from the United States to Germany, where he remained until July 2012. On July 24, 2012, KABIR traveled to Afghanistan via Dubai, United Arab Emirates. Records show that, in July 2012, KABIR obtained a one-way ticket to travel from Amsterdam to Kabul, Afghanistan, via Kiev and Dubai. Internet Protocol ("IP") records for one of KABIR's on-line accounts show that KABIR subsequently logged in to his account from an IP address that resolved to Afghanistan.

6. After reaching Afghanistan, KABIR communicated with SANTANA and DELEON and encouraged SANTANA and DELEON to travel from the United States and join him in Afghanistan. KABIR informed SANTANA and DELEON that he had arranged for SANTANA's and DELEON's arrival in Afghanistan. KABIR informed SANTANA and DELEON that he had made contacts in Afghanistan and that he intended to depart for training but would wait until SANTANA and DELEON reached Afghanistan. KABIR informed SANTANA and DELEON that, upon their arrival, the three men initially would join "the students," referring to the Taliban, before joining "the professors," referring to Al-Qa'ida.

7. During the investigation, SANTANA and DELEON informed an FBI confidential source (the "CS")<sup>3</sup> that they planned to

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<sup>3</sup> The CS is an individual who has been reporting to the FBI full-time for over 4.5 years and has provided credible and reliable information in the past. As of approximately late

travel from the United States to engage in violent jihad<sup>4</sup> and that they had planned to do so since the time KABIR converted them to Islam. During conversations with the CS, SANTANA and DELEON described potential targets for violent attacks, including overseas American military personnel and bases. At various times, SANTANA and DELEON also discussed their preferred roles in committing violent jihad. For example, SANTANA stated that he had experience with firearms and that he wanted to become a sniper. DELEON stated that he wanted to be on the front lines and that his second choice would be explosives. When the CS asked SANTANA whether he would be able to kill an enemy, SANTANA said he would have no problem doing so. When asked a similar question, DELEON said that he would "blow his [referring to an enemy's] brains out and send him to, to jahannam [Arabic for hell]." In September 2012, DELEON and

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October 2012, the CS has received over \$250,000 in payments from the government as well as immigration benefits. The CS was previously convicted of trafficking in pseudoephedrine.

<sup>4</sup> When translated from Arabic, the word "jihad" means "struggle" and can be interpreted in different ways. Evidence in this case, including statements to the CS and written communications, shows that KABIR, SANTANA, and DELEON closely followed and studied the teachings of Anwar Al-Awlaqi. Al-Awlaqi, in his 2009 essay "44 Ways to Support Jihad," stated that "jihad" is an obligatory act for Muslims and that "victory will not be through elections or peaceful dawah, but through fighting in the path of Allah." The evidence shows that KABIR, SANTANA, DELEON, and GOJALI used the word "jihad" to refer to fighting as in armed combat.

SANTANA recruited GOJALI to join them. GOJALI agreed to join their plan to travel overseas to commit violent jihad.

8. Evidence described below further shows that DELEON, SANTANA, and GOJALI have taken, and continue to take, steps to prepare for travel from the United States to reunite with KABIR in Afghanistan and join the Taliban and Al-Qa'ida by conducting training, including physical exercise and firearms practice, and arranging travel logistics, including flights, passports, and visas.

#### **THE DEFENDANTS**

##### Sohiel Omar KABIR

9. Records from the United States Department of Homeland Security ("DHS") and the State of California show that KABIR is a 34 year-old naturalized United States Citizen who was a resident of Pomona, California. He was born in Afghanistan. Department of Defense records show that KABIR served in the United States Air Force from 2000 to 2001. As discussed below, the FBI has learned that KABIR departed the United States for Germany in December 2011 and entered Afghanistan in July 2012.

##### Ralph Kenneth DELEON

10. Records from DHS and the State of California show that DELEON is a 23 year-old lawful permanent resident alien who

resides in Ontario, California. DELEON was born in the Philippines.

Miguel Alejandro SANTANA Vidriales

11. Records from DHS and the State of California show that SANTANA is a 21 year-old lawful permanent resident alien who resides in Upland, California. SANTANA was born in Mexico and is pending citizenship in the United States.

Arifeen David GOJALI

12. Records from the State of California show that GOJALI is a 21 year-old United States citizen by birth and a resident of Riverside, California.

**RELEVANT GROUPS**

AL-QA'IDA

13. According to the National Counterterrorism Center's publicly available website, Al-Qa'ida is described as follows:

Established by Usama bin Ladin in 1988 with Arabs who fought in Afghanistan against the Soviet Union, Al-Qa'ida's declared goal is the establishment of a pan-Islamic caliphate throughout the Muslim world. Toward this end, Al-Qa'ida seeks to unite Muslims to fight the West, especially the United States, as a means of overthrowing Muslim regimes Al-Qa'ida deems "apostate," expelling Western influence from Muslim countries, and defeating Israel. Al-Qa'ida issued a statement in February 1998 under the banner of "the World Islamic Front for Jihad Against the Jews and Crusaders" saying it was the duty of all Muslims to kill US citizens - civilian and military - and their allies everywhere. . . . Al-Qa'ida remains

committed to conducting attacks in the United States and against American interests abroad.

[http://www.nctc.gov/site/groups/al\\_qaida.html](http://www.nctc.gov/site/groups/al_qaida.html).

14. In 1999, and continuing to the present date, the Secretary of State designated the terrorist group Al-Qa'ida as a Foreign Terrorist Organization pursuant to Section 219 of the Immigration and Nationality Act.

#### THE TALIBAN

15. The Taliban, (also known as "Taleban"), is described, in part, by the National Counterterrorism Center as:

. . . a Sunni Islamist nationalist and pro-Pashtun movement founded in the early 1990s that ruled most of Afghanistan from 1996 until October of 2001. The movement's nucleus - the word "Taliban" is Pashto for "students" - was composed of peasant farmers and men studying Islam in Afghanistan and Pakistan madrasas, or religious schools. [In] September 1996, the Taliban had captured Kabul, killed the country's president, and established the Islamic Emirate of Afghanistan. In the years leading up to the 11 September 2001 attack in the United States, the Taliban provided a safehaven for Al-Qa'ida. This gave Al-Qa'ida a base in which it could freely recruit, train, and deploy terrorists to other countries. The Taliban held sway in Afghanistan until October 2001, when they were routed from power by the US-led campaign against Al-Qa'ida.

