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Mr. Evan Kohlmann’s Expert Report

I have also reviewed Evan Kohlmann’s 38-page expert report dated February 2014 and entitled “Expert Report I: U.S. v. Babar Ahmad.” I found that the report was not helpful in understanding the evidence that might be presented at the hearing because of its lack of context, inaccuracy and gross one-sidedness.

Kohlmann’s credentials:

In the first paragraph, Mr. Kohlmann lists his undergraduate education at Georgetown University and his graduation from the University of Pennsylvania Law School. He has worked at several mostly virtual entities, including Nine Eleven Finding Answers (now defunct) and most recently Flashpoint Global Partners. The website of Flashpoint Global Partners describes a staff of three people, the most senior of whom is Mr. Kohlmann himself, and none has any academic credentials. It also lists a five member advisory board, none of whom are academics, but retired members of the intelligence community. Of those, only Bruce Riedel is respected in the academic community. It appears that Flashpoint Global Partners is simply a vehicle for Mr. Kohlmann’s business interests.

Mr. Kohlmann’s lack of scholarly credentials has been repeatedly pointed out by scholarly researchers in terrorism. David Miller and Tom Mills singled Mr. Kohlmann out for his lack of scholarly training. “Despite his lack of credentials, Kohlmann has worked for the Department of Justice, the FBI, the Australian Federal Police, the Crown Prosecution Service, and Scotland Yard.”³ Professor Magnus Ranstorp, the former director of the University of St Andrew’s Center for the Study of Terrorism and Political Violence, singled out Mr. Kohlmann in a section entitled “The art of masquerading evidence in terrorism research” in an article “Mapping terrorism studies after 9/11.” Ranstorp writes:

Considering himself an academic and a ‘micro-historian,’ Kohlmann skillfully mastered the ‘art of court diving,’ volunteering to become an expert witness for the prosecution where he gains access to all discovery material, which in turn, through snowballing is reused in his analysis elsewhere. There is, of course, nothing innately wrong with this practice... Subsequently, without any Ph.D. degree in a cognate social science subject or few publication in any peer-reviewed scholarly journals, Kohlmann managed to testify as an expert witness...

³ David Miller and Tom Mills, 2009, “The terror experts and the mainstream media: the expert nexus and its dominance in the news media,” *Critical Studies on Terrorism*, Vol. 2, No. 3 (December): 428

The fact that the prosecution needs to rely on what they themselves describe as a ‘self-made al-Qaeda expert’ as one of their principal witnesses, undermines severely the credibility of the proceedings and makes mockery of the principle of scientific expertise. Furthermore, it should bewilder most observers that a ‘self-made al-Qaeda expert’ becomes the custodian in the portrayal of the evolution of al-Qaeda, rather than seasoned scholars with superior knowledge and decades of experience in the region. Probably the answer is simply a financially-driven pliability to stay on message for the prosecution that would not easily exist with a reputable academic with his or her hard-earned reputation at stake.

A principal problem with charlatans and self-proclaimed terrorism expertise in a court of law setting is that ‘calling expert witnesses in legal cases is predicated on the assumption that the evidence given will be objective and factually correct – governed by the principle of professional, scientific neutrality.’⁴ The court records show contradictory evidence, as only a handful of self-proclaimed experts become ‘hired guns’ for the prosecution without regard for any scientific rigor or principles of impartiality.⁵

I wholeheartedly agree with my colleague Professor Ranstorp. Even academics who became counter-terrorism practitioners, like Philip Giraldi, a Ph.D. in history and a former CIA case officer, writes, “Within the intelligence community and at the Pentagon, Kohlmann, like many of his expert colleagues, is widely considered a phony who has somehow ingratiated himself with those who want an affable young media resource who will just say the right things when it comes to terrorism, keeping the public suitably alarmed while exuding a facile expertise.”⁶

The fact that some academics publicly (as opposed to privately) criticize Mr. Kohlmann is surprising because most of the time terrorism researchers simply adopt a polite silence when confronted with a colleague with little scholarly integrity. As investigative journalist Wesley Yang noted,

[B]y agreeing to testify in the trials of nearly every defendant placed before him, Kohlmann has earned the reputation among many scholars as a “hand for hire,” and London School of Economics professor Fawaz Gerges puts it, working in the “guilty-verdict industry.” Another leading terrorism scholar calls him a “whore of the court,” making basic analytical errors on the stand and engaging in a charade of expertise. It is the opinion of George Washington University constitutional-law professor Johnathan Turley that Kohlmann was “grown hydroponically in the basement of the Bush Justice

⁴ The quote within the quote is from John Crace, 2008, “Just How Expert are the Expert Witnesses?” *Guardian*, May 12, 2008 available at <http://www.theguardian.com/education/2008/may/13/highereducation.academicexperts>.

⁵ Magnus Ranstorp, 2009, “Mapping terrorism studies after 9/11,” in Richard Jackson, Marie Breen Smyth & Jeroen Gunning, 2009, *Critical Terrorism Studies: A new research agenda*, London: Routledge: 27 – 28

⁶ Philip Giraldi (July 28, 2011), “Terrorism Experts on Parade,” *Antiwar.com*, at <http://original.antiwar.com/giraldi/2011/07/27/terrorism-experts-on-parade/>

Department.” Kohlmann says he simply testifies to what he sees on the web – and what he sees frightens him very much.⁷

In promoting himself, Mr. Kohlmann claims to have “traveled overseas to interview known terrorist recruiters and organizers, such as Abu Hamza al-Masri, and to attend underground conferences and rallies.” He tells the story about his “prolonged discussion” with Abu Hamza in the summer 2002 in London in the preface of his book.⁸ But Dr. Robert Lambert, the former chief of the Muslim Contact Unit at the Special Operation Branch of the Metropolitan Police, who spent a decade dealing with Abu Hamza and the Finsbury Mosque, and is both a former counter-terrorist practitioner and a teaching academic (Ph.D.), put this trip in perspective.

Whereas MCU officers are expected to spend months absorbing the Finsbury Park scene on a daily basis before feeling qualified to offer a tentative assessment about it, Evan Kohlmann, manifesting a methodological approach to terrorism studies highlighted by Silke, considered himself eminently qualified to pass definitive judgment after one short meeting with Abu Hamza during a flying visit to London in 2002. I was especially concerned that Kohlmann conflated Islamist antidotes to al-Qaeda, as evidenced by the work of the Finsbury Park Islamists, with the terrorist threat itself.⁹

None of the people Mr. Kohlmann met in London during that trip were terrorist recruiters or organizers. He claimed to have met Mustafa Kamal Mustafa (AKA Abu Hamza al Masri), Omar Bakri Mohammed and Attila Ahmet, who showed him around Finsbury Park Mosque. They have all been arrested at some point by the British authorities, but on lesser charges and never as recruiters or organizers of terrorism. Mustafa was convicted of soliciting murder, racial hatred, and possessing information for terrorist purposes and sentenced to seven years in prison. He has been extradited to the United States, where he is awaiting trial on other charges. Mohammed was never charged in London but was extradited to Lebanon, where he was charged with providing weapons training to terrorist groups. Despite his conviction *in absentia* and living in Lebanon, he was never arrested. He is free and gives interviews to visitors in his house. Ahmet pled guilty to soliciting murder and was sentenced to six years and eleven months in prison. In Britain, the solicitation charge is for general hate speech and not for a specifically designated individual. In any case, none of them is a terrorist in the sense of conducting violent action or even conspiracy to do so. Mr. Kohlmann stretches the meaning of words by claiming that they were recruiters or organizers.

As can be gathered from the above, Mr. Kohlmann and his work have very poor standing in both the academic and intelligence communities. He is a tireless self-promoter, who has published very few peer reviewed articles or books. He is certainly no scholar and has no

⁷ Wesley Yang, 2010, “The Terrorist Search Engine,” New York, December 5, 2010, at <http://nymag.com/news/features/69920/>

⁸ Evan Kohlmann, 2004, *Al-Qaida's Jihad in Europe: The Afghan-Bosnian Network*, Oxford: Berg: xi – xiii

⁹ Robert Lambert, 2011, *Countering Al-Qaeda in London: Police and Muslim in Partnership*, London: Hurst & Company: 90. The reference to Andrew Silke is to his introduction of his book, where he is very critical of the state of terrorism research, where “as much as 80 percent of the literature is not research-based in any rigorous sense; instead, it is too often narrative, condemnatory, and prescriptive.” See Andrew Silke, ed., 2003, *Terrorists, Victims and Society*, Chichester: John Wiley and Sons, Ltd.: xvii

training in any of the social sciences, except for some general advice from a teacher when he took an undergraduate class in the social sciences as. I toyed with the idea of collaborating with him on an article on the role of the Internet in the global neo-Jihadi threat in the fall 2008-winter 2009 and sent him an email outlining my ideas. We even made a common presentation at the United Nations in New York. However, after noticing the poverty of his contribution and the lack of integrity in his work, I quickly dropped the project. Nevertheless, he is very articulate and popular both with juries and the laity as a regular commentator on a television channel, and also with prosecutors because of his pliable testimony tailored to their theory of a case.

Kohlmann's book, *Al-Qaida's Jihad in Europe*:

Mr. Kohlmann lists his book, *Al-Qaida's Jihad in Europe*, published by a British firm, Berg, to bolster his credentials. Berg was owned by Oxford International Publishers, Ltd., a publishing company located in Oxford, England with no relationship to the Oxford University Press. Strangely, Mr. Kohlmann listed the publisher as Berg/Oxford International Press, which is usually not done when listing a book in reference. I suspect that Mr. Kohlmann wanted to give himself the appearance of being published by Oxford University Press, a distinguished academic publisher. In 2008, Oxford International Publishers, Ltd., was bought by Bloomsbury Publishing in London and no longer exists. It is distributed in the United States by Palgrave. Although it is an academic press, it is not a university press.

To boost his academic credentials, Mr. Kohlmann claims that his book served as a teaching text at three U.S. universities. It had been endorsed by people who did not know much about Islamist militants in Bosnia, earning praise from Richard Clark and Rohan Gunaratna. Mr. Gunaratna has lost credibility in Western academic and intelligence circles because of his wild claims about terrorists. Indeed, he recently lost a suit for libel in Canada. Mr. Clark is a politician without much background in Bosnia. When people know something about Bosnia or Islamic militants, the reception of the book was quite different. Let's look at the comments on Amazon.com. There were nine reviewers. A slight majority gave it a negative review (one or two stars, the lowest ratings). The four people who rated the book highly did not have much background on Bosnia in the 1990s, although one, Michael Innes, is a graduate student who had been a civilian staff officer at the Supreme Headquarters Allied Powers Europe in Belgium from 2003 to 2009. Another one of his supporters wrote, "this book has no extensive historical pretensions – therefore, there is no need to enter into the historical details of Bosnia."¹⁰

Only two of the reviewers seemed to have some background on Bosnia in the 1990s. One using the *nom de plume* "Srebrenica Forever" is a prolific Swedish reviewer of much published material on the Bosnian War. The reviewer did not mince his or her words in a review entitled: "Ridiculous, Preposterous, and Oversimplified." The reviewer expressed moral outrage at Mr. Kohlmann's biased, deceptive and one-sided presentation about the war. I invite the reader to

¹⁰ Fabio Weissert (March 27, 2005), who only wrote two reviews, one of Kohlmann's book and the other on marketing in seven years on the site. See http://www.amazon.com/Al-Qaidas-Jihad-Europe-Afghan-Bosnian-Network/product-reviews/1859738079/ref=cm_cr_dp_all_btm?ie=UTF8&showViewpoints=1&sortBy=bySubmissionDateDescending

read the full emotional review.¹¹ Another using a *nom de plume* “Zenica AC” spent the war in Zenica, where much of Mr. Kohlmann’s book takes place. Since he describes himself as an eyewitness to some of the events described by Mr. Kohlmann, it may be worthwhile to quote the review at length.

From the get go, Mr. Kohlmann is making cardinal mistakes starting from names of the places, and people (even ex-Croat President for God’s sake), to the flipping geographical positions of numerous places in the book. As someone who spent the entire war in Zenica, and who received help from one of the organizations mentioned in the book, and as someone who took part in their educational programs I’m deeply offended that there is person (sic) who is willing to put it in words (book) that my mother was forced (for the sake of survival) to send me as a 10 years old boy to “brain washing” classes. Educational classes were absolutely 100% optional and kids were attending them if they wanted to. There was no brainwashing and I have never witnessed any sorts of hate speech. With that being said, religious education of some sort was required but it could have been done in local elementary schools or mosques as long as we had signed proof of attending such classes from teacher in school or from imam at the mosque.

So Mr. Kohlmann’s writing in that particular instance is flat out incorrect and far from the truth as one could get. Taking in consideration Mr. Kohlmann’s background I was hoping to have a chance to read truly neutral outlook on foreign forces in Bosnia, but what I got was nowhere near that. This book cannot be used as reliable source of any kind but rather as amusement reading.¹²

Likewise, I did not believe that Mr. Kohlmann’s manuscript met academic standards as I was the referee for the University of Pennsylvania Press to whom Mr. Kohlmann had submitted his manuscript in 2003. Mr. Peter Agree from the press reached out to me as I was a professor at the university and he knew of my work on political violence. At the time, I had neither met nor heard about him. My assessment of Mr. Kohlmann’s work then is still valid now:

I read Evan Kohlmann’s monograph with great interest. First, it is not an academic work. It is a journalistic investigation based on unpublished material, such as biographies from www.azzam.com site (which has been taken off the web by authorities), cassettes from the azzam organization and a copy of a French report on terrorism. Much of the material is new to me and I can’t comment because I never focused on Bosnia.

