

Ali Asad Trial- Day 5

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Ali Asad Trial -- May 30, 2006 DAY 5 Prosecution's Case Wraps Up

Prior

to the jury being seated, the prosecution and defense attorneys agreed to accept the translations of several documents from Urdu to English, from English to Urdu, from Arabic to English, and from English to Arabic. Only one wording change was necessary.

WITNESS #33

Richard

Wolf, a special agent with the Baltimore Field Office of the FBI was called to the stand. Wolf had worked on international terrorism cases and on May 8, 2003, had been a team leader in the search of Ali Asad's home. He described the duties that he conducted including gathering photos, sketches, conducting interviews, and seizure of evidence. Two pieces of evidence that were found had not previously been entered into evidence. These included a wedding invitation for Mohammad Ahmed Chandia which listed the Barat occurring on January 13, 2002, and the Walima occurring on January 16, 2002, both in Lahore, Pakistan. The second piece of evidence was a pay stub for the period dated March 24 through April 6, 2003, from the Al Huda School, 5301 Edgewood Rd., College Park, Md. The name listed on the stub was Chandia, A. Ali with the home address listed as _____. The stub was found on a nightstand in the basement bedroom.

On cross-examination, Miller

asked Wolf if there was any information found relating to functions associated with the wedding in the village of D.G. Khan, Pakistan.

Wolf didn't see anything on the invitation nor did he recall collecting anything of that nature. Miller acknowledged that Mohammad Chandia was Ali Asad's brother and that Noor Mohammad Chandia was Ali Asad's father. Miller also asked if the officer had seen pictures of the wedding amongst Ali Asad's belongings. Wolf said, "No."

WITNESS #34

The

second witness of the day was the government's terrorism expert, Evan Kohlmann. He currently resides in New York City and calls himself an "international terrorism consultant." Kohlmann is the founder of GlobalTerrorAlert.com which he established in 2004. He claimed to provide open source information to media, public sector, academic, and government sources including the FBI, Justice Department, CIA, and U.S. Department of the Treasury. He also mentioned providing services to foreign entities as well, including the International War Crimes Tribunal in the Hague.

Lead prosecutor David Laufman handled the questioning. Kohlmann was asked about the phenomenon of the use of the internet and he noted that since 1996 the internet had been used by terrorists including Lashka-e-Taiba (LET), Al-Qaida, Hamas, and Hezbollah. Kohlmann stated that he used the internet to track these groups and their activities in Kashmir, Pakistan, and Afghanistan and that he had written papers on LET recruitment of Pakistanis. He mentioned writing a book (though the title was never mentioned) and that an LET recruiter had helped him identify funding sources for the group. Laufman submitted Kohlmann's curriculum vitae and asked the court to proffer him as an expert witness.

Laufman and Kohlmann took

the jury through a history of India and Pakistan, beginning with their

independence from British rule in 1947. He reviewed maps of the area that were entered into the record as government exhibits and talked about three major military confrontations between the two countries. He also described the principle source of conflict to be the disputed area of Kashmir, which had been split along a "line of control" by the United Nations essentially separating Kashmir into two parts – the Indian controlled Jammu Kashmir and the Pakistani controlled Azad Kashmir.

Kohlmann portrayed a picture of the Soviet occupation of Afghanistan during the 1980s which climaxed with the withdrawal of Soviet troops in 1988-89. He suggested that the withdrawal was largely due to an increasing foreign insurgency which took on the struggle as holy warriors or "mujahadeen" who were engaged in a holy struggle or "jihad." He suggested that as the Soviets withdrew, these mujahadeen shifted their focus from Afghanistan to Kashmir. Dozens of attacks on both military and civilian targets resulted.

This discussion led

to a history of the establishment of LET. The Markaz Dawa wal Irshad is the political arm of the organization; LET, or "the army of the pure," is the armed wing. As LET grew in both numbers and focus, they formed what Kohlmann referred to as a "global confederacy of the Islamic movement." He suggested that many of these Islamic movements came together to share messages, resources, and attract support verbally and financially. There was a suggestion that as a collective group they sent operatives into the world to recruit for military operations in Bosnia and Israel. It was here that Kohlmann made the first of many references to Al-Qaida and the leadership of Abu Abdul-Aziz Barbaros who was celebrated in LET propaganda.