<http://www.nctc.gov/site/groups/taliban.html>.

#### SUMMARY OF THE FACTS

16. As of October 2011, SANTANA had posted violent extremist media on a social media site, including audio files of



Al-Qa'ida terrorist Anwar Al-Awlaqi, articles from Al-Qa'ida in the Arabian Peninsula's English-language magazine "Inspire,"<sup>5</sup> and other comments and quotations supporting violent jihad. SANTANA indicated he lived in Los Angeles and had converted to Islam in approximately August of 2010. A picture on one of SANTANA's social media pages depicted what appears to be an Islamic militant fighter with a caption declaring "No one should think that the killing of Mujahid (Arabic word referring to a fighter for jihad) will possibly stop or hinder our movement, because in place of one there are tens and hundreds of lions who are ready to pounce upon the regime's ruined remnants. My soldiers love dying more than your soldiers love living." SANTANA later told an FBI on-line covert employee ("OCE") that, from the time he converted to Islam, his intention was to engage in jihad. SANTANA later made similar statements to the CS.

17. On January 13, 2012, DHS's Customs and Border Protection ("CBP") encountered SANTANA as he entered the United States from Mexico at the San Ysidro, California, point of entry. During the encounter, CBP officers asked SANTANA about items that he was carrying on his person. SANTANA told CBP

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<sup>5</sup> "Inspire" is an English-language on-line magazine reported to be published by Al-Qa'ida in the Arabian Peninsula. Among other things, the magazine includes recruiting material and provides information about how to carry out particular types of terrorist attacks.

officers that he converted to Islam in August 2010 and that while on his current trip to Mexico, he obtained, through the Internet, a copy of "Inspire"<sup>6</sup> magazine to read.

18. During the investigation, the FBI, acting in a covert capacity, engaged SANTANA in dialogue on-line to determine his potential threat to the United States. In electronic communications with the FBI on-line, SANTANA detailed his acceptance of Islam, his support of jihad, and his desire to join Al-Qa'ida.

19. During an on-line conversation on February 15, 2012, SANTANA informed an OCE of his interest in "fisabilillah" (an Arabic phrase meaning "for the sake of God"). During the conversation, the following exchange occurred:

OCE: to be clear akhi. . . what do u mean when u use the word fisabillah

SANTANA: they tell me that they live in amerika so they have different fisabillah Jihad

OCE: yes..this is what must be clear because in some places fisabillah means something else..some believe it means performing act such as charity or Jihad

SANTANA: oh really? didn't no that

OCE: so what do you believe?

SANTANA: believe what?

OCE: are u talking about charity or jihad when u use fisabillah

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<sup>6</sup> SANTANA was found to have a copy of issue number 7 of "Inspire" magazine, published in the Fall of 2011.

SANTANA: jihad fisabillah to establish tawheed  
[Arabic word referring to the Islamic belief  
in the oneness of God] over the Muslim lands  
and to stop the oppressors.

Based on SANTANA's statements to the OCE and later to the CS,  
SANTANA appeared to use the term fisabilillah and "jihad  
fisabilillah" to refer to violent jihad as in war.

20. Later in the same February 15, 2012, on-line  
conversation with an OCE, SANTANA described how an Afghan  
"brother" (later identified as KABIR) introduced him to jihadi  
videos and jihadi media, including "Inspire" magazine, "the  
unjust media," and "kavkazcenter." When asked by the OCE if he  
was still in contact with the "Afghan" (KABIR), SANTANA said he  
was, that "he (KABIR) knows my intentions," and that "we planned  
this out when I became a Muslim." SANTANA claimed to the OCE  
that he went to Mexico to "train" and that he "learned how to  
use fix and shoot a lot of different kinda of guns and I was  
practicing with explosives learning how to use and make them."  
Later in the conversation, SANTANA told the OCE that he was  
"thinking of learning how to be a sniper."

21. In a February 17, 2012, communication, an OCE asked  
SANTANA which battlefield he wanted to join; SANTANA replied  
"korasan," then added "yemen." The OCE asked SANTANA what his  
interest was in "korasan" or "yemen" to which SANTANA replied  
"help the brothers pave the way to Jerusalem." (Based on my

training and experience and information provided by other FBI special agents: (1) SANTANA's use of the word "korasan" was a reference to Khorasan, a traditional Islamic reference to an area in Central Asia and Afghanistan, here meaning Afghanistan; and (2) SANTANA's statement "help the brothers pave the way to Jerusalem" appeared similar to the teachings of Al-Awlaqi and to a fatwa issued by Al-Qa'ida directing followers to retake control of the Al-Aqsa Mosque, which is located in Jerusalem.)<sup>7</sup>

22. In an on-line conversation on February 29, 2012, SANTANA told an OCE about a "filipino brother" (later identified as DELEON) and stated that there were others who want to make "jihad fisabillah." The OCE told SANTANA there is a training camp in Jalalabad, Afghanistan, for SANTANA to attend if that is his intention. SANTANA responded "Mashallah were is this akhi?"

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<sup>7</sup> On February 23, 1998, Usama Bin Laden and his then deputy, Ayman Al-Zawahiri (now the leader of Al-Qa'ida following Bin Laden's death), issued a fatwa declaring, in part, that

[t]he ruling to kill the Americans and their allies - civilians and military - is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the Al-Aqsa Mosque and the holy mosque [Mecca] from their grip, and in order for their armies to move out of all the lands of Islam[.] . . . We - with God's help - call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans and plunder their money wherever and whenever they find it.

See [http://www.pbs.org/newshour/updates/military/jan-june98/fatwa\\_1998.html](http://www.pbs.org/newshour/updates/military/jan-june98/fatwa_1998.html).

and told the OCE he has wanted to join the battlefield since he "took shahada" (referring to the time when he declared his faith in Islam).

23. During the investigation, the CS met SANTANA, DELEON, and GOJALI on numerous occasions. Over the course of several months, DELEON and SANTANA informed the CS of their plans with KABIR. Although GOJALI previously associated with DELEON and SANTANA, DELEON recruited GOJALI to join the conspiracy in September 2012.

24. On March 2, 2012, the CS observed SANTANA with a Filipino male, later identified as DELEON. The CS spoke with DELEON in an unrecorded conversation. DELEON told the CS there were a couple of "brothers" from the mosque who want to go for "fisabilillah." The CS asked DELEON which kind of fisabilillah and DELEON replied "jihad." DELEON said that the two men who had been discussing fisabilillah had been doing so openly and had drawn the attention of the "feds." When the CS asked whether SANTANA was one of the men discussing jihad fisabilillah, DELEON said "yes, Miguel."