However, I am familiar with the French terrorists. Kohlmann’s handling of them is quite cavalier, only using data supporting his point, and, worse, misinterpreting other, creating data to support his argument. For instance, he claimed that Khalid Kelkal trained in Afghanistan. This is simply not true. The case is widely documented in the French press,

¹¹ Srebrenica Forever (May 24, 2005) at http://www.amazon.com/Al-Qaidas-Jihad-Europe-Afghan-Bosnian-Network/product-reviews/1859738079/ref=cm_cr_dp_all_btm?ie=UTF8&showViewpoints=1&sortBy=bySubmissionDateDescending

¹² Zenica “AC” (December 13, 2010) at http://www.amazon.com/Al-Qaidas-Jihad-Europe-Afghan-Bosnian-Network/product-reviews/1859738079/ref=cm_cr_dp_all_btm?ie=UTF8&showViewpoints=1&sortBy=bySubmissionDateDescending

and Kelkal never went to Afghanistan. He had no direct contact with al Qaida. His only contact was with the Algerian GIA. There was quite a bit of testimony in court on this case.¹³ This makes me hesitant to use Kohlmann's material in my book, for I believe he has problems with reliability and one sided presentation of facts. I'd love to be able to use some of his things, but I just can't trust them. Similarly, his treatment of Sheikh Abdullah Azzam as the guru of Osama bin Laden and the real founder of the terrorist movement is very one sided and contradicted by a mountain of evidence, which he does not cite. Instead, he relies on Azzam.com, which is supported by al Qaeda¹⁴ and offers a one sided view of what happened (the evidence suggests that bin Laden or al Zawahiri planted the bomb that killed Azzam). For propaganda purpose, Azzam is now presented a martyr of the cause. I just don't understand why Kohlmann buys this uncritically.

Second, and more serious for his argument, I don't think he "proved" his case that Bosnia was a springboard for al Qaeda penetration of Europe and the U.S. From my reading of the evidence, Bosnia never captured the imagination like Afghanistan did. Indeed, Kepel in his excellent book "Jihad"¹⁵ makes the point that Muslim militants were never able to graft the jihad to Bosnia (although this might have been a stronger case than Afghanistan). Kohlmann's evidence is a series of vignettes of people who met their death in Bosnia. There is little link between Bosnia and later operations in Europe or attempted operations in the U.S. Some of the people involved in the global jihad did go through Bosnia, but they went everywhere there was some fighting. It does not support the deliberate springboard argument.

There is much new material here. I believe a more sensationalistic and less academic press is the best venue for this monograph and its (uncompelling) claims. I don't think that Penn is the best place to publish this because its audience is clearly a lay person, ready to use it as ammunition to demonize al Qaida. It's not serious academic work, but a rather sloppy journalistic one despite the attempt to anchor many of the statements on the two or three pieces of evidence he looked at.¹⁶

To illustrate the sloppy work in the book, let me just cite one example, which has relevance to the present case. In his book, Mr Kohlmann makes the following statement:

¹³ See the 302 page court opinion outlining the facts of the case. *Ministère Public c/ Koussa, Maameri, Bouhadjar et autres*, Tribunal de Grande Instance de Paris, 14eme chambre, No d'affaire, 99527039040, Jugement du: 15 septembre 1999.

¹⁴ This is what I believed ten years ago. Since then, I've learned a lot more and have not found substantial evidence for this statement that al Qaeda was supporting Azzam.com. On the contrary, there is a lack of such evidence. It is ironic that Kohlmann began his career as an alleged counter-terrorism expert by basing his only book on obituaries of foreign mujahedin in Bosnia found on Azzam.com and now provides an expert report on that website administrator, who admits that the obituaries were greatly exaggerated and spun to promote the importance of this fighting group. Mr. Kohlmann's understanding on the foreign mujahedin in Bosnia was based on erroneous propaganda. This set the tone to his life's work.

¹⁵ See Gilles Kepel, 2002, *Jihad: The Trail of Political Islam*, Cambridge, Massachusetts: Harvard University Press. Kepel has a whole chapter refuting Kohlmann's claims: "The Failure to Graft Jihad on Bosnia's Civil War," pages 237 – 253.

¹⁶ Marc Sageman, email to Peter Agree, University of Pennsylvania Press, June 10, 2003

Abu Zubair al-Haili (also known as “The Bear,” a 300-pound monster of a man) had also first gained a reputation as a fearless and calculating military commander in Afghanistan before serving as an artillery expert with the Arab mujahideen in Bosnia. Until recently, Abu Zubair was a resident of Tooting, south London, where he regularly sent young recruits from the West to Taliban and Al-Qaida camps in Central Asia. He came from the same area of Saudi Arabia as Bin Laden, and had first fought alongside the infamous Al-Qaida chief during the Soviet-Afghan war... Abu Zubair was finally detained while in Morocco, in the midst of plotting to send an explosives-laden dingy in a suicide mission against United States and British vessels in the Straits of Gibraltar... During his long career with Al-Qaida, Abu Zubair had served as a senior deputy to both Afghano-Bosniak Abu Ishaq al-Makki and also Abu Zubaydah, (also known as Mohammed Hussein Zein-al-Abideen) – Zubaydah, the better known of the two, is a ruthless Palestinian Al-Qaida terrorist training camp manager, a rumored veteran of the Bosnian war, and a Bosnian passport holder.¹⁷

There are quite a few errors in this short paragraph. [REDACTED]

[REDACTED]

¹⁷ Evan Kohlman, 2004: 29

[REDACTED]

Abu Zubair was never linked to any plots of maritime suicide bombings of American or British vessels in the Straits of Gibraltar. About four weeks before Abu Zubair's arrest, the Moroccans had arrested three other Saudis on May 13, 2002 and accused them of trying to repeat the USS *Cole* bombing in Gibraltar against either British or U.S. ships. One of them was Zuhair Hilal Mohamed al Tabiti (or Tbaiti, Tabaiti or Tabayti). He was about ten years younger than Abu Zubair from the city of Taib. His picture was widely disseminated in the press and shows a very skinny short person, nothing like a 300 pound man. There was confusion at the time between the two. The Moroccan Attorney General called a press conference on June 18, 2002 and gave the details of the investigation that led to the arrest of the three Gibraltar plotters. Zuhair Hilal al Tabiti had never been to Bosnia. The three Saudis were quietly deported to Saudi Arabia about two years later.

This kind of conflation of two people into one person is sloppy scholarship, which is unfortunately present throughout Mr. Kohlmann's book. Many parts are plain wrong, but this does not stop Mr. Kohlmann from making connections that are completely fictitious or inflating the significance of relationships that are completely incidental. I also found very troubling the fact that Mr. Kohlmann relied so heavily on propaganda obituaries issued by the Islamist militants themselves. Such hagiographies are not reliable sources of information, as Mr. Ahmad, their publisher admitted in his interview. They may be a start for a more serious investigation of the deceased. A good analogy would be writing a book about Nazi Germany relying heavily on Goebbels' propaganda releases. No serious scholar would claim that they sum up to a realistic picture of what was happening in Germany during World War II. As I wrote ten years ago when I rejected it, this book is not a serious piece of scholarship.

Kohlmann's Methodology

Mr. Kohlmann does not explain his methodology in his report. Instead, he quotes from judges who qualified him in previous cases. Unfortunately, judges are not trained in scientific methodology, and many defense attorneys do not know enough to challenge a self-promoting witness like Mr. Kohlmann. Methodology is not about access to lots of information. If that were so, all Internet users would be experts. It is about how to use and interpret this data. Methodology in the social sciences has evolved over the past century, and its use defines good scholarship. It involves statistics, probability, sampling strategies, looking for evidence to falsify hypotheses and comparative methods between two samples. It requires training and practice. Mr. Kohlmann has had none.

In a previous section, I quoted from my colleagues on Mr. Kohlmann's general lack of credentials and methodology of. From his report, he carefully selects anecdotal evidence from the vast amount of information he has accumulated over the years and ignores any contradictory evidence, as I shall later show. He is not careful to check whether later sources have surfaced to change his "narrative." I heard him say previously that he used a comparative method, but in his reports or his testimony, he rarely compares the facts he selects to others or carefully weighs the

evidence. Indeed, he was never trained in the use of the comparative method (his undergraduate class was not a methodology class) and I have never seen him use it in his work. Instead, he selects what is most supportive for the side that retains him. Indeed, he told me so at one time when I challenged him about his testimony in the Khurshid case in Copenhagen because he had neglected to mention important facts under oath. He justified his one-sidedness by saying that it was an adversarial process and it was up to the defense attorneys to cross examine him. I pointed out to him that this was not the case in Europe, except in Britain. In the rest of Europe, the witness was supposed to be impartial and not a hired gun as is often the case in the U.S.

This autodidact approach to the wealth of often contradictory and confusing material is a recipe for disaster. It leads Mr. Kohlmann to adopt the style of academic research but completely misses the rigor of true research. He occasionally cites selective Islamic “scholars” to buttress his claims against Muslims. He uses the appearance of scholarship, such as footnote references, but is extremely selective in his references basing them not on actual scholarly work, but on anecdotes from obscure references that he often has privileged access to, preventing other scholars from checking the context of the reference. Indeed, in the 147 footnotes in his report on Babar Ahmad, he never refers to published and widely accepted academic works on a subject. Instead, they refer to very selective anecdotal secondary or tertiary evidence that is difficult for outsiders to access. Given his propensity to quote things out of context, it is important to evaluate his evidence in context. He tries to deceptively promote his academic credentials when he has never taught a class at a university. By collapsing time, he erroneously connects events that have nothing to do with each other and claims to expose hidden truths that invariably show some sinister intent in the subjects of his reports. His narratives are so biased, one-sided and contextually inaccurate that they do not provide a fair and balanced context for the specific evidence to be presented at a legal hearing: instead, it reads like a bad lawyer’s brief, building a case for the prosecution.

Some scholars of hate groups, like James Aho, have already noted such distortion of social scientific research for the sake of generating a general conspiracy theory against Jews, for instance.²⁰ It’s the same method of selecting quotes from the Quran, taken out of context, and completely ignoring contradictory quotes that allow self-taught preachers of hate such as Abu Hamza al Masri, Abdullah el Faisal al Jamaica or Omar Bakri Mohammed to mislead young followers without much knowledge of Islam to adopt extremist views. Mr. Kohlmann uses the same deceptive technique, masquerading as terrorism research, to reuse Professor Ranstorp’s phrase, to mislead unsuspecting lawyers, judges and juries, who are his real audience and do not have the background to assess the scientific methodological soundness of his arguments or the general background to assess his claims.

What bothers academics like Miller and Mills about Mr. Kohlmann is the lack of context in his reports and testimony. His focus on the Internet means that he has a very limited knowledge and understanding of the political and historical context of the groups or people he

²⁰ James Aho, 1994, *This Thing of Darkness: A Sociology of the Enemy*, Seattle: University of Washington Press: 69.

studies. Investigative journalist Petra Bartosiewicz interviewed Mr. Kohlmann for an article she wrote on prosecution experts in terrorism trials.

Kohlmann dismisses the idea that “social causes” are integral to terrorism expertise and told me he intentionally does not study up on details of the cases he’s asked to testify on. “I try to avoid learning about what the defendants may have done that’s irrelevant to my testimony,” he said.²¹

This lack of contextual knowledge about his claimed expertise was demonstrated in a previous case. Kohlmann had submitted a short supplement to expert witness summary of testimony in the case of *U.S. v. Aref & Hossain* in 2006 about the Jamaat-e-Islami Bangladesh (JeIB), an Islamist political party. Kohlmann was deposed on September 25, 2006. The attorney for Mr. Hossein questioned him about JeIB. Kohlmann admitted that he did not know when the group was formed, who was its leader at the time of the deposition or at the time of the events under litigation, what was the JeIB platform, its role in the Bangladeshi government, whether any of its officials are in the government, or for that matter, who was the prime minister of Bangladesh either at the time of the deposition or at the time of the events under litigation.²² Basically, Mr. Kohlmann did not know much about Bangladesh, its form of government, its political parties or even JeIB. But he seemed to portray himself an expert on it through his summary of testimony.

The lack of context or background information that would help people make sense out of forensic evidence is particularly disturbing. Again, all his references are anecdotal and never refer to any well-researched academic work. To use an analogy to clarify this point about lack of context, it would be like condemning the few Jews who rebelled during the Warsaw Ghetto in 1943 and killed a few Nazis, who had come to murder them in the first place. Not knowing the context of the rebellion, someone could easily label the Jewish rebels “terrorists” and completely neglect to mention the context of the slaughter of six million Jews by the Nazis, which gave meaning to their desperate act. The nature of Mr. Kohlmann’s work is similarly biased and one-sided. I shall document this using Mr. Kohlmann’s report on Babar Ahmad.

The Substance of Mr. Kohlmann’s Report:

1. The History and Evolution of Al Qaeda

Mr. Kohlmann begins the substance of his report with a section on the history and evolution of al-Qaeda. Rather than a history or evolution, the presentation is a confusing mishmash of disconnected claims, some more or less accurate, which do not present facts in a chronological perspective. This makes it very hard to understand the history and evolution of the group that eventually called itself al Qaeda. Mr. Kohlmann jumps back and forth from 1988 to 2001 without warning the reader that he is skipping a decade as he does not provide a time frame for his statements. This severely undermines his account, and cannot be considered standard academic fare.

²¹ Petra Bartosiewicz, 2008, “Experts in Terror,” *The Nation*, January 17, 2008: 20

²² *U.S. v. Yassin Aref & Mohammad Hossain*, U.S.D.C., Northern District of New York, 04-CR-402, Deposition of Evan Kohlmann, September 25, 2006: 86 – 89, Bates numbers AQPk-001540 to AQPk-001543.