Next he

talked about LET's military training camps. According to Kohlmann, the first bases were set up in eastern Afghanistan and in Kunar, Azad Kashmir. There was a suggestion that the first camps were shared by Al-Qaida with Hafiz Mohammad Saeed, a Pakistani Muslim cleric, as the "Amir" or commander. Kohlmann pointed out other camp locations from a map that was located to the northeast of Islamabad, with names such as Ma'skar Al-Aqsa and Ma'skar Ma'sada. During this time period, LET had opened recruitment offices and used the internet as well. In 2001, LET listed military activities which included attacks on airports, roads, buses, India political institutions, and tourist locations.

Laufman

drew Kohlmann's attention to another exhibit, the U.S. State Department's annual "Patterns of Global Terrorism" for the calendar year 2000. Dated April 30, 2001, the report cited LET, but did not include the organization as one of its declared foreign terrorist organizations (FTO). At this time, Miller interjected with what would become a running objection on the basis of relevance; Judge Claude Hilton responded in a similar way each time overruling the objections. Kohlmann continued to list a few primary websites that were used by LET for recruiting that were set up as newsgroups through Yahoo including www.azzam.com.

The topic shifted to a "Fatwa" or Islamic edict delivered by Saudi Sheikh Hamood bin Uqla Ash-Shu'aybi. The fatwa issued on November 1, 2000, stated that the Taliban was the only legitimate Islamic government, and that Muslims worldwide should train, fight, and support it. Uqlah died shortly after the 9/11, but the fatwa, according to Kohlmann, "was very, very powerful and influential and was often cited by many who fought in the way of jihad as the primary impetus."

Another statement was entered into the record issued by Sheik Safar Al-Hawalli, a well-known "antagonist" who was often seen as influencing Osama bin Laden. In the wake of 9/11 he directed Muslims to protect Afghanistan against the imminent U.S. invasion forces. According to Kohlmann, by April 2001, LET was providing regular news updates via a Yahoo newsgroup called the "Taiba

Bulletin. The material was easy to get on the internet and was translated into Urdu, English, and Arabic. Kohlmann read from some of these publications that were submitted as government exhibits. Topics ranged from the foundation of the Taiba Bulletin to an "Operation Ghauri" which talked about a military strike on a bridge which killed several occupants of a bus, to an announcement about the establishment of training camps which included the goal of participating in jihad in Kashmir.

Kohlmann tried to lay out a framework of the LET organization. He talked about the recruitment office in Lahore; Muridke Headquarters; Markaz Taiba, referred to as the "university of jihad"; and the provision of social services which Kohlmann surmised to be of an ideological nature to achieve the purpose of missionary work. He added that often the social services were used to attract money for orphans and then channeled to the mujahadeen. He described many other published materials that were entered into evidence such as a report on a December 24, 2000, attack on Red Fort, New Delhi, a historic tourist attraction; a February 14, 2001, attack on civilian infrastructure (television tower); an anniversary issue of the Taiba Bulletin which celebrated "11 Years of LET"; posters recovered from the LET website which depicted a dagger decapitating the U.S. Capitol Building with a boot on the American flag and the words "we will destroy the American scoundrels"; in Urdu; mention of a remote plane which had been captured by the Indian forces and used to suggest that LET "can make modern devices, praise be to Allah." Laufman drew Kohlmann's attention to the May 2002 U.S. State Department "Patterns of Global Terrorism" annual report for 2001 which again cited LET activities. There was also brief mention of the December 13, 2001, attack on the Indian parliament that killed 13 people. The last piece of evidence that was submitted was the actual State Department directive which declared LET as an FTO on December 26, 2001, "making all activities of the organization illegal," Kohlmann added.