25. During an on-line conversation on March 9, 2012, SANTANA again told an OCE that he wanted to become a sniper and that he "always had a big passion for this." The OCE told SANTANA that the OCE's "emir" (Arabic for leader) is Al-Qa'ida.



SANTANA asked "how do I make pledge to this Emir?" The OCE explained how to do so and SANTANA followed suit by typing verbatim the following pledge provided by the OCE:

O our beloved Emir, on behalf of my brothers in al-Qaeda, commanders, and soldiers. I say: I give allegiance to you to follow the Book of Allah and the Sunnah of His Messenger, to listen and obey in good and bad, to have altruism and not dispute with people in their fields except when we see clear unbelief that is prove in the revelation from Allah as much as we can.

When the OCE asked SANTANA how he felt, SANTANA replied "It feels like I took shahada all over again."

#### **DEFENDANTS' SOCIAL MEDIA**

26. I have reviewed several of the social media web sites for KABIR, SANTANA, DELEON, each of whom has posted radical pro-jihad content on their respective pages. Additionally, portions of the social media show that DELEON and SANTANA "liked"<sup>8</sup> postings on KABIR's Facebook page as early as May 2011.

27. Public items posted by KABIR to his social media accounts include photographs of himself, non-extremist content, radical Islamist content, and items reflecting a mistrust of

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<sup>8</sup> According to Facebook, the "like" feature allows users to share content with other Facebook users. For example, if User A clicks the "like" button associated with specific content posted on User B's Facebook page, a link is posted on User A's Facebook page indicating User A "liked" User B's content; User B's content is annotated to note the "like." Similarly, Facebook's "share" feature allows users to share content in a variety of ways, including to their own page, to another person's or group's page, or in a private message.

mainstream media, abuses by the government, conspiracy theories, abuses by law enforcement, and the war in Afghanistan. KABIR's radical postings include videos and links to videos of Al-Qa'ida leader Anwar Al-Awlaqi and his lectures, jihad-based videos regarding Afghanistan and elsewhere, videos depicting mujahideen fighters in Afghanistan and elsewhere, videos depicting terrorist training camps and related activities, videos depicting improvised explosive device ("IED") attacks, and articles regarding the death of American soldiers in Afghanistan. For example, on July 6, 2012, KABIR shared a video to his public Facebook page entitled "Knights of Khorasan Islamic Emirate Martyrdom Operation Against an Army Base in Margha." This video, which I have reviewed, depicts a suicide bombing operation against a large base wherein the suicide-bomber drives an explosives-laden truck into a base and detonates it. The video bears the symbol of As-Sahab, Al-Qa'ida's media wing, in the lower right corner.

28. KABIR has "shared" several postings with SANTANA and/or DELEON, both of whom have "liked" or commented on several other postings by KABIR, including the following:

a. On December 7, 2011, KABIR posted a video entitled "Black Flags of Khorasan: Part 2" that he later "shared" with DELEON. (Based on my training and experience,

conversations with other agents, and research of publicly available information, the black flag or banner refers to a traditional flag flown by Muhammad and later by Islamic military leaders. More recently, several jihadi groups and terrorists have adopted the black flag as a symbol for jihad and mujahideen fighters.)

b. On or about January 5, 2012, KABIR shared a link regarding negotiating with the Taliban. SANTANA "liked" the post and SANTANA and KABIR engaged in a public exchange of comments. SANTANA said, "they messed up know!" KABIR followed SANTANA's comment with a lengthy comment that appeared to include excerpts of a "Statement of Islamic Emirate of Afghanistan," which discussed the Taliban's desire to expel the United States from, and establish their own government in, Afghanistan. SANTANA replied to KABIR's comment by writing "Oh yea!!!!"

c. On January 5, 2012, KABIR posted a photo on his Facebook page depicting a veiled and covered woman leaning on an assault rifle. DELEON and KABIR exchanged comments on the photo wherein DELEON said "...hey bro are u coming back? whats goin on? how long u gona stay there?" KABIR replied "Naa.. not comin back...movin 4wd.... =D.... ½ way 2 my destination.. =D."

(Based on the context of this statement, including the fact that

KABIR was then in Germany, I believe that KABIR intended to inform DELEON that he had commenced his journey to Afghanistan.)

d. On January 19, 2012, DELEON "liked" a shared link posted on KABIR's page of a video entitled "Dua of Sheikh Muhammad al Mohaisany masjid al haram makkah." The video, which I have reviewed as posted on KABIR's page, appears to be a prayer for the success of the mujahideen and features various photos including Al-Qa'ida leaders Usama Bin Laden and Ayman al Zawahiri, 9/11 attacks, bloodied adults and children, and Islamic fighters. The video also calls for the liberation of Al-Aqsa, the mosque referenced in the 1998 Al-Qa'ida fatwa described above.

e. On February 13, 2012, SANTANA "liked" two shared video links on KABIR's page, including one for a video entitled "Imam Anwar al Awlaki - A Story of Courage."

f. On May 28, 2012, KABIR posted two stories regarding the death of Al-Qa'ida leader Usama Bin Laden. DELEON "liked" both stories; SANTANA "liked" one.

g. On June 16, 2012, SANTANA "liked" a video, produced by Al-Qa'ida's media wing, As-Sahab, shared by KABIR to his Facebook page entitled "Ghuraba." This video, which I have reviewed, appears to depict life as a mujahideen fighter and

includes several interviews. The video also features mujahideen fighters firing artillery.

h. On July 5, 2012, KABIR posted a photo featuring Al-Qa'ida leader Anwar Al-Awlaqi which contained a quote from Al-Awlaqi. DELEON "liked" and "shared" the photo.

i. On September 16, 2012, DELEON "liked" KABIR's shared link to a video entitled "The Truth Has Come and Falsehood has perished Part 1 Urdu." This video, which I have reviewed, is a production by As-Sahab and begins with footage of Al-Awlaqi and discusses the war in Afghanistan. The video also features current Al-Qa'ida leader Ayman Al-Zawahiri.

29. On September 17, 2012, SANTANA "liked" KABIR's post of an article entitled "A Public Talk by Ustadz Abu M Jibriel AR: The Truth Of The 9/11 Jihad Operation, The Plots Of The Enemies And The Zionist Conspiracy."