- **The Role of Sheikh Abdullah Azzam**

In the third sentence of this section, I was surprised to read that Osama bin Laden “became a top student of Shaykh Abdullah Azzam” (BA-005738). My understanding is that bin Laden has never studied with Azzam. I went back and consulted the most comprehensive references on Osama bin Laden, namely Peter Bergen, Steve Coll and Lawrence Wright²³ to double check once more. All three authors conducted extensive interviews with people with firsthand access to information they wrote about and were very careful to footnote their books. Both Coll and Wright won Pulitzer Prizes for Non-Fiction in the years they published their books. Each of these books has become a standard of reference on bin Laden and the lead-up to 9/11/01. Bergen and Wright reported that bin Laden studied at King Abdul Aziz University in Jeddah. According to his best friend at the time and eventual brother-in-law Jamal al-Khalifa, they both read Sayyid Qutb’s *Milestones*²⁴ and its critique.²⁵ According to al-Khalifa, bin Laden at the time agreed with Qutb’s critics and was therefore not yet an extremist.²⁶ Bin Laden finished his schooling in Jeddah and no one mentioned Abdullah Azzam at the time. It is unclear when the two of them met, but they certainly did so by 1984 in Peshawar. There is no mention of bin Laden resuming his education, or of Azzam teaching him.

In late 1984, bin Laden, Azzam and Boudejema Bounoua, an Algerian who called himself Abdullah Anas, created the Makhtab al Khadamat, the Services Bureau.²⁷ Abdullah Anas went on to marry Azzam’s daughter and was active in the bureau. Both Mr. Kohlmann and I know Anas, and we have discussed our respective relationships with Anas. I visited him several times when I went to London, where he lives. Anas stayed faithful to Azzam when bin Laden later split away from him. Anas was very familiar with Azzam’s work. Throughout his report, Mr. Kohlmann mischaracterizes Azzam’s work. This is important in this case because Mr. Ahmad’s Azzam Publications took Azzam’s name, which indicates some approval for his work at the time. By intentionally mischaracterizing Azzam’s work, Mr. Kohlmann attempts to smear the defendant. Mr. Kohlmann should know better through his interviews with Anas.

Azzam was certainly the “godfather” of the Afghan jihad. I am not sure that he is the godfather of “modern military jihad.” Jihad has a specific meaning in Islam, which evolved over fourteen centuries.²⁸ In traditional Islamic jurisprudence, only the head of the Muslim community could declare a jihad. It was akin to a declaration of war on infidels invading Muslim lands. As such, it was a collective (state) duty, not an individual one. The Western analogy is that

²³ Peter Bergen, 2006, *The Osama bin Laden I Know: An Oral History of al Qaeda’s Leader*, New York: Free Press; Steve Coll, 2004, *Ghost Wars: The Secret History of the CIA, Afghanistan, and bin Laden, from the Soviet Invasion to September 10, 2001*, New York: The Penguin Press; and Lawrence Wright, 2006, *The Looming Tower: Al-Qaeda and the Road to 9/11*, New York: Alfred A. Knopf.

²⁴ Sayyid Qutb, n.d., *Milestones*, Cedar Rapids, Iowa: The Mother Mosque Foundation

²⁵ Bergen, 2006: 18 – 19

²⁶ Wright, 2006: 80

²⁷ Bergen, 2006: 28 – 31; Wright, 2006: 103

²⁸ See for instance, Richard Bonney, 2004, *Jihad: From Quran to bin Laden*, New York: Palgrave Macmillan; and Patricia Crone, 2004, *God’s Rule: Government and Islam*, New York: Columbia University Press. These are both very comprehensive academic treatises on the subject, but I would not expect Mr. Kohlmann to be familiar with them as he avoids any attempt to understand the background of his claims.

only the head of state can declare war, not individual citizens. For instance, the President of the United States declared war on Germany in December 1941. It would not make sense for a private citizen to have declared war on Germany. It's similar in traditional Islamic jurisprudence. However, Azzam argued that it was an individual duty for Muslims to join the jihad in Afghanistan against the Soviets. Since Azzam Publications sold Azzam's two major books, *Join the Caravan* and *Defense of Muslim Lands*, it's important to understand the argument because Mr. Kohlmann immediately (indeed the very next sentence after introducing Azzam in his report) claims that one of Azzam's most famous dictates was to endorse terrorism (BA-005738).

Although neither copy of each pamphlet in my possession has a publication date, *Defense of the Muslim Lands* was the first to be published around 1984.²⁹ Using selective quotes from the Quran, and reference to Islamic scholars from the Hanbali School of jurisprudence, Azzam distinguishes between offensive jihad, when Muslim forces invade an infidel country, and defensive jihad, when Muslim countries are invaded by infidels. He argues that while the responsibility of joining the jihad in the first case is a collective responsibility, in the second case, it is an individual responsibility to do so. The conditions for defensive jihad prevailed in both Afghanistan and Palestine. Azzam claimed in his preface that he showed the book to several prominent Saudi scholars, including Sheikh Abdul Aziz bin Bazz, who later became the Grand Mufti of Saudi Arabia. They all agreed with his *fatwa* (religious opinion) and urged him to publish it. There was nothing about fighting tactics, like terrorism, in this fairly short book.

Join the Caravan was even shorter than Azzam's first pamphlet. According to the preface of the first edition, it was published in April 1987.³⁰ The pamphlet gives eight reasons to join the jihad (a second edition published in December 1988 adds eight more). The original reasons were: to prevent the domination of disbelievers; the scarcity of men; fear of hell-fire; fulfilling the duty of jihad and responding to the call of the Lord; following in the footsteps of the pious predecessors; establishing a solid foundation as a base for Islam; protecting those who are oppressed in the land; and hoping for martyrdom. Let us focus on the sixth reason, establishing a solid foundation as a base for Islam, because it has become a source of great confusion as the terms base and foundation are translations of the Arabic word al Qaeda. In this short section, Azzam makes it clear that fighting in jihad will forge a strong leadership for the global Muslim community (the *ummah*) that will be beneficial to it in the long run. Let me quote directly:

The *ummah* of Jihad, which is led by extraordinary people who emerged through the long Jihad movement, will not easily lose command, nor serve as easy prey for collapse. It is also not easy for its enemies to make it have suspicions about its heroes' excursions. The Jihad movement familiarizes the *ummah* with all its individuals, informing them that they have contributed to the price paid, and have participated in the sacrifice for the establishment of the Islamic community. Thus they will be trustworthy custodians of this new-born community which has relieved the whole *ummah* from the agony of its labor-

²⁹ Abdullah Azzam, 1993, *Defense of the Muslim Lands: First Obligation After Iman*, place of publication unknown. A copy can be found at http://www.religioscope.com/info/doc/jihad/azzam_defence_2_intro.htm

³⁰ Abdullah Azzam, 1987, *Join the Caravan*, available at http://www.religioscope.com/info/doc/jihad/azzam_caravan_1_foreword.htm

pains. Without a doubt, the Islamic community will be born, but birth cannot be accomplished without labor, and with labor there must be pain.³¹

Nowhere in this passage is there mention of a para-military organization, which might bear the name of the base, al Qaeda. Mr. Kohlmann conflates the two meanings of the Arabic word al Qaeda (foundation and base, as in military base) to suggest that Azzam's notion of a solid foundation for an Islamic society is al Qaeda, the terrorist organization. (BA-005739) This is definitely not the case. Azzam was fond of the expression solid foundation for Islam, which he used in his *Join the Caravan*. A year later, in April 1988, in newsletter Jihad, he used the expression again to refer to the vanguard of the mujahedin who came to fight in Afghanistan would "constitute the solid base (in Arabic, *al Qaeda al Sulbah*) for the expected society."³² Peter Bergen correctly points out that this reference to a base or foundation of an Islamist vanguard: "He was *not* using the word *al Qaeda* in the military sense of a base."³³ Mr. Kohlmann states the opposite: "in approximately September 1988, Usama bin Laden and others established a new military organization in Pakistan that they referred to as "Al-Qaida", or the "Solid Foundation" for the desired Islamic society." (BA-005739) This is a typical Mr. Kohlmann ploy, distorting the facts in such a way as to suggest that Azzam contributed to the creation of Al Qaeda without really stating it.

He further suggests Azzam's contribution to the creation of al Qaeda by pointing out that the Makhtab al Khadamat was later designated as a Specially Designated Global Terrorist entity. This is correct, but meaningless without putting specific dates when this occurred. As we saw, the Makhtab was created in 1984. It had offices in almost a dozen cities in the United States in the 1980s. At the time, the Makhtab was encouraging young Muslims to go and fight in Afghanistan, which the U.S. government also did. I was both on the Afghan Task Force in Langley at the CIA and at the CIA Station in Islamabad at the time, handling the Afghan mujahedin. I can attest to it, as a direct, primary source. The Makhtab and the U.S. Government were on the same side during Azzam's lifetime. Abdullah Azzam was murdered on November 24, 1989 in Peshawar, a crime which remains unsolved. A full twelve years after his death, the Makhtab, which had faded away by 1996, was designated a terrorist entity on October 6, 2001. A lot of changes took place in the Makhtab, not least a struggle for power and its funds, which may led to both the creation of al Qaeda, as the minutes of the founding meetings made clear, and the murder of Azzam.³⁴ The minutes of bin Laden's August 11, 1988 meeting with Mohamed Bayazid (Abu al Rida) state that they had disagreements with Azzam.³⁵ The Azzam faction, led

³¹ Azzam, 1987

³² Reproduced in Bergen, 2006: 75

³³ Bergen, 2006: 74, Italics in the original.

³⁴ The minutes of the meetings come from *U.S. v. Enaam Arnaout*, U.S.D.C. Northern District of Illinois, Eastern Division, No. 02 CR 892, Government's Evidentiary Proffer Supporting the Admissibility of Coconspirator Statements, 2002: 29 – 38. The actual minutes of the meetings were never made public, and we only have the proffer's reference to them. Since we don't have the context of the meetings, this is not definitive evidence of the founding of al Qaeda and may refer to the creation of a military base like al-Farooq, not to an organization like al Qaeda. However, on the whole, the available evidence seems to contradict Mr. Kohlmann's unsubstantiated claims.

³⁵ The minutes of the meetings come from *U.S. v. Enaam Arnaout*, U.S.D.C. Northern District of Illinois, Eastern Division, No. 02 CR 892, Government's Evidentiary Proffer Supporting the Admissibility of Coconspirator Statements, 2002: 34 – 35

by Abdullah Anas, lost control over the Makhtab, which was taken over by Osama bin Laden, who was in conflict with Azzam. Many people believe that agents of bin Laden killed Azzam.³⁶

Of course, there is no such nuance or reference to contradictory and confusing information in Mr. Kohlmann's report. Instead, he conveniently collapses time by not stating when events happened, making the reader think that Azzam was present and supportive of the creation of al Qaeda. To strengthen his argument, Mr. Kohlmann gives a quote from Abdullah Azzam apparently endorsing the use of terrorism taken from the first al Qaeda propaganda video, *The State of the Ummah*, released in mid-2001, by al Qaeda. The quote comes at the end of the video.³⁷ However, the quote is surprising because it runs against most of Azzam's work. He was generally against terrorism, and had written some editorials in his newsletter like the one on February 27, 1987 entitled, "Jihad ... Not Terrorism."³⁸ So what was the context of the Azzam quote in the al Qaeda propaganda video? Was it an example of cut and paste by an organization that had always been opposed to Azzam but wanted to appropriate his fame and legitimacy? He may very well have said something to the effect that if people continued to call freedom fighters (mujahedin) terrorists, "then we are terrorists."

My personal interactions with Azzam when he was still alive also suggest that he was personally opposed to terrorist tactics. This is also the opinion of Abdullah Anas, his son-in-law, whom Mr. Kohlmann also knows. But Mr. Kohlmann fills his report with quotes that only support the theory of the case of the prosecution that retained him and completely ignores either contradictory evidence or glosses over confusion and nuances, which unfortunately are the norm in terrorism research. This is not indicative of reliable scientific methodology. The mystery of the quote without a context needs to be addressed, and not given as representative of Azzam's thought.

I am not sure how relevant to Mr. Ahmad's case is this excerpt of Azzam on *The State of the Ummah* video. The video was never posted on the Azzam.com or qoqaz.net websites. Nor was the video sold by them. Indeed, this particular video does not seem to be part of the discovery material at all. There is no indication that Azzam Publications endorsed the video or Azzam's quote. During my interview with Mr. Ahmad, he said he saw *The State of the Ummah* video after he shut down his website. He vividly remembered the passage in question. He did not endorse this message, and understood it as being taken out of context. He believed he might have seen the full speech by Azzam, and Azzam had prefaced this specific passage by saying that if others insist on calling the Afghan Mujahedin fighting the Soviets terrorists, then "we are terrorists..." The context of the excerpt provides the true meaning of that specific video excerpt.

The key here is that there is no quick and easy link between Abdullah Azzam and al Qaeda as Mr. Kohlmann's report implies. The situation is far more complicated, and Mr. Kohlmann falls short of helping people understand this evidence by presenting a very one-sided

³⁶ Interview with Abdallah Anas, February 6, 2011. Mr. Kohlmann must also know this information since he told me he had previously talked to Anas as well.

³⁷ The video can be seen at http://www.youtube.com/watch?v=f_qosX7EaHM and the quote comes at 1:32:10 in the film.