Prior to cross-examination there was a sidebar discussion of two stipulations, one raised by the prosecution and one raised by the defense. Miller asked Kohlmann to describe his credentials. He was a graduate of Georgetown University in 2001 earning a B.A. degree and worked as an intern with a think tank group and he also worked with Steve Emerson. Miller described Emerson as a "radical" who had been involved in a lawsuit related to biased reporting in 1996-97. Kohlman also graduated with a J.D. from the University of Pennsylvania Law School and wrote a book on radical Islam in Bosnia and in Europe.

Miller focused Kohlmann on the CIA and U.S. involvement in Afghanistan. He mentioned that the Saudi government also had invested large sums of money in Afghanistan. Miller showed Kohlmann a book entitled, "A to Z of Jihadi Organizations in Pakistan" which Kohlmann quipped was his favorite. According to the book, \$500 million was provided to Afghani rebels under the table by the CIA and that money was matched by the U.S. The Pakistani and Saudi governments were also channeling funds. Afghani fighters were trained by the U.S. and Saudi intelligence services (ISI). According to Kohlmann, "pious wealthy donors" also contributed heavily.

Miller directed Kohlmann to another book, "Terrorist in the Name of God" by Jessica Stern which referred to disaffection between LET and Osama bin Laden. Kohlmann contradicted that claim, insisting instead that the LET literature claimed differently. He also stated that his own research showed otherwise. At this point, Miller asked Kohlmann if he had ever traveled to Pakistan. He answered no and then said that all of his research had been done in the states, primarily in an interview with Ismail Royer. Kohlmann claimed that LET camps trained fighters first for military activities in Kashmir, but then in Bosnia, Palestine, Chechnya. Miller brought him back to admit that the main focus of LET was the Indian occupation of Kashmir.

Miller raised a question about the published date of the Sheik Safar Al-Hawaali statement. He asked Kohlmann if he had done an internet archive search. Kohlmann stated he had not and that the tool was not reliable. Then he directed Kohlmann back to his credentials – his B.A. was in a specialized Foreign Service program. He had no master's degree or PhD; he had never been published in a peer review publication by a college or U.S. university. The primary sources of his research had been two Muslims in the U.K. – Omar Bakri and Abu Hamza Al-Misri – and Royer in the U.S.

Miller emphasized that Kohlmann had never traveled to Pakistan. They talked about the conflict between India and Pakistan and about the possibility that the governments are using surrogates to indirectly wage war with each other. At this time the stipulation was entered into the record: That the attack in December 2001 on the Indian parliament was claimed by both sides – the Indian government claimed that Pakistan was behind it; the Pakistani government claimed that India had attacked itself. Both sides cast joint accusations that they were fostering violence on the border. Miller talked about eminent war between the two in June 2002 and the fact that Japan and England had both pulled their people out of the country.

After a short break, Miller asked Kohlmann if he regularly looked at the Taiba Bulletin from the internet. Kohlmann admitted that he subscribed to the newsgroup and that “tons of people do.” He made the point that Kohlmann himself reads lots of material from the internet. Miller directed Kohlmann to an article submitted as a government exhibit which cited 2,500 LET offices across Pakistan prior to January 2002. He talked about the Muridke Hospital, a fish farm, and university run by LET. He mentioned that LET was active in providing relief to earthquake victims and, in fact, were the first on the scene in the recent disaster. Kohlman added, “They were the scene.” He also added that, in his opinion, relief work also was less than altruistic; instead the purpose behind it was to prevent the people from gaining favor toward western aid agencies, like after the tsunami.

There was some discussion of the fact that photography is prohibited in Islam, specifically that there are “religious objections to pictures of identifiable human beings . . .” Miller suggested that this prohibition made use of a camera inconsistent. Kohlmann claimed that it was not consistent because it was a principle that was not strictly held and that satellite surveillance would not contain faces. He also added that there were pictures distributed of Taliban leaders, videos of the LET camp training sessions, and cyber attacks on the internet that all suggest the opposite.

Miller talked about the nature of a fatwa and the fact that it is not universally binding. According to Kohlmann, those who respect the authority of the sheikh that delivers it must follow it. But he agreed that there was no pope in Islam. Adherence to the order depends upon the reputation of the person, the opinion of the individual, and any social collective pressure that may be applied.