#### **DEFENDANTS' STATEMENTS TO THE CS**

30. On May 25, 2012, the CS traveled with SANTANA, DELEON, GOJALI, and others to Las Vegas, Nevada, to attend a conference. During the trip, the CS recorded many of his conversations with the defendants. At the beginning of the trip, SANTANA told the CS that he and DELEON were converted to Islam by the same Afghani man (as discussed below, SANTANA and DELEON later identified this man as KABIR). While discussing law



enforcement, DELEON told SANTANA, GOJALI, and the CS "I'd cut all their throats if I ever had the chance." During the trip, the men listened to recordings of lectures by Al-Qa'ida spokesperson Anwar Al-Awlaqi provided by DELEON.

31. On May 26, 2012, DELEON and the CS discussed jihad and fighting. DELEON said "[i]f I had the chance, really [I] would just go." DELEON added that he would "welcome that chance, even if it's here, anywhere . . ." (appearing to refer to a willingness to engage in violent jihad overseas or in the United States).

a. Later that evening, DELEON discussed a plan between KABIR, SANTANA, and DELEON to travel for jihad:

DELEON: As we were just . . .

THE CS: So it was you and Miguel?

DELEON: Yeah. We were going to go.

THE CS: Wow.

DELEON: And then . . . 'cause my whole family is U.S. citizens except for me. I'm not a citizen. So . . . [unintelligible ("UI")] the window a little bit. And then, I was going to go, but, my, I, I didn't have a visa yet. I had to go to the Philippine Embassy, and then this and that. And then, basically, the brother had already sold his car. I was going to sell my car.

THE CS: Wow. Brother Sohiel went to Afghanistan?

DELEON: He's in Germany right now. He's going to go to A-F-G [referring to Afghanistan]. And, alhamdulillah [Arabic for "praise God"] he's a very good brother.

THE CS: Masha'Allah [Arabic expression of thanks or praise to God upon hearing good news].

DELEON: And then that's it. And then, I was waiting and waiting and waiting. And I told my dad, "Dad, I'm going for umrah" [Arabic expression referring to a pilgrimage to Mecca, Saudi Arabia].

THE CS: But, you guys are actually going to Afghanistan?

DELEON: Yeah, we're going to go. And . . .

THE CS: Wow.

DELEON: And . . .

THE CS: When . . . wow, wow, wow, wow . . .

DELEON: And then I already had a plan. We were going to go to Saudi, because my uncle is in Jeddah. And I was going to go to Saudi . . . the Saudi Embassy and tell them I'm going to go for umrah, this and that.

THE CS: Uh huh.

DELEON: And then from there, go south, you know, towards maybe Yemen or wherever. Because it's, it's, and Sohial [referring to KABIR] already knows people. So he's already gone, he's already . . . already gave up his life.

THE CS: Wow.

DELEON: And so Miguel and I, we're already, we're going to get money for Miguel [referring to SANTANA]. Already,

already set. We're going to buy a round trip . . .

b. Later in the conversation, DELEON and the CS discussed the following:

THE CS: So Miguel went to Mexico, to . . .

DELEON: To practice

THE CS: To practice.

DELEON: Yeah.

THE CS: Wow. Do they have like a camp in there, or something?

DELEON: He had a, uh, he knew, he had family who had, you know, weapons.

THE CS: Ok, ok. Yeah, he told me, because he is from the . . .

DELEON: He practiced.

c. Later in the conversation, DELEON said:

. . . But like telling you all the details, I really haven't told anyone. But, yeah from . . . from Mexico he came back. And now I told Sohiel I am just waiting for my U.S., you know, my citizenship.

(Based on my training and experience, the context of the conversation, and statements by DELEON described below, DELEON's statement that KABIR "already gave up his life" appears to reflect DELEON's belief that KABIR had started on a path toward jihad. I further believe that this conversation indicates that SANTANA, KABIR and DELEON previously formed a plan to go to Afghanistan and to commit acts of violent jihad.)

32. During the May 2012 Las Vegas trip, SANTANA told the CS that Al-Awlaqi is his "shiekh, this is how I came to Islam, by listening to him."

33. After the Las Vegas trip, DELEON gave the CS a thumb drive containing a digital copy of Al-Awlaqi materials. The CS provided the thumb drive to the FBI without accessing it. The thumb drive contains approximately 32 audio files of lessons and lectures by Al-Awlaqi and a copy of the aforementioned "44 Ways to Support Jihad."

34. On June 15, 2012, DELEON and the CS went to a store. While en route, DELEON told the CS that he met KABIR at a hookah bar and was introduced to Islam through KABIR. DELEON told the CS that KABIR was currently in Germany and that he was not coming back. DELEON told the CS that SANTANA also met KABIR at the hookah lounge.

35. On June 16, 2012, DELEON, SANTANA, and the CS, traveled to San Diego, California, for a conference and returned on June 17, 2012. During the drive to and from San Diego, SANTANA and DELEON played lectures by Al-Awlaqi over the vehicle's speaker system.

a. On June 16, 2012, SANTANA, DELEON, and the CS had the following discussion, which the CS recorded:

SANTANA: This is how I see it. The only way we're going to be victorious . . .

DELEON: Sword.

SANTANA: . . . is by fisabillah [ph]. Yeah.

DELEON: The prophet, peace be upon him . . .

SANTANA: The only way! Only way! I mean yeah, it's good to give dawa [Arabic for preaching], but it's better to do fisabillah [ph].

b. While en route to San Diego, DELEON, SANTANA and the CS discussed Al-Awlaqi and martyrs for Islam. DELEON and SANTANA told the CS the Al-Awlaqi lectures were "prohibited." DELEON told SANTANA he had already given a copy of the lectures to the CS. SANTANA reported that he also had Al-Awlaqi's "underground" lectures.

c. SANTANA, DELEON, and the CS spoke about firearms training. During the conversation, SANTANA told the CS that he wanted to become a sniper. SANTANA explained that he had shot various weapons in Mexico, including AK-47s. SANTANA, DELEON, and the CS then discussed plans to practice shooting weapons and whether to do so in Mexico or the United States.

d. DELEON and the CS explained to SANTANA that they had previously decided to use the word "umrah" to refer to violent jihad. DELEON and SANTANA then discussed with the CS a plan to wear regular clothing like tourists when they traveled in order to avoid detection. The three discussed where jihad was being waged and where they should go for jihad.