³⁸ Reproduced in Bergen, 2006: 34 – 35

and deceptive caricature of Azzam. This is not what any scientific methodology would recommend. Don't get me wrong. Azzam is a complex thinker, who wanted to liberate former Muslim lands, including Bukhara, Lebanon, Chad, Eritrea, Somalia, the Philippines, Burma, South Yemen, Tashkent and Andalusia. Afghanistan and Palestine were only the first steps to this world wide liberation.³⁹ This certainly did not include most of Europe or the United States. All of these countries had been ruled by Muslims, who then lost their rule to infidels. On the other hand, Azzam strongly opposed internal Muslim infighting, spreading violence in countries ruled by Muslims, like Egypt, Saudi Arabia, Syria or Jordan. This opposition to internal terrorism was of course contrary to what Osama bin Laden and al Qaeda wanted to do, namely to carry out terrorist attacks in these Muslim countries.

However, the key issue here is whether Azzam, and implicitly Azzam Publications, influenced people to become terrorists. It does not matter what Mr. Kohlmann's interpretation of what he believes Azzam's message is or even what I think. What matters is how young Muslims understood Azzam's message and whether it influenced them to become terrorists. This is difficult to gauge, but fortunately in this case we have the lengthy testimony of the prosecution's main witness, [REDACTED], who was questioned over one hundred times by the FBI and the Assistant United States Attorney in early 2009. [REDACTED]

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³⁹ See Kepel, 2002: 147

the minutes quoted above, we have no other minutes on these meetings. We do not know how large it was, how often it met or its changing membership. Its membership has always been a source of speculation among other al Qaeda members, who were not present, including Jamal al-Fadl. His testimony at the trial on this issue was not convincing because of his lack of access to this specific information. Mr. Kohlmann seemed to have generated his list of the shura membership from al-Fadl's testimony.

In the third substantive paragraph in this section, Mr. Kohlmann states that Dr. al-Zawahiri officially merged his group, the Egyptian Islamic Jihad (EIJ) with al Qaeda in 1998 and became the group's deputy commander under Osama bin Laden. (BA-005739). Again, this is simplistic and inaccurate. For his reference, Kohlmann gives *The 9/11 Commission Report*, page 57. Actually, the event is described not on page 57, but on page 67 of the report.⁴² Despite its attempt to be authoritative, the 9/11 Commission Report is really a tertiary source, which is based on secondary sources, such as intelligence reports and reports of detainee interrogation. It behooves a serious scholar to corroborate his information. Mr. Kohlmann, who shuns any background information, does not.

The Commission Report states, "Now effectively merged with Zawahiri's Egyptian Islamic Jihad, al Qaeda promised to become the general headquarters for international terrorism."⁴³ At first blush, it seems that Mr. Kohlmann may be correct, but the reader must be troubled by the use of the adverb "effectively." What does it mean? Did al Qaeda actually merge with the Egyptian Islamic Jihad, or was it a project for the future with first steps being made. The report does give a reference for its statement. The footnote reads, "the merger was *de facto* complete by February 1998, although the formal 'contract' would not be signed until June 2001. Its source was an intelligence analysis on the incorporation of Zawahiri's organization into bin Laden's al Qaeda and recent activities of Egyptian associates of al Qaeda, dated September 22, 1998 and another intelligence analysis based on detainee interrogation, dated February 8, 2002."⁴⁴ Well, the Commission Report, no doubt based on the account of the CIA bin Laden Station at the time headed by Michael Scheuer, is wrong. Let me clarify.

The so called merger relates the creation of the World Islamic Front urging jihad against Jews and crusaders, whose statement was published in *Al-Quds al-Arabi* on February 23, 1998. The FBIS translation calls the declaration a *fatwa*,⁴⁵ but a more astute translator pointed out that bin Laden used the word *hukm*, which means a "considered judgment."⁴⁶ This is an important difference because a *hukm* does not carry the religious weight of a *fatwa*. Bin Laden's judgment was of course, "To kill the American and their allies – civilians and military – is an individual

⁴² National Commission on Terrorist Attacks Upon the United States, 2004, *The 9/11 Commission Report, Authorized Edition*, New York: W.W. Norton & Company: 67

⁴³ National Commission on Terrorist Attacks Upon the United States, 2004: 67

⁴⁴ National Commission on Terrorist Attacks Upon the United States, 2004: 470, footnote 82

⁴⁵ FBIS was the Foreign Broadcast Information Service, an open source component of the CIA. It has been replaced by the Open Source Center. It translates open source material, such as foreign press articles. The article in question here is "Text of the Fatwa Urging Jihad Against Americans," *Al-Quds al-Arabi*, February 23, 1998: 3, FTS19980223001154. A *fatwa* is a juridical decree, which bin Laden cannot issue because he is not a cleric.

⁴⁶ Bruce Lawrence, ed., 2005, *Messages to the World: The Statements of Osama bin Laden*, London: Verso: 61, footnote 10

duty incumbent upon every Muslim in all countries...⁴⁷ There was nothing about a merger in the announcement, but the document was signed by Osama bin Laden (no organization mentioned); Ayman al-Zawahiri, *amir* of the Egyptian Jihad Group; Abu Yasir Rifai Ahmad Taha, Egyptian Islamic Group and two others. The declaration stated only that a new World Islamic Front was created. A front is not a merger, but an alliance among various organizations. Did this alliance lead to a merger? The answer is no.

The true story emerged from Zawahiri's computer, which was found by two *Wall Street Journal* journalists in Kabul in December 2001. The computer contained the correspondence of senior al Jihad and al Qaeda members. This is of course primary source material, which trumps any analysis based on secondary sources. On December 1, 1996, Zawahiri and two EIJ subordinates crossed the border into Chechnya and were promptly arrested. They were traveling under aliases and the Russians were not able to identify them. They were put on trial and were sentenced to six months in prison. They were released in May 1997 and Zawahiri sought refuge in Afghanistan. EIJ, which was exclusively focused on attacking Egypt, was bankrupt because of several major mishaps, and Zawahiri was trying to get into the good graces of Osama bin Laden. For his part, bin Laden had grown tired of the incessant bickering of the Egyptian rivals (EIJ and the Egyptian Islamic Group) and their failures in Egypt. He wanted them to abandon their Egypt-first strategy and focus on targeting the United States in an America-first strategy. Bin Laden promised Zawahiri and Taha funding for their operations if they signed a declaration adopting this America-first strategy, which they both did in February 1998, but without consulting their respective organizations.⁴⁸

Taha was not the chief of his organization, the Egyptian Islamic Group. He was forced to retract his signature within three months. Zawahiri of course was the head of the EIJ, but his action caused a storm of protest in Afghanistan, Albania and Yemen, where most EIJ members were located. They complained that an America-first strategy would bring the wrath of America upon them: they already had their hands full with the Egyptian intelligence agencies. The debates were very heated, and Zawahiri threatened to resign. Many of the members in Yemen resigned in protest. Worse, in July 1998, the U.S. rounded up most of the EIJ members in Albania and permanently rendered them to Egypt. The "returnees from Albania" complained to the Egyptian authorities that Zawahiri had acted on his own and *tried* to merge their organization with al Qaeda. This is where Mr. Scheuer got the story, from the Egyptian liaison to U.S. intelligence.⁴⁹ To be fair to Mr. Scheuer, he had written his account before Zawahiri's correspondence surfaced.

The arrest of so many of their comrades by U.S. forces renewed EIJ members' criticism of Zawahiri in terms of having unnecessarily brought American wrath against EIJ and forced him to step down in the summer of 1999. He was replaced by Tharwat Salah Shehata in London. There was little relationship between EIJ and al Qaeda at the time. Zawahiri had adopted bin Laden's global strategy instead of focusing on Egypt, but he was no longer in charge of his

⁴⁷ Lawrence, 2005: 61

⁴⁸ See Andrew Higgins & Alan Cullison, 2002, "Saga of Dr. Zawahiri Sheds Light on the Roots of al Qaeda Terror," *Wall Street Journal*, July 2, 2002

⁴⁹ See his account in Anonymous [Michael Scheuer], 2002, *Through our Enemies' Eyes: Osama bin Laden, Radical Islam, and the Future of America*, Washington, D.C.: Brassey's, Inc.: 170 – 177.

organization. Shahata tried his best to steer a course away from al Qaeda, but lack of funding prevented him from carrying out any activity. He resigned from the leadership in the spring of 2001 and Zawahiri assumed control again. He had convinced many reluctant EIJ members that their future was with bin Laden. Upon regaining control of EIJ, Zawahiri sent its members a summary of the situation on May 3, 2001.

The following is a summary of our situation. We are trying to return to our previous main activity [probably the attempted merger with al Qaeda]. The most important step was starting the school [training camps], the programs of which have been started. We also provided the teachers with means of conducting profitable trade as much as we could. Matters are all promising, except for the unfriendliness of two teachers, despite what we have provided for them. We are patient.

As you know, the situation below in the village [probably Egypt] has become bad for traders [*jihadis*]. Our Upper Egyptian relatives [the Egyptian Islamic Group, which had agreed to a cease fire with the government] have left the market, and we are suffering from international monopolies. Conflicts take place between us for trivial reasons, due to the scarcity of resources. We are also dispersed over various cities. However, God had mercy on us when the Omar Brothers Company [the Taliban] here opened the market for traders and provided them with an opportunity to reorganize, may God reward them. Among the benefits of residence here is that traders from all over gather in one place under one company, which increases familiarity and cooperation among them, particularly between us and the Abdullah Contracting Company [bin Laden and his associates]. The latest result of this cooperation is ... the offer they gave [the merger itself]. Following is the summary of the offer:

Encourage commercial activities [*jihad*] in the village to face foreign investors; stimulate publicity; then agree on joint work to unify trade in our area. Close relations allowed for an open dialogue to solve our problems. Colleagues here believe that this is an excellent opportunity to encourage sales in general, and in the village in particular. They are keen on the success of the project. They are also hopeful that this may be a way out of the bottleneck to transfer our activities to the stage of multinationals and joint profit [go global against the U.S.]. We are negotiating the details with both sides.⁵⁰

Zawahiri's proposal caused another storm of protest, but this time, Zawahiri was able to force the merger. In June 2001, the two organizations celebrated their merger. This more subtle account of the merger of al Qaeda and EIJ also is consistent with ██████████ comprehensive interrogations in early 2009. ██████████ described the celebration at the Matar (probably what U.S. intelligence calls Tarnak Farm) in late spring of 2001 ██████████

I have carefully gone over Kohlmann's first three paragraphs in this section to show how sloppy and misleading his report is, not one of scholarship. In the process, I also hope to have demonstrated the scientific methodology a legitimate scholar would take to approach each issue.

⁵⁰ Alan Cullison, 2004, "Inside al-Qaeda's Hard Drive," *The Atlantic Monthly*, September 2004, 64 – 67, italics in original.

To continue to go through Mr. Kohlmann's report with such scrutiny would take me more time than allowed by the court. So, let me focus on some of the grossest errors in his report.

The paragraph on Abu Hafs al-Masri is essentially correct, except that he was not at the founding shura council of al Qaeda as his name does not figure in the minutes. The next paragraph on Saif al Adl is not correct. Mr. Kohlmann identifies him as Mohammed al-Makkawi, as posted on FBI wanted posters.⁵¹ The real Mohammed Makkawi, who had been a colonel in the Egyptian army, returned to Cairo on February 29, 2012. He was arrested on arrival at the airport, but was able to clear his name and was released the next day. His return was widely covered by the press.⁵² The real Saif al Adl is married to the daughter of prominent Islamist theorist Mustafa Hamid, better known as Abu al Walid al Masri. His name is Muhammad Salah al Din Zaydan. He and his father-in-law are still under house arrest in Iran. Consequently much of what Mr. Kohlmann says about him is inaccurate. On the other hand, the prosecution witness ██████████ provided a lot of information on the real Saif al Adl, whom he met his first day in Afghanistan.

Strangely, Mr. Kohlmann ignores some of the most significant figures in al Qaeda, such as Sheikh Said, Abu Faraj al Libi, Abu Hadi al Iraqi, Abu Mohammed al Masri, etc... who figure prominently in ██████████ account. Abu Hamza Rabia was a late comer to Al Qaeda, as he came with the merger with EIJ in June 2001. Abu Ali al Suri was a minor character.

Mr. Kohlmann then goes on to somewhat irrelevant information in the Babar Ahmad case, such as a discussion of al Qaeda's media production As-Sahab. (BA-005743) As-Sahab posted different material than Azzam.com. There did not seem to be any link between them. Mr. Kohlmann then goes on discussing in a haphazard and random way global neo-Jihadi attacks or plots around the globe. Some of these plots never went further than a discussion of possibilities. There were no acts in furtherance. Then Mr. Kohlmann discusses the Islamic Movement of Uzbekistan, which seems irrelevant to the Babar Ahmad case. This long section of Mr. Kohlmann's report is again filled with distortions and inaccuracies, but since this section is irrelevant to Mr. Ahmad, I shall not comment on them.