There was discussion of Sheikh Abdullah Azzam, who Kohlmann termed, “the godfather of Islamic jihad.” Sheikh Barbaros was a student of Azzam in Afghanistan. According to Miller, Azzam differed on the global approach. LET is not part of Al-Qaida. There was further discussion of the Red Fort incidence, with Miller reiterating that the location was not a civilian target but instead was a military garrison, a supply depot, a multipurpose complex, and an interrogation center. The “A to Z” book also showed that the militants waited until after a show that was in progress finished and let the civilians go. A total of 12 soldiers were killed but the attackers got away.

It was clear here that Kohlmann was not answering the questions directly and instead giving long statement

after long statement that was off of the mark. The judge warned Kohlmann to shorten his answers and stick to the point and directed Miller to ask a specific question. Often these tangents included inflammatory language such as "murder," "Kuffar." He flopped from giving full credence to the LET propaganda when it suited his purpose, but discrediting it on the other hand when it didn't fit his notion of the truth. The judge gave the two five minutes to finish up.

Miller's

final questions had to do with Sheik Abdul-Rahman Makki, who was the head of foreign affairs for LET. According to an ARY's interview in 2004, Makki had condemned the killing of innocent civilians and sent a message to the international body that jihad is not terrorism.

Upon

redirect, Laufman helped Kohlmann reiterate that the Al-Hawaali fatwa was issued after 9/11, and that the internet archive is not a reliable tool for verifying a source date.

WITNESS #35

The

final witness for the prosecution was Special Agent Christopher Mamula who has been with the FBI's Washington Field Office for the past seven years and was the primary investigator on Ali Asad's case.

Mamula

was brought to the stand to bring in additional government exhibits and to help summarize the case for the jury. He spoke about records from the American Motel in West-ridge, Colorado, which indicated that Mohammed Ajmal Khan had stayed there from Feb. 21-23, 2002. Mohammed Ajmal Khan paid for the room with cash and his UK passport was copied by the motel to verify his identify. These dates coincide with the visit to VESTA Technologies that was discussed on a Feb. 24 email from johninformation@yahoo.com.

The next exhibit had to do with details

from a member group at RCuniverse.com. According to Mamula, members in this group have interests in remote control technology. There was a post to the group from johninformation@yahoo.com on May 10, 2003, which referred to problems with the use of a wireless camera within a four mile radius.

Another exhibit had to do with a portion of the email

from Terry Rodriguez who worked at Barrday (the fabric company that sold the Kevlar material). The fragment was located on Ali Asad Chandia's computer. Further search of the Xynex computer showed returned email from johninformation@yahoo.com to dheward@hotmail.com and seemed to be an order acknowledgement. Other fragments had to do with email communications from Terry Rodriguez, inquiries from www.wirelessvideocameras.com and mcsalat@yahoo.com.

The next exhibit

was a list of phone numbers and names that Ali Asad Chandia had emailed to himself on March 17, 2003. The list included numbers for Seifullah Chapman (2), and Super Eagle Travel. According to Mamula, the Pakistan Telecom Company, Ltd. provided information for two of the numbers on the list. These belonged to the subscriber Asim Idris Mugal with an address similar to the addressed listed for the Taiba_bulletin. Other telephone records were entered as evidence that showed an overseas call was made on March 4, 2003, at 11:47pm to the mobile phone for Mohammed Ajmal Khan (who came to the U.S. on March 2). This number was listed by Mohammed Ajmal Khan on his passport application.

Border crossing

records also were discussed and entered into evidence showing that Palvinder Singh entered Canada on January 20, 2002, and that Mohammed Ajmal Khan entered on January 23, 2002; they had both visited Barrday at that time. A visa waiver, travel itinerary, electronic ticket, and Apodo booking confirmation were also entered into the record.

At

this point Miller objected to the entry of any information entered as an exhibit that did not refer to Ali Asad Chandia directly. Judge

Hilton overruled each time.