36. On June 22, 2012, SANTANA, DELEON, and the CS discussed going to the range to practice with firearms. SANTANA told the CS that he had a friend who worked at a gun range where they did not ask for anyone's identity.

37. In July 2012, SANTANA, DELEON, the CS, and another man traveled by car to Illinois to visit with DELEON's family. During the trip, which occurred between July 2 and July 8, 2012, the CS recorded several conversations. SANTANA told the CS that he had spoken with KABIR about obtaining money to leave the United States. SANTANA relayed that KABIR had told SANTANA to contact an individual known to both KABIR and SANTANA, who could help SANTANA obtain the money.

38. The CS reported that, during the trip to Chicago, DELEON said that he obtained an updated issue of Al-Qa'ida's "Inspire" magazine and offered to load it onto the CS's thumb drive. The CS reported that DELEON and SANTANA both brought audio-recordings of lectures by Al-Awlaqi that the two played over the vehicle's speaker system. The CS reported that the lectures contained extremist content.

39. During the Chicago trip, SANTANA told the CS about his communication with an OCE. SANTANA explained that there are "boot camps" in Afghanistan. When the CS asked SANTANA which group was associated with the camp, SANTANA stated that it was

"Al-Qa'ida." SANTANA told the CS, "if I'm going to do something, I want to do it with . . . [Al-Qa'ida]." SANTANA said he told "the brother" (referring to the OCE) that he wanted to be a sniper and that he trained in Mexico. SANTANA told the CS that he had told the brother (OCE) that he had tried making an "oxide-peroxide thing, or whatever, from that magazine, that Inspire" (referring to SANTANA's statements about his efforts to construct a peroxide-based explosive device by following instructions set forth in the "Inspire" magazine article "How to Make a Bomb in the Kitchen of Your Mom"). Regarding attending a training camp, SANTANA told the CS, "This is what I told them (referring to the OCE). If for some weird reason, if I can't handle it, I'm not going to give up. Like, because, this is my strong intention. This is what I desire of doing in this life. So, even if I can't go through the boot-camp, I'm going to keep trying until I finish it."

40. During the Chicago trip, SANTANA and the CS discussed SANTANA's interaction with KABIR. SANTANA told the CS that KABIR "always" wanted to do jihad and "that's how he (KABIR) came into Islam." SANTANA explained that he and KABIR discussed SANTANA's desire to join the U.S. military, which KABIR described as "the true terrorists." SANTANA said KABIR showed him Al-Awlaqi and said "Look man, if you're going to join



anything, join the other side, because that's the side where they're actually fighting for something . . . a worth [sic] cause." SANTANA told the CS that he then told KABIR "I want to go fight, man" and "Let's do it." SANTANA explained that KABIR then told him "I want to go too . . . . What we could do is go to A-F-G, you know. Save some money, go get settled, ya know, meet the locals, see who's fight, see who's doing the right cause . . . join them, from there, just continue." SANTANA told the CS "[s]o that's the reality. I came to Islam from fisabillallah."

#### **SANTANA RENEWS HIS PASSPORT**

41. On July 11, 2012, the CS drove SANTANA to the Mexican Consulate in San Bernardino, California, to update SANTANA's passport. While en route, SANTANA told the CS that he spoke with KABIR using Skype<sup>9</sup> on or about July 9, 2012. According to SANTANA, he and KABIR discussed how he (SANTANA), DELEON, and the CS all desired to travel (for violent jihad). The CS asked SANTANA if he was still intent on committing fisabilillah. The CS offered to help SANTANA get a job and establish himself in the United States rather than traveling overseas. SANTANA said

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<sup>9</sup> Skype is a web-based communication system whereby individuals can use the Internet to make and receive audio and video calls.

he would not change his mind. SANTANA told the CS his heavenly rewards would outweigh any earthly rewards.

42. Later on July 11, 2012, SANTANA and the CS picked up DELEON and drove to Orange County. While on the drive, the CS asked DELEON if getting married, having kids, or getting his degree would dissuade him (DELEON) from committing jihad. DELEON said no and that he had fisabilillah in mind ever since converting to Islam. SANTANA also told the CS he planned to talk with a connection he had at a local gun range to get the three of them to practice shooting. DELEON told the CS that, when he goes (referring to traveling overseas), he wants to be on the front lines.

43. On July 12, 2012, DELEON, SANTANA, and the CS went to the Mexican Consulate in San Bernardino to complete SANTANA's Mexican passport renewal. During this trip, DELEON and SANTANA told the CS that they needed to leave the United States by no later than December 20, 2012. DELEON confirmed to the CS that, when they go (for jihad fisabilillah), they will either go to Al-Qa'ida or to Palestine.

#### **DELEON AND SANTANA DISCUSS JOINING TERRORIST GROUPS**

44. On July 16, 2012, the CS met with DELEON in Ontario, California. The CS asked DELEON which group they would join if they went to Afghanistan. DELEON said "AQ" or the Taliban.

DELEON said he had been doing research on the Taliban and thought the Taliban was fighting for the right cause. DELEON went on to discuss other areas where there were legitimate jihads. DELEON said that if the CS was not able to provide money to fund the trip, DELEON could sell his car. DELEON said he had been running to get into shape for the trip.

45. On July 18, 2012, SANTANA, DELEON, and the CS met at DELEON's home. The three discussed where they should go and whom they should join. SANTANA stated they should go to Afghanistan because that region is more active. When asked what group they should join, SANTANA said "AQ." DELEON believed the Taliban was a possibility as well, but "maybe AQ would be better." They also discussed several places worthy of fighting, including: (1) Afghanistan to fight against Americans, the British, and United Nations and Israelis; (2) the Philippines to join Abu Sayyaf<sup>10</sup> and fight against apostate Filipinos and the

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<sup>10</sup> The Secretary of State designated the Abu Sayyaf Group ("ASG") as a Foreign Terrorist Organization in 1997. The State Department notes:

ASG is the most violent of the terrorist groups operating in the southern Philippines . . . [and] engages in kidnappings for ransom [including kidnappings of Americans], beheadings, assassinations, and extortion. The group's stated goal is to promote an independent Islamic state in western Mindanao and the Sulu Archipelago, areas in the southern Philippines heavily populated by Muslims.