- **The Islamist Militant Training Camps in Afghanistan**

Finally, Mr. Kohlmann concludes this section on the history and evolution of al Qaeda with a six and a half page section more relevant to this case on Islamist militant training camps, from page BA-005746 to BA-005753. The whole issue of Islamist militant training camps is very confusing because the number and location of these camps changed over the twelve year period they existed in Afghanistan, from 1989 to 2001. These camps were sponsored by many Islamist organizations that changed over this period of time and only a small number of camps were under the control of Osama bin Laden and al Qaeda. Throughout this period in Afghanistan, there was intense rivalry among Islamist leaders who had their own camps. This

⁵¹ Personal interview with Noman Benotman, who had fought with the "Afghan Arabs" at the time and knew both Makkawi and al Qaeda's Saif al Adl, Dublin, June 27, 2011

⁵² The most comprehensive account is Muhammad al Shafi, 2012, "Makkawi: My Connection with Al Qaida and bin Laden Ended Several Years Ago," *Al Sharq al Awsat*, March 1, 2012, available at the Open Source Center, GMP20100301825008

has been partially documented by the Combating Terrorism Center at West Point on the basis of primary source documents.⁵³ Getting information on the history and evolution of the camps, especially how they functioned, is particularly challenging. Much of the information comes from detainees, with varying levels of cooperation with authorities. In the U.S., the complete interrogation of these detainees is classified and not available to independent scholars. Some of this information has been leaked, as in the Wikileaks documents on Guantanamo Bay detainees. Some of these detainees provide an outline of their camp experiences in their trial testimonies, as Jamal al-Fadl or Ahmed Ressaym cited by Mr. Kohlmann in his report. But both of these experiences predate the events specific to the Babar Ahmad case: al-Fadl underwent his training in the early 1990s and Ressaym left Afghanistan just as ██████████, the first person linked with the Friday Circle in Tooting was arriving in Afghanistan. Given the very fluid and changing nature of the camps and the various ways to get there, it is not certain that the anecdotal evidence from al-Fadl and Ressaym are relevant to the case at hand.

While testimony at terrorist trials certainly provides short glimpses of the militant Islamist training camps in Afghanistan, very few U.S. or British trials dealt with people who actually underwent military training in Afghanistan during the 1997 – 2002 period when Azzam Publication was in existence. This is not the case with several of the French terrorist trials, whose defendants had trained in Afghanistan.⁵⁴ Their description of the training camp experience was more extensive, showing the fluid and complicated nature of the camps. One surprising finding was that training in Afghanistan did not imply participation in terrorist action back home. For instance, during the wave of terrorist bombings in France in 1995, the half dozen people who had trained in Afghanistan all refused to take part in these bombings in France.⁵⁵ Indeed, only local people who had never been to Afghanistan, like Khaled Kelkal, agreed to help Algerian GIA terrorists carry out their attacks.⁵⁶ This clearly demonstrated that there was no necessary or deterministic connection between training in Islamist militant camps in Afghanistan and terrorism activity. As ██████████ clearly stated in his interviews, many people went there for military training. Unfortunately, the accounts of the training camps presented in French courts were marred by the tendency of investigative magistrate, Jean-Louis Bruguière, to conflate the Abu Zubaydah/ibn al Sheikh al Libi network with the al Qaeda network.

⁵³ Combating Terrorism Center, 2007, *Cracks in the Foundation: Leadership Schisms in al-Qaida, From 1989 – 2006*, West Point, New York: The Harmony Project, Combating Terrorism Center at West Point, available at <http://www.ctc.usma.edu/posts/cracks-in-the-foundation-leadership-schisms-in-al-qaida-from-1989-2006>

⁵⁴ See especially the extensive court opinions summarizing the evidence leading to the verdict in *Ministère Public c/ Jaime, Vallat, Saibi et autres*, Tribunal de Grande Instance de Paris, 14eme chambre, No d'affaire, 9524339016, Jugement du: 18 fevrier 1998; *Ministère Public c/ Daoudi, Beghal, Bounour et autres*, Tribunal de Grande Instance de Paris, 10eme chambre/1, No d'affaire, 0125339022, Jugement du: 15 mars 2005; *Ministère Public c/ Bensakhria, Tcharek, Aknouche et autres*, Tribunal de Grande Instance de Paris, 14eme chambre/2, No d'affaire, 0412639019, Jugement du: 16 décembre 2004; and *Ministère Public c/ Khabou, Atmani, Bendaoui et autres*, Tribunal de Grande Instance de Paris, 14eme chambre, No d'affaire, 9625339012, Jugement du: 06 avril 2001. This last trial was the trial of Ahmed Ressaym's accomplices. Indeed, Ressaym was tried in absentia, convicted and condemned to five years in prison by this court.

⁵⁵ *Ministère Public c/ Jaime, Vallat, Saibi et autres*, Tribunal de Grande Instance de Paris, 14eme chambre, No d'affaire, 9524339016, Jugement du: 18 fevrier 1998. The defendants thought of themselves as true soldiers, or mujahedin, and not terrorists.

⁵⁶ *Ministère Public c/ Koussa, Maameri, Bouhadjar et autres*, Tribunal de Grande Instance de Paris, 14eme chambre, No d'affaire, 99527039040, Jugement du: 15 septembre 1999.

There have been very few published firsthand accounts of experiences in the training camps. Of note, Aukai Collins trained at an al Qaeda affiliated camp, named Jihad Wal or Khalid bin Walid, during the winter of 1993-4 but under the sponsorship of the Pakistani militant group Harakat ul-Jihad.⁵⁷ Omar Nasiri (an alias) trained at a non-al Qaeda camps named Khalden and Darunta in 1995 and gives a very extensive description of his experience.⁵⁸ Mourad Benchellali, a former Guantanamo Bay detainee, published a brief description of his experiences at al Qaeda's al Farouq camp in the summer of 2001.⁵⁹ At this point, it must be stressed that the vast majority of young Muslims coming to Afghanistan for training in the 1990's returned home and never participated in terrorist operations. They had come to Afghanistan simply for training.

The Abu Zubaydah diaries make it clear that the network around Khalden camp headed by Abu Zubaydah and ibn al Sheikh al Libi was not only different from but a rival to that of al Qaeda.⁶⁰ This is corroborated by [REDACTED] testimony [REDACTED] [REDACTED]. [REDACTED] description of various Islamist militant training camps and their general organization is the best that I've seen so far in over a decade of research of Afghanistan's role in global neo-jihadi terrorism. It was part of the discovery material in this case, and I don't understand why Mr. Kohlmann did not rely on this extensive testimony rather than far inferior sources. I suspect that he simply did not read the discovery material.

[REDACTED]

⁵⁷ Aukai Collins, 2002, *My Jihad: The True Story of an American Mujahid's Amazing Journey from Usama bin Laden's Training Camps to Counterterrorism with the FBI and CIA*, Guilford, Connecticut: The Lyons Press: 23 – 40

⁵⁸ Omar Nasiri, 2006, *Inside the Jihad: My Life with Al Qaeda, A Spy's Story*, New York: Basic Books: 105 – 243. Despite the title, Nasiri had very little interaction with real al Qaeda. He used the term in a generic way. His relationship was mostly with Algerian groups in Europe and with the Abu Zubaydah and ibn al Sheikh al Libi network.

⁵⁹ Mourad Benchellali, 2006, *Voyage vers l'Enfer*, Paris: Robert Laffont: 75 – 83

⁶⁰ See footnote 19 above.

[REDACTED]

This is of course a confusing picture, which refutes the simplistic picture that Mr. Kohlmann tries to paint of camps united under the control of al Qaeda. (BA-005747-8) The general pattern over time has to be reconstructed from the variety of sources. It seems that until 1997, Islamist militants coming to Afghanistan for training had to go through Peshawar because the training camps were located in eastern Afghanistan, near Khowst. Khalden dominated in terms of popularity. People from the Arabian Peninsula, such as Saudis and Yemenis, went to al Farouq and Jihad Wal, both funded by bin Laden. For instance, the four Saudis that conducted the attack on the National Guard building in Riyadh in 1995 had trained there. Mr. Kohlmann quotes from an instructor in the advanced urban warfare course at al Farouq, who listed their names in *The State of the Ummah* video (BA-005747). People from most other nations trained at Khalden. After bin Laden and his following returned to Afghanistan in mid-1996, he settled in Jalalabad. This did not affect the pathways to get to the Afghan camp but it did dramatically increase the number of Arabs coming to Afghanistan for training as the al Qaeda camps in the Sudan had been closed. In 1997, when the Taliban government forced bin Laden to move to Kandahar, this affected the pathway for people coming for training. The people from the Arabian Peninsula, Saudis and Yemenis, now came to Kandahar via the southern route: Karachi, Quetta and Kandahar. They were selectively recruited into al Qaeda. The militants from the rest of the world, mostly Libyans, Algerians, Palestinians and some Europeans, continued to take the northern route: Islamabad, Peshawar and Jalalabad. They became affiliated with the Abu Zubaydah/ibn al Sheikh al Libi network. [REDACTED]

[REDACTED]

Abu Zubaydah's diaries tell that in the summer of 2000, the Taliban closed most of the training camps competing with al Qaeda. [REDACTED] From that time onwards, newcomers to Afghanistan had no choice but begin training at al Qaeda's al Farouq. Abu Zubaydah stayed independent from al Qaeda but it is possible that ibn al Sheikh al Libi joined al Qaeda in the summer of 2001. He indeed became the commander of the Islamist foreign fighters in December 2001 at Tora Bora, as Mr. Kohlmann reported (BA-005748). But it is important to get the correct chronology of all those events and not conflate them by neglecting the dates of the events as he does throughout his report.

61 [REDACTED]

It is important to understand this background because Mr. Kohlmann mostly bases his description of the camp training (which Mr. Kohlmann implies was similar for all Islamist militants coming to Afghanistan) on Ahmed Ressay's testimony when he was still cooperating with the U.S. government. Ressay did not train at an al Qaeda camp, but at Khalden. He was part of the Abu Zubaydah and the Algerian network. By basing his report on anecdotal testimony from Ressay, Mr. Kohlmann misses the overall trends and does not realize that Ressay's experience might have been different from that of the Tooting Muslim militants, who later came to Afghanistan for military training. Ressay was an Algerian, who went to Afghanistan through the Algerian network, mediated through Abu Zubaydah, Abu Jaffar al Jazairi (real name Omar Chaabani) and Abu Doha (identified as Rachid Boukhalfa by the French and as Omar Makhululif by the British).⁶² He went through Peshawar and trained at Khalden. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

This section of Mr. Kohlmann's report suffers from general sloppiness, vagueness in the footnote references and strong biases. For instance, Mr. Kohlmann generally fails to give the exact page numbers when he refers to long documents. He also gives the wrong pages in the footnotes, as he did in the al-Fadl quote. On BA-005749, footnote 49, he attributes the quote "we were speaking about America as an enemy of Islam" to page 626 of the *U.S. v. Haouari* trial transcript, whereas it is actually on page 622.⁶³ His bias is demonstrated by his selection of information that is consistent with his claims and neglect of contradictory evidence. For instance, on the same issue of Ressay, he accurately quotes Ressay's testimony that he was trained at Khalden to blow up the infrastructure of a country by targeting the enemy's "installations, special installations and military installations, such installations such as electric plants, gas plants, airports, railroads, large corporations, gas, gas installations and military installations also... hotels where conferences are held."⁶⁴ (BA-005749). But Mr. Kohlmann carefully ignores

⁶² Before going to Afghanistan, Ressay was connected with the Montreal branch of the network of defendants in the case of *Ministère Public c/ Khabou, Atmani, Bendaoui et autres*, Tribunal de Grande Instance de Paris, 14eme chambre, No d'affaire, 9625339012, Jugement du: 06 avril 2001. Indeed, he was tried *in absentia* in this trial, convicted and condemned to five years in prison by this French court. In Afghanistan, Ressay met several of the defendants at the trial of *Ministère Public c/ Bensakhria, Tcharek, Aknouche et autres*, Tribunal de Grande Instance de Paris, 14eme chambre/2, No d'affaire, 0412639019, Jugement du: 16 décembre 2004. He provided testimony against his former comrades. See pages 52 – 56 of the judgment.

⁶³ *U.S. v. Mokhtar Haouari*, U.S.D.C. Southern District of New York, S4 00 Cr. 15 (JFK), July 5, 2001: 622. The reader can check for himself or herself because the transcript is available online at

<http://f11.findlaw.com/news.findlaw.com/hdocs/docs/haouari/ushaouari070501rassamtt.pdf>

⁶⁴ *U.S. v. Mokhtar Haouari*, July 3, 2001: 550. The transcript for this session is available at <http://f11.findlaw.com/news.findlaw.com/hdocs/docs/haouari/ushaouari70301rassamtt.pdf>

that Ressam also testified that although he realized that many civilians would die, he “would have tried to avoid that as much as possible.”⁶⁵ On cross examination, he repeated his assertion and said that he was going to call security and tell them that there was a bomb in the airport.⁶⁶

Mr. Kohlmann’s bias is also demonstrated by his habit of citing the name al Qaeda as often as he can. On page BA-005748, he notes that not all Islamist militant camps in Afghanistan were “officially controlled by Al-Qaida... Though these camps were not explicitly Al-Qaida-run, likeminded training camp managers had agreements in bin Laden to conduct reciprocal recruiting efforts and exchange programs.” Mr. Kohlmann gives a reference to the *9/11 Commission Report*. The report states: “Khalden and Derunta were terrorist training camps in Afghanistan controlled by Abu Zubaydah. While they were not al Qaeda facilities, Abu Zubaydah had agreement with bin Laden to conduct reciprocal recruitment efforts whereby promising trainees at the camp could be invited to join al Qaeda.”⁶⁷ Actually, the report’s statement is probably false. Abu Zubaydah and his partner Ibn al Sheikh al Libi controlled Khalden. Abu Khabab controlled one of the Derunta camps. But it is clear that according to [REDACTED] extensive interrogation in the discovery material and Abu Zubaydah’s diary that al Qaeda did not either explicitly or implicitly run either camp. Nor did it run the Turkish/Kurdish camp or Abu Musab al Suri’s camp or Abu Nasir al-Amarati’s camp... There might have been some understanding between some of the camp commanders, but this is far from ceding control of the camp to another organization. These commanders were also bitter rivals, as shown by the letters they wrote each other.⁶⁸

Mr. Kohlmann continues his propensity to mention al Qaeda as often as possible in his report. At the bottom of page BA-005748, he introduces Ibn al Shaykh al Libi “also a known associate al Al-Qaida” who was in charge of Khalden training camp. He cites a reference. I checked the reference, and it came from an unidentified U.S. intelligence source that referred to al-Libi as “the al-Qaeda fighter who ran the group’s Khalden training camp in Afghanistan.”⁶⁹ The article is about Richard Reid. I find it very puzzling that Mr. Kohlmann chose to use as a reference an article based on an anonymous source, which is of course of very questionable reliability. Indeed, in this case, the source is wrong: al Libi was not an al Qaeda member in 1998 at the time Reid passed through al Khalden, as the *9/11 Commission Report* suggests.⁷⁰ I have previously shown that al Libi’s joined al Qaeda in the summer of 2001 about a year after the closure of Khalden camp, as shown in Abu Zubaydah’s diaries.⁷¹ On the other hand, within the discovery material in this present case is the very extensive testimony of Reid’s partner in the Shoe Bomb plot, [REDACTED]. [REDACTED] testified for dozens of pages on Reid. Reid had undergone

⁶⁵ *U.S. v. Mokhtar Haouari*, July 3, 2001: 574

⁶⁶ *U.S. v. Mokhtar Haouari*, July 3, 2001: 626 – 627

⁶⁷ National Commission on Terrorist Attacks upon the United States, 2004: 500, footnote 5.