Records from Extreme Fulfillment in

Dayton, Ohio, were also examined. This company sells, among other things, paintball equipment. On December 5, 2002, Masoud Khan ordered 8 paintball guns, and 50,000 rounds of paint balls which were delivered to his home on Lake Landing Road. The merchandise cost \$2,000.

At

this point even Judge Hilton had had enough. He warned the government that the witness was not on the stand to make closing arguments.

Next,

Mamula tried to create a nexus between Frzana Khan and Masoud Khan. Business records from Palladin Press indicated that an order was placed on December 26, 2002, by Frzana Khan using johninformation@yahoo.com and that the order was shipped to Masoud at the Lake Landing address. Total purchase was \$423.60. Citibank records also indicated that Mrs. F. Khan had wired money to Masoud Khan on November 27, 2000, for \$3,839.79. Records from Western Union also show a wire transfer of \$1,000 from Mohammed Ajmal Khan to Seifullah Chapman. First Union records were examined for Chapman and revealed that \$986 was spent on April 1, 2002, with Wireless Video Camera in California. Travel records indicated that Chapman returned to the U.S. on September 18, 2001.

Ali Asad Chandia's travel records were also examined, including a boarding pass from New York to Lahore, Pakistan on November 3, 2001. The one-way ticket appeared to be issued by Super Eagle Travel on October 23, 2001.

Documents seized from a CD from Ali Asad

Chandia's car included "Jihad is the best defense for oppressed Muslim," "Jihad in the present time," "Message from Mullah Omar," and a resume for AAC listing the asadibnmohammad@yahoo.com email address.

There were also video clips that were played to the jury on Day 3, a CD with audio clips in Urdu that were translated by the FBI. Another exhibit was a printout of a directory from Islam radio and a properties identification for audio files titled "conspiracies against jihad."

Under

cross-examination Miller referred back to an exhibit which was a fragment of an email message in order to discuss "free space" on the computer. Mamula admitted that he didn't know who sent the email in question, but only that johninformation@yahoo.com was the recipient and that this email address was associated with Mohammed Ajmal Khan. He questioned Mamula about the Asam Idris Mugal phone records. The agent admitted that no one checked to see a landlord record to see if the phone number was still open.

Miller referred to two other

exhibits, one of which was a Form 1-94 which documents when a person enters the country. In that document for Mohammed Ajmal Khan the address was one digit off of the ____ Lake Landing address that belonged to Masoud Khan but was in no way associated with Ali Asad Chandia. The other document was the Extreme Fulfillment order. Mamula agreed that the order was not from or to Ali Asad Chandia and not paid for by Ali Asad Chandia. He also agreed that there was no record of a gun shipment by Global and there was no record of paintball guns being received.

Another exhibit referred to a Palladin Press order from

Frzana Khan. Mamula agreed that Mohammed Ajmal Khan was not Ali Asad Chandia, nor did Ali Asad Chandia place or pay for the order, nor did Ali Asad Chandia receive it. He was not aware whether Frzana Khan's statements indicated that she had been manipulated by Mohammed Ajmal Khan. A similar litany continued related to the Citibank records of Masoud Khan; no money was sent to Ali Asad Chandia. In the email that was sent to Masoud Khan, johninformation@yahoo.com sent no copy to Ali Asad Chandia. It was established that no guns or paintball guns were sent to Ali Asad Chandia by Extreme Fulfillment or any other company. Related to the wireless camera apparently purchased by Seifullah Chapman, Ali Asad Chandia was also not involved in any part of the

transaction.

Next Miller discussed the contents of the car and library. He admitted that the car contained information on jihad and the books in Ali Asad Chandia's home did, too. He also stated that the series of tapes that were seized were on various Islamic topics. But he qualified the information by stating that none of the tapes or materials seized were written by Ali Asad Chandia, nor was he the speaker, nor was he the writer. Mamula agreed.

The government

rested its case at 1:00 p.m. and the court was adjourned with the defense scheduled to begin its presentation at 10:00 a.m. on Wednesday, May 31.