Americans; and (3) Palestine. SANTANA said that he preferred Afghanistan and that he thought the military bases there could easily be ambushed "from every direction." The CS asked DELEON and SANTANA if they had thought about how it will feel to kill someone. DELEON said he had thought about it and "wouldn't have a problem if it's, it's for Allah." SANTANA said he would not have a problem with it and "The more I think about it the more it excites me."

46. On July 19, 2012, the CS, SANTANA, and DELEON met. The CS asked DELEON to clarify a comment DELEON made regarding the mujahideen in the battle field. When the CS asked DELEON how he would respond in that situation, DELEON said, "Me . . . I feel how Miguel feels. I'm all, I'll snipe the guy off . . . . I am so ready." DELEON went on to say, "No way. The least I can do is blow his brains out and send him to, to jahannam [hell]." DELEON added that not only the one who fights for Islam will be rewarded, but even the person who loads bullets into magazines will be considered a shahada (believed here to be a reference to the Arabic term shaheed, used here to mean "martyr"). The CS told DELEON that being married and providing for a family is a type of jihad, to which DELEON responded by

saying it was not the type of jihad that would get him into paradise.

**DEFENDANTS DISCUSS KABIR'S TRAVEL TO AFGHANISTAN**

47. On July 24, 2012, DELEON told the CS that KABIR had left for home, which DELEON later clarified meant Afghanistan. (As I stated in paragraph 5, above, KABIR in fact traveled to Afghanistan on July 24, 2012.)

48. On August 1, 2012, the CS met with SANTANA, DELEON, and a third man. DELEON told the CS that an individual known to both KABIR and DELEON advised that KABIR said that he (DELEON), SANTANA, and the CS should not come to Afghanistan until KABIR finds the right camp (appearing to refer to a terrorist training camp) for them to attend.

49. On August 8, 2012, DELEON told the CS about a recent Skype session he had with SANTANA and KABIR. DELEON told the CS that SANTANA had done most of the talking during the hour-long call. DELEON explained that, during the Skype session, he (DELEON) observed KABIR to be with a person who was a shiekh or an imam. DELEON said KABIR told him he was living in Kabul near a mosque and said that they could come to Afghanistan at any time and that the brothers would take care of everything. Later that evening, DELEON and the CS discussed Al-Awlaqi's teachings. DELEON told the CS that Al-Awlaqi's view on suicide bombers was

that they would reap heavenly rewards even though the practice of suicide is forbidden by Islam. DELEON told the CS that he learned from KABIR that there were scores of men in Afghanistan waiting for their chance to die as suicide bombers.

50. On August 10, 2012, SANTANA told the CS that the imam who was present with KABIR during the recent Skype call asked questions of SANTANA and asked him to recite a verse from the Quran. SANTANA told the CS that KABIR said that he planned to start an orphanage in Kabul and suggested that DELEON and SANTANA could work there. SANTANA confirmed to the CS that orphanage was a cover for their true intentions.

51. On August 13, 2012, SANTANA told the CS that KABIR still planned to join a group for jihad and that the opening of the orphanage, which SANTANA confirmed later in the conversation was a cover for their true intentions, was to reap heavenly rewards. When SANTANA mentioned a report that the United States government had purchased ammunition, the CS asked whether waging jihad in the United States would be permissible. DELEON responded that, if the government entered one's house, it would be permissible to "spray" them (appearing to refer to firing automatic weapons) and that Al-Awlaqi condoned committing jihad in the United States.

52. On August 15, 2012, during a meeting between SANTANA, DELEON, and the CS, DELEON advised that there were no plans for them to actually work in the orphanage. DELEON said that KABIR would work there while waiting for them to arrive. SANTANA concurred with DELEON's statement. DELEON said he had been thinking about their trip and thought it would be advisable to stagger their departures overseas, leaving in groups of two when they travel through Mexico en route to Afghanistan.

53. On August 21, 2012, DELEON again told the CS their plan should be to travel in pairs.

54. During a meeting on August 29, 2012, SANTANA told the CS about a recent Skype session he had with KABIR. SANTANA told the CS that KABIR had solidified his connections to the group they would join and that everything was ready for SANTANA, DELEON, and the CS to meet up in Kabul. KABIR said the last thing he needed to do was to get his father's permission or forgiveness for engaging in fisabilillah. During the Skype session, KABIR encouraged SANTANA to come to AFGHANISTAN as soon as he could. SANTANA told the CS that he explained to KABIR that he was waiting for DELEON and the CS. KABIR said he would talk to an individual known to both KABIR and SANTANA and ask him to help SANTANA get to Afghanistan. SANTANA said KABIR told him the connection to the jihadi group was the same man who was



sitting next to KABIR in the previous Skype session (the above-described "shiekh" or "imam"). According to SANTANA, KABIR said that if he left to join a group before the men arrived to Afghanistan, he (KABIR) would leave them with a contact who would arrange to bring them to wherever he was.

55. On August 29, 2012, the CS and SANTANA met with DELEON, who told the CS that he (DELEON) had been getting in shape in preparation for their trip. SANTANA said he had been doing the same. DELEON asked SANTANA what group KABIR planned on joining. SANTANA replied "AQ." The CS asked about the term "AQ" which DELEON explained meant Al-Qa'ida. SANTANA relayed to the CS and DELEON that KABIR told him that the mujahideen in Afghanistan are currently fighting American, British, U.N., and Israeli troops. Later in their meeting, SANTANA told DELEON that he should be running with weight on his back. SANTANA said he had seen videos of mujahideen in Afghanistan carrying heavy loads. SANTANA said they will be carrying "RPGs" (rocket propelled grenades), ammunition, and other gear.

**DEFENDANTS DISCUSS TRAVELING TO AFGHANISTAN TO JOIN KABIR**

56. On or about August 31, 2012, SANTANA met with the CS and started the Skype session with KABIR, which was recorded. The men discussed KABIR's financial situation in Afghanistan and agreed to Skype again at 6:00 p.m. that evening.