⁶⁸ Combating Terrorism Center, 2007, *Cracks in the Foundation: Leadership Schisms in al-Qaida, From 1989 – 2006*, West Point, New York: The Harmony Project, Combating Terrorism Center at West Point, available at <http://www.ctc.usma.edu/posts/cracks-in-the-foundation-leadership-schisms-in-al-qaida-from-1989-2006>

⁶⁹ Andrey Gillan and Julian Borger, “Shoe born Briton named as key agent in Bin Laden’s network,” *The Guardian*, January 17, 2002, available at <http://www.theguardian.com/world/2002/jan/17/september11.usa>

⁷⁰ National Commission on Terrorist Attacks upon the United States, 2004: 500, footnote 5.

⁷¹ See about footnote 19 on Abu Zubaydah’s diaries.

training at Khalden in 1998, which is probably why al Libi was able to identify him. But the jump that al Libi was an al Qaeda fighter in 1998 because Reid became an al Qaeda member three years later is bizarre logic and not supported by the evidence. This is the type of jumping to conclusion that careful scientific methodology, which pays close attention to chronology of events, tries to avoid. Mr. Kohlmann should have relied on ██████ firsthand testimony on this matter rather than trust an anonymous source of questionable reliability. Poor methodology leads to erroneous conclusions.

Perhaps the strongest criticism of Mr. Kohlmann's section on militant training in Afghanistan is that he makes up facts. For some unexplained reason, Mr. Kohlmann misquotes trial transcripts and inserts references to al Qaeda that are not there in the original. On page BA-005747, he quotes Jamal al-Fadl at the *U.S. v. Usama bin Laden et al* trial as saying:

We went to the hotel for two days and somebody come, he give us a little lecture about what going inside the war and about jihad and about [Al-Qaida]... He tell us about [Al-Qaida], if you go inside what you have to do, and what going on inside Afghanistan. And you have to go inside the guesthouse first to put all your stuff. And when you go to the guesthouse, you go to take your passport, your documents, your money and [they] save it for you ... when you go inside.

Kohlmann, in his footnote, gives the reference to the *U.S. v. Usama bin Laden et al* transcript, February 6, 2001: 170 – 171. In fact, his quote comes from page 169. In actuality, the transcript reads, starting from line 15 (I checked different copies of the official transcript acquired from three different sources):

A. We went to the hotel for two days and someone come, he give us a little lecture about what going inside the war and about jihad and about *the rule*.

Q. He told you about jihad and what else?

A. He tell us about *the rule*, if you go inside what you have to do, and what going on inside Afghanistan. And you have to go inside the guesthouse first to put all your stuff. And when you go to the guesthouse, you go to take your passport, your documents, your money and save it for you *as you're going to tell you more about the rule* when you go inside.⁷² (italics added)

Please note that in the official actual quote, there is no reference to al Qaeda, but to the rule (of conduct in Pakistan and Afghanistan). In my quote of the official document, I put in italics what Mr. Kohlmann omitted in his quote. He simply made up a reference to al Qaeda that did not exist in the original. He substituted al Qaeda for “the rule” (of conduct in Pakistan and Afghanistan). This does not seem to be an accident because Mr. Kohlmann substituted al Qaeda for the rule twice and when a third reference to “the rule” was present a little later, he simply

⁷² *U.S. v. Usama bin Laden, et al.*, U.S.D.C. Southern District of New York, S (7) 98 Cr. 1023, February 6, 2001: 169. A copy of the relevant transcript is available for the reader to check at <http://cryptome.org/usa-v-ubl-02.htm>

deleted it again from the text. Of course this substitution of a very emotionally loaded term “Al-Qaida” for a rather neutral word like “the rule” is extremely prejudicial for a reader. This seems very deceptive: falsifying data or making up facts is definitely not part of any scientific methodology.

2. Conflict in Bosnia / Kateebat al-Mujahideen in Bosnia

The next section in Mr. Kohlmann’s report is the background on the Bosnian War and the unit of Islamist foreign fighters, better known as the Mujahedin Brigade. This was of course the subject of Mr. Kohlmann’s only published book. Mr. Kohlmann sets up this section in four sentences.

The civil conflict in the former Yugoslavia first erupted in June 1991 after Slovenia and Croatia declared their respective independence from Serbia. When ethnic Serbs rebelled against Bosnia-Herzegovina’s self-declared independent government in April 1992, the Muslim-led Bosnian government was on the defensive and the ARBiH struggled to hold out against a superior military force. This predicament captured the attention of sympathetic Muslims elsewhere in the world, and particularly in the Middle East. While much of the aid from the Muslim world to the Bosnian government was given in the form of money and weapons in violation of an international arms embargo, there was also a volunteer battalion of foreign “mujahideen,” or “holy warriors.” (BA-005753)

Mr. Kohlmann immediately focuses on this battalion and quotes from the Azzam Publications film on the Bosnian War saying that the Islamist veterans from the Soviet Afghan war were at the forefront of this movement. He cites five volunteers, headed by the Saudi Abu Abdel Aziz “Barbaros,” who came to Bosnia after the mujahedin conquest of Kabul, as an example.⁷³ He then claims, “for North African militants trained in Afghanistan, the real value of Bosnia Herzegovina was a step in the ladder towards Western Europe and the regimes controlling Egypt, Algeria, Tunisia, and Morocco. It was a place of proximity to London, Riyadh, and Cairo – where terrorist recruits could train, coalesce into cells, and seek shelter from prosecution by foreign law enforcement.” (BA-005754) This of course is the flawed thesis of his book, to which I shall return. He supports his conspiracy theory by quoting Sheikh Omar Abdel Rahman, in an FBI wiretap or at a conference he gave in the U.S. in support of Muslims in Bosnia. The problem was that Abdel Rahman was not linked at all to anyone in Bosnia and was just encouraging support for the Muslims there. The sheikh’s fantasies about the use of Bosnia as a platform to conduct jihadi operation elsewhere are not relevant to the case against Mr. Ahmad.

Kohlmann then introduces the reader to Abdelkader Mokhtari, better known as Abu el-Ma’ali, the Algerian who became the *amir* or commander of the Mujahedin Battalion by mid-1993. He glosses over the fact that Mokhtari was not a veteran of Afghan training camps and was never a member of al Qaeda. In fact, he was a student in Italy, who was so outraged by the slaughters of Muslims in Bosnia that he came to fight in Bosnia. He was not even a member of

⁷³ The Afghans mujahedin conquerors of Kabul were led by Ahmad Shah Masood, who was opposed to al Qaeda and was eventually killed by al Qaeda two days before the attacks of 9/11/01. The foreign fighters like Abu Abdel Aziz and the other Afghan veterans did not participate in the conquest of Kabul in 1992.

the Algerian *Groupe Islamique Armé* (GIA) as Mr. Kohlmann implies in the first sentence of the last paragraph of page BA-005755. There are allegations in the international community that the Mujahedin Battalion committed some atrocities and war crimes, although no one from the battalion has even been charged with such crimes in contrast with dozens of Serb soldiers charged with them. The worse crimes of the Mujahedin Battalion that Mr. Kohlmann cites in his report are disparaging Bosnian culture and threatening children at the Croats' Cultural Center of Zenica (BA-005757). The other "crimes" of the Mujahedin Battalion cited by Kohlmann are not providing background personal information on its members and proselytizing a Salafi form of Islam not in the tradition of Bosnia. That's it. I could not find any trace of anything more serious in Mr. Kohlmann's report.

Mr. Kohlmann's background information on the Bosnian War is not consistent with my memory of this war, full of massacres against Muslims (some of which, like the one in Srebrenica, have been called genocide), pictures of living human skeletons in Serb concentration camps and the systematic use of rape of women as a weapon of ethnic cleansing. Any war produces extremely biased propaganda, so let me try to quote from more neutral sources, like the United Nations, better known for their understatements than exaggerations.

The war began on 6 April 1992. Most of the territory captured by the Serbs was secured by them within the first 60 days of the war, before UNPROFOR had any significant presence in Bosnia and Herzegovina. During those 60 days, approximately 1 million people were displaced from their homes. Several tens of thousands of people, most of them Bosnian Muslims, were killed. The accompanying scenes of barbarity were, in general, not witnessed by UNPROFOR or by other representatives of the international community.⁷⁴

The independence of the Republic of Bosnia and Herzegovina was recognized by the European Community on 6 April 1992 and by the United States of America the following day... the conflict represented a war between the JNA (later known as the Army of Yugoslavia, or VJ) on one side, against both the Army of the Republic of Bosnia and Herzegovina (ARBiH) and the Croatian Defense Council (HVO) on the other...

Bosniacs (known until 1993 as "Muslims" or "Bosnian Muslims"), who represented 44 per cent of Bosnia and Herzegovina's population of 4.4 million, were dominant in the Army of the Republic of Bosnia and Herzegovina. The ARBiH, officially established on 15 April 1992, was made up, ab initio, of a number of elements: territorial defense units, police forces, paramilitary forces and criminal elements. It enjoyed an advantage in manpower over the other forces in the conflict, but was poorly equipped and largely untrained....

Ranged against these forces were rump JNA, the "Army of Republika Srpska", known to the international community as the Bosnian Serb Army (BSA), and their paramilitary

⁷⁴ Kofi Annan, 1999, *Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica*, 15 November 1999, New York: United Nations: 6 – 7, available at <http://www.refworld.org/docid/3ae6afb34.html>

associates. All of these forces were dominated by Serbs, who constituted 31 per cent of the population of Bosnia and Herzegovina. The JNA official withdrew from Bosnia and Herzegovina to the Federal Republic of Yugoslavia under international pressure on 10 May 1992. In fact, however, the withdrawal was largely cosmetic since the JNA “left behind” those units whose members were nationals of Bosnia and Herzegovina. General Mladic, Commander of JNA forces in Bosnia and Herzegovina, was restyled Commander of the BSA. Throughout the war that was to follow, the BSA remained closely associated with the JNA/VJ and with the Federal Republic of Yugoslavia, on which the BSA relied for *matériel*, intelligence, funds and other forms of support. The Serb paramilitary groups, which included a substantial criminal element, often operated in close cooperation with the regular armies of Yugoslavia and the Bosnian Serbs.

The conflict between these forces differed from conventional warfare in important ways. First, much of the fighting was local, involving regular and irregular fighters operating close to their homes. Second, a central objective of the conflict was the use of military means to terrorize civilian populations, often with the goal of forcing their flight in a process that came to be known as “ethnic cleansing”. Third, although several hundred thousand men were engaged for three and a half years, and although several tens of thousands of combatants were killed, the conflict was more often one of attrition, terror, gangsterism and negotiation than it was of high-intensity warfare.⁷⁵

As mentioned, the conflict raged for three and a half years. The international community, led by Britain who feared an expansion of the conflict, imposed an arms embargo on the belligerent factions in Bosnia, which amounted to a unilateral embargo on the Muslims because the BSA was supplied by the Federal Republic of Yugoslavia. As mentioned, atrocities were committed in the war. With time, it was clear that they were mostly committed by the Serbs. The CIA commissioned a highly classified report that came out in early 1995. The *New York Times* reported that no less than three different outraged officials leaked its contents to the paper. According to one source, “Serbs carried out at least 90 percent of the ethnic cleansings in Bosnia.” An official was quoted, “To those who think the parties are equally guilty, this report is devastating. The scale of what the Serbs did is so different. But more than that, it makes clear with concrete evidence that there was a conscious, coherent and systematic Serbian policy to get rid of Muslims, through murders, torture and imprisonment.”⁷⁶ A sanitized version of the report was released by CIA Deputy Director John Gannon to a joint session of the Senate Select Committee on Intelligence and Senate Foreign Relations Committee on August 9, 1995.⁷⁷

To protect the population, the UNPROFOR established safe zones in 1993. But on July 11, 1995, the Serb BSA under general Mladic, chased the U.N. forces from Srebrenica and

⁷⁵ Annan, 1999: 9

⁷⁶ Roger Cohen, 1995, “C.I.A. Report on Bosnia Blames Serbs for 90% of the War Crimes,” *New York Times*, March 9, 1995

⁷⁷ John Gannon, 1995, “Ethnic Cleansing and Atrocities in Bosnia,” Statement before Joint SSCI SFRC Open Hearing, August 9, 1995, posted on the C.I.A. official website at https://www.cia.gov/news-information/speeches-testimony/1995/ddi_testimony_8995.html

started an orgy of slaughter, murdering approximately 8,000 men and boys. The U.N. report states,

The tragedy that occurred after the fall of Srebrenica is shocking for two reasons. It is shocking, first and foremost, for the magnitude of the crimes committed. Not since the horrors of the Second World War had Europe witnessed massacres of this scale. The mortal remains of close to 2,500 men and boys have been found on the surface, in mass graves and in secondary burial sites. Several thousand more men are still missing, and there is every reason to believe that additional burial sites, many of which have been probed but not exhumed, will reveal the bodies of thousands more men and boys. The great majority of those who were killed were not killed in combat: the exhumed bodies of the victims show that large numbers had their hands bound, or were blindfolded, or were shot in the back or the back of the head. Numerous eyewitness accounts, now well corroborated by forensic evidence, attest to scenes of mass slaughter or unarmed victims.