57. At approximately 6:00 p.m., DELEON, SANTANA, and the CS met at DELEON's home and participated in a Skype session with KABIR, which was recorded. I have reviewed audio and video recordings of the Skype call and, based on other photographs of KABIR, believe that the image displayed during the call depicts KABIR. DELEON called a "shura" (Arabic for a meeting or consultation), which is consistent with DELEON's position as the group's agreed-upon emir while in the United States. In earlier discussions, the group agreed that KABIR would be the emir once they joined him overseas.

a. During the video call, KABIR said "Everything here is good to go if you guys come out here" (referring to Afghanistan).

b. KABIR explained that he could leave to join the group whenever he wanted and that he wanted to "go do some physical training and then by the time you guys come out here, I'll come back [to meet them], and you guys can still roll through." DELEON said that was "perfect." KABIR said "So if I do physical training and something happens in the process, I'll still have everything set up and in line for you guys if you come out here."

c. They again appealed to KABIR to wait and he reiterated that while he waited, he needed to do some physical

training. DELEON told KABIR that he trusted KABIR and thought it best that KABIR try to train, then try to come back to meet them. DELEON told KABIR that if KABIR could not come back, KABIR should send a brother (to meet them), to which KABIR said he would try.

d. The men then discussed travel plans to reach Afghanistan. KABIR told them to take the cheapest way to get to Kabul. SANTANA and DELEON told KABIR they planned to leave through Mexico. KABIR told SANTANA and DELEON to have a "game plan." KABIR said "Yeah, you know what. I'm gonna go out here and I'm gonna check it out and see how it is and if it's not worth it, then I say it's better if we go to uh, uh, Saudi" (which DELEON previously described as a gateway to Yemen).

e. Later during the conversation, KABIR said "if worse comes to worse where you don't hear from me no more, period. You, you have [individuals known to KABIR, DELON, and SANTANA]. Ok. They know where I am at and who I am with. And you know, know my location and you come out here, then the right person will come and meet you guys."

f. Later in the conversation, SANTANA asked KABIR the following:

SANTANA: And um, I wanted to ask, the the brothers that you do know that have been there done that, what group do

they belong to? Do they belong to the  
. . .

DELEON: Students?<sup>11</sup>

SANTANA: . . . to the "A," or the, the . . .

KABIR: Students.

SANTANA: Students.

DELEON: [Talking over each other] Students.

DELEON: Students. Students. I like that.

THE CS: What's students?  
[Unknown person whispers "Taliban."]

KABIR: It was the students. The other ones  
are up in the mountains.

DELEON: Yeah, yeah, I get ya. [UI] I  
understand.

THE CS: Got it. Got it. The other one . . .  
[UI]

KABIR: The students are over here all  
throughout the cities man. They are  
all over the map. But [UI] there are  
fake students too, so though . . .

DELEON: Definitely.

KABIR: . . . soldiers.

SANTANA: Um.

KABIR: [UI] . . . they're over here too, so.  
That's why you . . . It's a, it's a  
tricky game out here. But,  
insha'Allah, everything's cool.

SANTANA: So from the students do you advance to  
the professors? Or . . .

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<sup>11</sup> As noted above, the Pashto word for "students" is "taliban," which is itself a combination of the Arabic word for student, "talib," and the Indo-Iranian plural suffix "an."

KABIR: Ya, that's all, of course you do.

SANTANA: Oh, okay.

KABIR: That's the first thing you gotta do is meet the professor. The professor decides if it, if it is all good, if it's good to go or not. It was a little complicated with me because I came from the U.S.

SANTANA: Oh.

KABIR: So, these fools already were like, ya man, you came from the states, so . . .

THE CS: Is it gonna be, is it, is it gonna be a problem for us too?

KABIR: [UI]

SANTANA: Is it a problem?

DELEON: Is it gonna be a problem for us too?

KABIR: No, no, 'cause I'll be out there.

g. Later in the conversation, SANTANA asked "Say for example this is the last time we speak, we're still going. Who do we get a hold of?" KABIR replied, "I'll nail that stuff down for you. I'll probably send you a message on here." KABIR said "I already told some brothers about you guys coming through and uh they're like 'bring 'em down, man.'" KABIR asked them to gather funds for "the brothers" (appearing to refer to mujahideen). This led SANTANA, DELEON, and the CS to discuss the code word orphan or orphanage. DELEON explained there were two orphans KABIR was talking about, the real ones and the others.

58. DELEON, SANTANA, and the CS discussed the Skype session after it ended. DELEON told the CS that KABIR wanted to wait for them but he also wanted to train and then come back. DELEON surmised that KABIR will set something up for them in the event that something happens to KABIR while he is away training.

59. The CS asked DELEON to explain the word "students." DELEON said the Taliban are the "students" and the translation of Taliban means "student." SANTANA then added that the "professors" are "AQ." DELEON and SANTANA affirmed to the CS they would train in a Taliban camp and then they would move/advance to Al-Qa'ida. The CS asked who they were with now. DELEON said "right now, we are going to be with the Taliban." DELEON also confirmed to the CS that the "professors" are Al-Qa'ida.

60. On the drive home, the CS asked SANTANA to explain the orphans. SANTANA said the money for orphans would be half for orphans and half for "the ranks," which he clarified as mujahideen. The CS then asked SANTANA to explain what KABIR meant when he said in the Skype call it is "rumbling" or its "going," which SANTANA said it was "warfare." When asked who they were fighting with, SANTANA said, "The British Army, the Army, [and] the Marines" and affirmed he was referring to the United States. SANTANA said that there were seven to eight

different targets, including, the U.S. Air Force, the U.N., "yahud" (Arabic for Jew), and mercenaries or private contractors. SANTANA said that he wanted to go to Afghanistan because it was the most active spot. SANTANA likened Afghanistan to "South Central" (referring to an area of Los Angeles historically associated with gang-related violent crime). When the CS asked SANTANA about physical training, SANTANA referred to going to the range, ammunition, RPGs, and IEDs. SANTANA then told the CS that he wanted to go to the "professors" because that is where Al-Awlaqi and Usama bin Laden were.

61. On September 4, 2012, the CS positively identified KABIR via a photograph.

62. On September 5, 2012, the CS met with DELEON and SANTANA. DELEON told the CS that nothing would stop him from making his trip overseas.

a. Later that day, DELEON told the CS that he was ready to go overseas anytime and did not need to finish school before he goes. When asked about preparations before they travel, SANTANA and DELEON told the CS they needed to go to a shooting range.

b. The CS asked DELEON and SANTANA to clarify KABIR's statement from the Skype session regarding joining the



students. DELEON and SANTANA affirmed their plan was to join Al-Qa'ida after joining the students. The CS asked them what they would do if Al-Qa'ida asked them to return to the United States to conduct jihad. After initially appearing disinterested, DELEON told the CS that as long as it was a one-way ticket, he would conduct jihad in the U.S.; SANTANA said he would consider it if he could return to Afghanistan afterwards.