The fall of Srebrenica is also shocking because the enclave's inhabitants believed that the authority of the United Nations Security Council, the presence of UNPROFOR peacekeepers, and the might of NATO air power, would ensure their safety. Instead, the Bosnian Serb forces ignored the Security Council, pushed aside the UNPROFOR troops, and assessed correctly that air power would not be used to stop them. They overran the safe area of Srebrenica with ease, and then proceeded to depopulate the territory within 48 hours. Their leaders then engaged in high-level negotiations with representatives of the international community while their forces on the ground executed and buried thousands of men and boys within a matter of days...⁷⁸

The cardinal lesson of Srebrenica is that a deliberate and systematic attempt to terrorize, expel or murder an entire people must be met decisively with all necessary means, and with the political will to carry the policy through to its logical conclusion...

The United Nations experience in Bosnia was one of the most difficult and painful in our history. It is with the deepest regret and remorse that we have reviewed our own actions and decisions in the face of the assault on Srebrenica. Through error, misjudgment and an inability to recognize the scope of the evil confronting us, we failed to do our part to help save the people of Srebrenica from the Serb campaign of mass murder. No one laments more than we the failure of the international community to take decisive action to halt the suffering and end a war that had produced so many victims. Srebrenica crystallized a truth understood only too late by the United Nations and the world at large: that Bosnia was as much a moral cause as a military conflict. The tragedy of Srebrenica will haunt our history forever.⁷⁹

Pretty strong words for an agency not known for them! And the above does not mention the fact that the Bosnian War became famous for the Serbian systematic use of rape of Bosniac

⁷⁸ Annan, 1999: 102

⁷⁹ Annan, 1999: 108

women in concentration camps as a weapon in ethnic cleansing.⁸⁰ Mr. Kohlmann's failure to present the context of Azzam Publications leads to his perverse criticism of young Muslims in Britain who immediately grasped what the United Nations would not until it was too late. Bearing witness to the Serb atrocities in Bosnia had a very strong radicalizing effect on young British Muslims. For example, Ahmed Omar Saeed Sheikh, who was later convicted of kidnapping *Wall Street Journal* reporter Daniel Pearl in 2001 and conspiring in his beheading broadcast on video, participated in "Bosnia Week" at the London School of Economics in November 1992. His diary reported, "various documentaries on Bosnia were shown. One such film, *The Destruction of a Nation*,⁸¹ shook my heart. The reason being Bosnian Muslims were shown being butchered by the Serbs."⁸² Ed Husain, who became a prominent member of Hizb ut-Tahrir, also discussed the importance of such videos in his transformation and that of his friends in early 1993.⁸³ Maajid Nawaz also remembered the videos, like *The Destruction of a Nation*, about Bosnia, "a land where fetuses are cut from wombs," as instrumental in his radicalization.⁸⁴ These videos of images of these atrocities that mainstream media was trying to suppress, triggered moral outrage among British Muslims, as it did with Mr. Ahmad and Saajid [REDACTED]. This was especially so because their government was tilting toward the Serbs and was preventing more effective international efforts to stop the bloodshed.⁸⁵

Nevertheless, one must treat seriously Mr. Kohlmann's accusation that al Qaeda was exploiting the war in Bosnia to establish a platform to conduct terrorist operations in the West and North Africa. The best summary of his thesis is on the back cover of his book, *Al-Qaida's Jihad in Europe*:

Terrorist analyst Evan F. Kohlmann argues that the key to understanding Al-Qaida's European cells lies in the Bosnian war of the 1990s. Using the Bosnian war as their cover, Afghan-trained Islamic militants loyal to Osama bin Laden convened in the Balkans in 1992 to establish a European domestic terrorist infrastructure in order to plot their violent strikes against the United States. As the West and the United Nations looked

⁸⁰ Beverly Allen, 1996, *Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia*, Minneapolis: University of Minnesota Press. This has been well documented and is not propaganda.

⁸¹ Available in four parts on YouTube at <http://www.youtube.com/watch?v=SBZVE7fthjE>. This was produced not by a mujahedin group, but by Islamic Relief in 1992, before the battalion in Bosnia had established a propaganda wing. Its original title was *Bosnia – Herzegovina: The Destruction of a Nation*. The YouTube version is changed to *The Destruction of Bosnia*. It shows horrific pictures of Muslim victims, whose bodies have been desecrated, and living human skeletons in concentration and refugee camps. It was probably the most influential film on Bosnia, as attested by the recollection of the three militants I quoted, not the one cited by Mr. Kohlmann, *Operation Badr al-Bosna*. In my interviews with former British Islamist militants, including Mr. Ahmad, they spontaneously cited *The Destruction of a Nation*.

⁸² The diary is quoted at length in Nick Fielding, 2002, "From a London Public School to the Shadow of the Noose," *Sunday Times* (London), April 21, 2002. Khalid Sheikh Mohammed later confessed to the decapitation of Daniel Pearl.

⁸³ Ed Husain, 2007, *The Islamist: Why I joined radical Islam in Britain, what I saw inside and why I left*, London: Penguin Books: 74 – 75

⁸⁴ Maajid Nawaz, 2012, *Radical: My Journey from Islamist Extremism to a Democratic Awakening*, London: WH Allen: 96 – 97

⁸⁵ See the strong indictment of British foreign policy by a prominent historian, Brendan Simms, 2001, *Unfinest Hour: Britain and the Destruction of Bosnia*, London: Allen Lane, The Penguin Press

on with disapproval, the fanatic foreign *mujahideen*, or holy warriors, wreaked havoc across southern Europe, taking particular aim at UN peacekeepers and even openly fighting with Bosnian Muslims at times. Within a few months of the war's end, home-grown terrorist sleeper cells appeared on the streets of Europe's cities. (italics in original)

The substance of Mr. Kohlmann's argument is summarized in a diagram on page 207 of his book. It shows arrows leading from bin Laden to Sheikh Omar Abdel Rahman ("the blind sheikh" arrested and convicted in New York), Abu Abdel Aziz "Barbaros" and Abu el Ma'ali. There is an arrow going from "Barbaros" to Abu el Ma'ali, and from Abu el-Ma'ali to Fateh Kamel. From Fateh Kamel there are three arrows leading to the Roubaix/Lille Terror Cell (Lionel Dumont and Christophe Caze); the Milan Terror Cell (Rachid Fettar and Youcef Yanouar) and the Montreal/LAX Terror Cell (Karim Said Atmani and Ahmed Ressam); and a discontinuous arrow (suspected) to the Paris Metro Terror Cell (Khaled Kelkal and Karim Koussa).

Let's take each in turn. There is no doubt that bin Laden and the blind sheikh met in Peshawar. But the blind sheikh was far more important and famous than bin Laden at the time. He was the Mufti (religious leader) of the Egyptian Islamic Group and not al Qaeda. He was independent. He certainly was involved in a plot to blow up some landmarks in New York in 1993. He was arrested, tried, convicted for seditious conspiracy and sentenced to life in prison. Although there was a lot of collaboration among Islamist militants, Abel Rahman represented the Egyptian Islamic Group, not al Qaeda. Except for raising money and trying to convince Muslims to go there, he did not seem to have much to do with Bosnia.

Mr. Kohlmann identifies Abu Abdel Aziz "Barbaros" as Abdel Rahman al Dosari. He does not give a basis for this claim. However, more compelling evidence, including some from the U.S. Government, identifies him as Mahmud Muhammad Ahmad Bahaziq.⁸⁶ There was a prominent Saudi cleric called Abdel Rahman al Dosari, or Abd al-Rahman al-Dawsari, but he died in 1979.⁸⁷ It would not be the first time that Mr. Kohlmann mistakes a person for another one, as he did with Abu Zubayr al Haili and Saif al Adl. In any case, Barbaros did not stay long in Bosnia and left in December 1992 to promote the Muslim cause in Bosnia around the world, including the United States. By the time that the "blind sheikh" was having conversations with his followers about Bosnia, he was already out of the country and no longer the head of foreign fighters there. It is unknown if Barbaros had any link to bin Laden, but he certainly did not stay in Bosnia to establish an al Qaeda terrorist platform to carry out terrorist operations against the

⁸⁶ Stephen Tinkel, 2011, *Storming the World Stage: The Story of Lashkar-e-Taiba*, New York: Columbia University Press: 39 correctly identifies "Barbaros" and provides his background. Mr. Bahaziq was not affiliated with al Qaeda but with Lashkar-e Taiba and his intent was to spread Lashkar's interpretation of the Salafi faith among Muslims in Europe and to develop a support base among them. As Tinkel writes in his book, "To be sure, this included an emphasis on jihad, but the intent at the time was not to stake out terrain from which to begin launching terrorist attacks against the West." (Tinkel, 2011: 39) This contradicts Mr. Kohlmann's claim in his book. After the Mumbai attacks by Lashkar-e Taiba in November 2008, Mr. Bahaziq was included in the U.S. Department of Treasury's Specially Designated Nationals and Blocked Persons List in December 2008 in connection not to al Qaeda but to Lashkar e-Toyba. See <http://www.treasury.gov/ofac/downloads/t11sdn.pdf>: 104 – 105.

⁸⁷ See Stephane Lacroix, 2011, *Awakening Islam: The Politics of Religious Dissent in Contemporary Saudi Arabia*, Cambridge, Massachusetts: Harvard University Press: 56 – 58

West. Al Qaeda may have wanted to establish such a platform in Bosnia, but there is no evidence that they ever tried to implement this plan.⁸⁸ But over the past 22 years after these aspirational comments, there has been no indication of any terrorist plot coming from Bosnia, with the exception of the Roubaix gang discussed in the next paragraph. At the time, it was not clear that Bosnia was a legitimate land of Jihad and Bahaziq tried to get the endorsement of respected Saudi cleric Muhammad Nasi al-Din al-Albani, but with partial success.⁸⁹

At the time of Barbaros's departure, the Islamist foreign fighters were few in number, at most a few dozens, as mentioned in Mr. Ahmad's interview. In early 1993, fighting broke between the Bosnian Muslims and the Croats, and the way to land-locked Bosnia was closed off to Islamist volunteers. After the U.S. Government was able to re-establish a truce between these two factions in 1994, the door to Bosnia was re-opened for Muslim volunteers who flocked to Bosnia by the hundreds, reaching well over one thousand mujahedin. But the link to Afghan veterans had been broken. Contrary to Mr. Kohlmann's claims, the two chiefs of the Mujahedin Battalion in Bosnia, Abu al-Harith al-Libi and Abu al-Ma'ali from Algeria had never been Afghan veterans or members of the GIA, which was being created around the same time in Algeria. There has been no link that I know between these commanders and al Qaeda.

The next link in Mr. Kohlmann's diagram, Fateh Kamel, was definitely involved with Algerian Islamist militants in Canada, Belgium, France, Bosnia, Italy and even Jordan. He certainly knew Abu al Ma'ali, and when Algerian fighters were told to leave Bosnia in early 1996, he welcomed them in Montreal. However, he was not the intermediary portrayed in Mr. Kohlmann's diagram. Many members of the Roubaix gang (a more accurate term than a cell) knew al Ma'ali personally: they did not go through Fateh Kamel. They tried to conduct a series of terrorist operations in the north of France in a month's period in early 1996, which mostly resulted in their own deaths. They had helped the battalion in Zenica at the end of the war, and had returned to France.⁹⁰ The motivation for their violence upon their return to France is still puzzling and unknown. This was no sleeper cell because it never went to sleep but acted immediately upon their return to France.

The Milan cell and the Montreal cell consisted of militants who supported many Islamist causes, but were not directly involved in violence or terror. Ressaym of course came from the bunch of guys in Montreal.⁹¹ Indeed, it seems Ressaym never made contact with al Qaeda, even in Afghanistan. He was often in contact with Abu Jaffar, Abu Doha and Abu Zubaydah. He was

⁸⁸ Government's Evidentiary Proffer Supporting the Admissibility of Coconspirator Statements, *U.S. v. Enaam Arnaout*, U.S.D.C. Northern District of Illinois, Eastern Division, No. 02 CR 892, 2003: 24 – 25 mentions that al Qaeda sent an emissary to Zagreb, Croatia, who talked to an "Abdel Rahman al Dosari." This emissary appears to be Jamal al-Fadl, see his testimony in *U.S. v. Usama bin Laden et al*, February, 5, 2001: 316.

⁸⁹ The taped three hour conversation between them was widely circulated in Saudi Arabia and are available on Sheikh al Albani's website www.alalbany.net.