63. On September 7, 2012, the CS, DELEON, and SANTANA unsuccessfully attempted to contact KABIR via Skype. DELEON told the CS that he would research the costs of travel to Afghanistan.

64. On September 9, 2012, the CS, SANTANA told the CS that he believed he was recently followed by a person. The two then picked up DELEON and SANTANA told DELEON about the person who appeared to have followed him. DELEON told them they needed to institute heightened security measures. DELEON told the CS and SANTANA they should avoid discussing specifics and said they should say they are leaving in November to throw off authorities. DELEON also said that they should use coded language or talk vaguely about their plans. According to the CS, DELEON believed SANTANA was being watched by Homeland Security. DELEON said that they should plan to go to a shooting range on Monday, September 10, 2012, and that they should use a

code when discussing the shooting range. DELEON suggested the word "ranch." They ultimately agreed with the CS's suggestion use the term "swap meet."

**DEFENDANTS GO TO A SHOOTING RANGE**

65. On September 10, 2012, the CS, DELEON, and SANTANA went to a firearms range in Los Angeles.

a. During the drive to Los Angeles, the CS observed that DELEON and SANTANA were excited about the prospect of rewards from being a shaheed (Arabic for martyr). While at the range, SANTANA selected an M4 assault rifle for them to shoot. While SANTANA and DELEON shot the rifle, they took turns video-recording each other. DELEON mentioned to the CS that they will reap heavenly rewards for going to the shooting range. SANTANA and DELEON also wanted to shoot a handgun and rented a Glock pistol. When finished, DELEON suggested they keep their paper targets, which they did.

b. Afterward, SANTANA said that he had read about weapons training in an issue of "Inspire" magazine. DELEON told the CS that his preferred role when they traveled overseas would be on the front lines. His second choice would be 'C-4' and his third choice would be "murabat" (ph) (appearing to mean "murabit," an Arabic word for post or guard). SANTANA said his

first choice would be a sniper, his second choice was to be on the front lines, and his third choice would be artillery.

c. DELEON asked whether the CS wanted to be on the front lines and the CS agreed. DELEON then said "I'd say C-4 number one, but I want to enjoy my, my targets. So I want to go on front line." SANTANA added "I wanna do C-4s if I could put one of these trucks right here with my, with that. Just drive it into like the baddest military base." The CS replied to SANTANA by saying that one would not need that big of a truck for C-4. SANTANA said "If I'm gonna do, I'm gonna do that, I'm gonna take out a whole base. Might as well make it like, big, ya know." (The CS informed agents that, at the time SANTANA made this comment, he was referring to a large tractor-trailer truck that drove by them.)

#### **DEFENDANTS DISCUSS PLANS TO LEAVE THE UNITED STATES**

66. On Monday, September 17, 2012, the CS met with SANTANA and DELEON and discussed travel plans. DELEON said that he would not finish school and said that he was going to withdraw his tuition money the following day, a portion of which he would use to fund his trip. DELEON said the latest they would leave was the beginning of November. SANTANA said he was ready for the trip too.

67. On September 18, 2012, DELEON, SANTANA, and the CS met and discussed their travel plans. DELEON told the CS that he had communicated with KABIR the previous night. DELEON told KABIR that they might arrive in Kabul sooner than originally planned and said that KABIR welcomed the news. KABIR suggested the following possible travel route: from Mexico to Germany, to the United Arab Emirates, and then to Afghanistan.

a. DELEON told SANTANA and the CS that he planned to talk with an imam to get advice on the "adab" of the mujahideen. DELEON told them he wanted to learn how he can act like and integrate himself with the Muslim fighters they plan to join. DELEON identified the imam and told the men he planned to advise the imam of their intent to go overseas to fight.

b. DELEON further told the men they needed to start hiking to get used to the terrain they would encounter overseas. DELEON commented on his intent to skydive as he felt that it would assist him in understanding how his body reacts to fear.

c. DELEON told the men that he should receive his tuition reimbursement in five business days. DELEON said that, when he received the money, he wanted to go back to a paintball facility that he patronized recently as it would be good training for "umrah" (identified above as a code word for violent jihad).

d. Outside of DELEON's presence, SANTANA told the CS that his brother recently told SANTANA that he wanted to join the United States military. SANTANA told his brother that if he saw him on the battlefield, SANTANA would kill him. SANTANA said that he told his brother to join the mujahideen instead.

68. On Thursday, September 20, 2012, the CS met with SANTANA and DELEON. Their conversation included the following:

a. SANTANA told the CS he "Skyped" with KABIR. KABIR informed SANTANA that he (KABIR) had been going to the gym as part of his preparations. According to SANTANA, KABIR also discussed a recent suicide bombing by a female, who was KABIR's neighbor. KABIR told SANTANA that his "connection" is really busy. (Based on my training and experience and the context of this statement, KABIR appeared to be referring to the sheikh or imam who was present with him during the above-described Skype conversation on August 8, 2012.) The CS and SANTANA discussed where they would stay when they go. According to SANTANA, KABIR said the brothers would let them stay at "their houses or the masjid." SANTANA said he discussed marriage with KABIR and that KABIR said he (KABIR) was not going to get married because he has different intentions.

b. SANTANA said KABIR told him that his main goal was still Yemen. SANTANA said that Yemen was good because "they

actually take over the cities and enforce sharia law." SANTANA said that he questioned KABIR about fighting against Yemeni tribes and that KABIR said that "those Muslims" needed to be taken out because they were not on their side. The CS asked why they would go to Afghanistan if KABIR was going to go to Yemen. SANTANA said they would not have to stay in one location and that "AQ" was there. According to SANTANA, KABIR said that first they would go to a camp and meet the "connections" and then could go do "umrah wherever they want."

**DEFENDANTS GO TO A SHOOTING RANGE A SECOND TIME**

69. Later on September 20, 2012, DELEON, SANTANA and the CS traveled to a shooting range. This was their second such trip. While on the way to the range, they discussed the following:

a. The CS discussed travel documents needed to enter Mexico. DELEON said that he already looked into travel from Mexico to Dubai to Afghanistan and the associated costs.

b. DELEON said that he was going to leave his dad a letter and mom a letter. SANTANA told DELEON about the CS leaving a letter for his wives. DELEON said the CS could not do that unless the CS knew that his wives were "100 percent down with the cause." The CS asked if he could lie in the letter.