⁹⁰ Jean-Louis Bruguière and Jean-François Ricard, undated, *Requisitoire definitive aux fins de non-lieu partiel, de requalification, de renvoi devant le tribunal correctionnel, de maintien sous controle judiciaire et de maintien en detention*, Cour d'Appel de Paris; Tribunal de Grande Instance de Paris; Parquet du Procureur de la Republique, No Parquet: P96 253 3901.2. I wish to thank Mr. Kohlmann for providing me with a copy of this document in 2009. See also, Jean-Louis Bruguière, 2009, *Ce que je n'ai pas pu dire*, Paris: Robert Laffont: 343 – 348.

⁹¹ See my analysis in Sageman, 2004, *Understanding Terror Networks*, Philadelphia: University of Pennsylvania Press: 99 - 103

part of the Algerian network. In any case, his contact with Islamists in Peshawar was not made through Fateh Kamel, but through another Algerian, who had gone through the training at Khalden camp. Ressaym was not part of a cell linked with Bosnia, and in fact had never been in Bosnia. He had lots of friends who were veterans of the Bosnian war, but his attempt on Los Angeles LAX Airport was attempted on behalf of Abu Jaffar and Abu Doha in Peshawar and London respectively.

There was no link whatsoever between Bosnia and the wave of bombings in France during the summer of 1995. They were carried out by the Algerian GIA, and its leaders were Ali Touchent, Boualem Bensaid, Smain Ait Ali Belkacem in France and Rachid Ramda in London.⁹² Khaled Kelkal and Karim Koussa mentioned by Mr. Kohlmann were small helpers and they had never been to Bosnia or interacted with the Mujahedin Battalion. Ironically, almost a dozen of their acquaintances had gone to Bosnia on a humanitarian trip in 1993. About half a dozen had even traveled to Afghanistan in 1994 to undergo military training at Khalden. They all turned down Touchent and Bensaid who had asked them for their help to carry out terrorist attacks in France.⁹³ Like the vast majority of Muslims who had gone to Afghanistan for training in the 1990's, they had simply gone for training and not as a stepping stone for becoming terrorists.

On the other hand, Mr. Kohlmann did not list the conspirators trying to bomb the Strasbourg Christmas Market in December 2000. Several of the conspirators were Bosnian veterans, who knew Abu al-Ma'ali. However, they had moved on and joined the Afghan Algerian network connected with the Khalden camp. The plot was orchestrated by Abu Doha and not al Qaeda.⁹⁴

Nor was there any nexus between the GIA and al Qaeda in the mid-1990's. It seems that bin Laden and al Qaeda had sent Libyan emissaries to Algeria in 1995 to find out what the situation was and the GIA murdered them. This contributed to a split between al Qaeda and the GIA and the increased atrocities in Algeria made even the London Islamist ideologues abandon the GIA. This rift was not healed until 1998 when the *Groupe Salafiste pour la Prédication et le Combat* (GSPC) was created as a splinter group of the GIA around 1998 and made overtures to link up with al Qaeda.

So, with the exception of the Roubaix violence in early 1996, there has been no terrorist plot coming from Bosnia attempted in the West. Kohlmann's thesis of Bosnia as a platform for terrorism in the West is a gross exaggeration of one bizarre plot in 1996 and ignores the developments of the past two decades in the West. Some Afghan veterans did go to Bosnia, but

⁹² See the comprehensive summary of the evidence in the judgment in *Ministère Public c/ Koussa, Maameri, Bouhadjar et autres*, Tribunal de Grande Instance de Paris, 14eme chambre, No d'affaire, 99527039040, Jugement du: 15 septembre 1999

⁹³ See the comprehensive summary of the evidence in the judgment *Ministère Public c/ Jaime, Vallat, Saibi et autres*, Tribunal de Grande Instance de Paris, 14eme chambre, No d'affaire, 9524339016, Jugement du: 18 fevrier 1998.

⁹⁴ See the comprehensive summary of the evidence in the judgment *Ministère Public c/ Bensakhria, Tcharek, Aknouche et autres*, Tribunal de Grande Instance de Paris, 14eme chambre/2, No d'affaire, 0412639019, Jugement du: 16 décembre 2004. See also Jean-Louis Bruguière, 2009, *Ce que je n'ai pas pu dire*, Paris: Robert Laffont: 359 – 362.

they probably went because, like the alleged al-Dosari, they believed that there was a jihad there or they had no other place to go. It is possible that some terrorist leaders fantasized about transforming Bosnia into a platform for terrorism in the West, but nothing came of it. As Osama Rushdi, a leader of the Egyptian Islamic Group, later reminisced,

Before [Osama] decided to go to Sudan, he decided that everything is finished [in Pakistan]. This is 1992. They sell everything in Peshawar and they said al Qaeda is finished. I have seen that. The Pakistani government [exerted] a lot of pressure against Arab people. So most of the Saudi Arabia people went to their country. Some of them went to Bosnia. Osama bin Laden didn't order them to go to Bosnia or Chechnya or any other place. He ordered the people that can go peacefully back to their country to go back, but the problem is for the people who cannot go back to their own country, and bin Laden [felt] some responsibility about those people.⁹⁵

Most of them went to the Sudan, and the evidence from 1992-6 seems to support his observation. A surprisingly small number of Afghan veterans came to Bosnia. Those who had not married Bosnian women returned home, dispersed throughout the West or returned to Afghanistan, very much like Abu Zubair al-Haili, cited in Mr. Kohlmann's book and figuring peripherally in the present case. They certainly did not inaugurate a wave of terror in the West as predicted by Mr. Kohlmann. By the time his book came out, eight years after the end of the Bosnian war, this failure to graft jihad onto Bosnia's civil war⁹⁶ was already very clear, as noted by true scholars of Islamist militants. Even, the United Nations' International Criminal Tribunal for the former Yugoslavia judgment on crimes committed by the foreign fighters in Bosnia contradicts Mr. Kohlmann's argument.

According to the evidence characterizing the position of the foreign mujahedin, the term 'mujahedin' refers to Muslims fighting a *jihad*, or holy war. The foreign mujahedin went to Bosnia in order to help their Muslim brothers defend themselves against the Serbian aggressor and intended to leave the country once peace had been re-established. According to the same sources, the foreign mujahedin also wanted to spread their beliefs, which they felt were the most faithful expression of Islamic texts.

Most foreign mujahedin in Central Bosnia seem to have arrived as members of humanitarian organizations. Defense witnesses agreed that during the first phase they were involved in humanitarian activities. They provided quite significant aid to the local Muslim population, particularly food, and organized classes in religious instructions.

Starting in the second half of 1992 when conflict broke out in Central Bosnia, foreign mujahedin became fighters.⁹⁷

⁹⁵ Quoted in Bergen, 2006: 106

⁹⁶ The expression is of course from Gilles Kepel, 2002: 237 – 253, who wrote his survey of global jihad two years before the publication of Kohlmann's book.

⁹⁷ *The Prosecutor v. Enver Hadzihasanovic & Amir Kubura*, International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former

Yet, despite this accumulated evidence in the ten years since the publication of his flawed book, Mr. Kohlmann has not revised his mistaken views on the subject.

The vast majority of the mujahedin who came to fight in Bosnia had never been in Afghanistan. They were new volunteers, like Abu al-Ma'ali, the members of the Roubaix gang or Nasir al-Bahri, better known as Abu Jandal, bin Laden's body guard in the late 1990's, who had come from Yemen after watching videos of the corpses of two of his friends.⁹⁸ They wanted to protect their fellow Muslims who were being massacred by the Serbs. By not providing this background for their coming to Bosnia, Mr. Kohlmann wants to imply that they came because they wanted to become terrorists, threatening the West. Ample evidence that moral outrage at Serbian atrocities led Muslims to Bosnia and the relative lack of terrorism emerging from Bosnia in the past twenty years refute this argument.

3. Conflict in Chechnya / The Islamic Army of the Caucasus

Mr. Kohlmann goes on to try to provide some background information on Chechnya and the Islamic Army of the Caucasus. He bases his account mostly on two sources: a video on Khattab (an alias for Samir Saleh ibn Abdullah al-Suwailem) produced after Azzam Publications was shut down; and an interview of Shamil Basayev posted on qoqaz.net, one of the websites of Azzam Publications. Mr. Kohlmann seems to take the very inflated and sometimes ridiculous claims of this propaganda at face value, focuses on these individuals and neglects the context of their fights. It is not a serious scholarly report on the conflict in Chechnya but a strange recap of the Islamists' own propaganda: it does not give the background, nature and scope of the conflict or the true significance of its Islamist contingent.

It is much more difficult to analyze the events in Chechnya than in Bosnia because of the Russian news blackout for the region since the start of the second round of the Chechen War in 1999 which banned all independent journalists from the region. Unlike the Bosnian War, U.N. and International Criminal Tribunal investigators have not been invited. Much of the "news" about Chechnya is Russian propaganda depicting Chechen fighters as "bandits," "gangsters" or "terrorists." By the time they invaded Chechnya a second time in 1999, the Russians had learned how to control media access and manage the information war. They claimed that the invasion was a large counter-terrorist operation. Of course, after September 11, 2001, they framed the war as part of the Global War on Terror and tried to smear Chechen fighters with connections with al Qaeda. They accused the West, and especially the U.S. Government, which condemned Russian atrocities in Chechnya, of using a double standard against Russia.⁹⁹ This type of propaganda is matched by Islamist propaganda, trying to promote their importance and show that its fighters were fighting the same fight against the West as their comrades in Afghanistan and elsewhere. They of course exaggerated their role in the fighting in Chechnya. In this sense, accessing

Yugoslavia since 1991, Case No. IT-01-47-T, Judgment, 15 March 2006: 115 – 116, available at http://www.icty.org/x/cases/hadzihasanovic_kubura/tjug/en/had-judg060315e.pdf.

⁹⁸ Nasser al-Bahri, 2010, *Dans l'ombre de Ben Laden: Révélations de son garde du corps repentant*, Paris: Michel Lafon: 49 - 56

⁹⁹ I was warned against about this by the U.S. Embassy in Moscow before my conferences with local journalists and my testimony before the Beslan Commission. The U.S. political officers believed that the Russians would try to use me to portray that they were fighting a common enemy, al Qaeda, in Chechnya and Beslan.

websites supportive of the Chechen fighters was an antidote to the propaganda emerging from Moscow.

The lack of easy access to the war has led to three types of reporting on the war: a few academic books, like James Hughes's book¹⁰⁰; accounts by courageous journalists and human rights workers, who travelled to the area openly during the first round of fighting and clandestinely during the second round; and polemical stories in pursuit of a political agenda. Journalists and witnesses on the ground have mostly documented Russian atrocities that predominated during both conflicts.¹⁰¹ I had the privilege to meet with Anna Politkovskaia during my trip to Moscow in early 2005 to testify before the Beslan Commission. She was mysteriously murdered about a year and a half later while returning to her apartment. She was not the only one of these courageous witnesses to be murdered.

In the U.S., many analysts fall into the last category. They seem to have an anti-Muslim political agenda, like Mr. Kohlmann, and write about the Chechen tragedy by focusing exclusively on the real atrocities committed by Islamist terrorists, like Khattab and Basayev.¹⁰² From the comfort of their Washington offices, the Chechen tragedy is all about neo-jihadi atrocities, while on the ground in Chechnya, it is mostly about Russian atrocities. For instance, Lieven remembered:

The worst experience of the Chechen War for me was the bombing in December [1994], despite the fact that it was a great deal more sporadic and less intense than the mixture of bombing and artillery bombardment which accompanied the ground Assaults [two months later]. This was indeed one of the most intense bombardments of recent decades ... it was obviously intended to kill and terrorize civilians....

But above all it was the sense of the great iron hand swooping down from the sky and crushing and tearing to pieces innocent people at random, while they lay in their beds or struggled to find food, with their husbands and children beside them, that gave the bombing its particular horror for me – compounded of moral shock and personal terror. Every morning when we got up, we would find that a malign giant had taken another bite out of the familiar streets, leaving a blackened hole in an otherwise untouched row of houses, and in it limbless, obscenely mangled corpses dressed in the remnants of nightclothes and slippers...¹⁰³

¹⁰⁰ James Hughes, 2007: *Chechnya: From Nationalism to Jihad*, Philadelphia: University of Pennsylvania Press

¹⁰¹ See for instance, Anna Politkovskaya, 2003a, *A Small Corner of Hell: Dispatches from Chechnya*, Chicago: Chicago University Press; Anna Politkovskaia, 2003b, *Tchéchénie, le déshonneur russe*, Paris: Gallimard, Folio Documents; and Anne Nivat, 2001, *Chienne de Guerre: A Woman Reporter Behind the Lines of the War in Chechnya*, New York: PublicAffairs; and Anatol Lieven, 1999, *Chechnya: Tombstone of Russian Power*, New Haven, Connecticut: Yale University Press. Lieven's account is the most sophisticated if less emotional of the lot.

¹⁰² See for instance, Yossef Bodansky, 2007, *Chechen Jihad: Al Qaeda's Training Ground and the Next Wave of Terror*, New York: HarperCollins; or Paul Murphy, 2006, *The Wolves of Islam: Russia and the Faces of Chechen Terror*, Washington, D.C.: Potomac Books, Inc.

¹⁰³ Lieven, 1999: 43

Mr. Kohlmann, in his report, follows the third or polemical tradition and gives a very biased background on the war in Chechnya. A scholar should be more familiar with the background of his research and more impartial in dealing with its facts put in context.

This does not mean that I condone the horrors perpetrated by Khattab, Basayev and their minions. I emphatically condemn them, but, for a social scientist, it is important to understand them and be able to assess them within their context. The U.S. Government has adopted a similar neutral posture, condemning atrocities committed by both sides. The analogy I can offer here is the civil war in Syria. It is hard to understand it by focusing exclusively on the few Islamist militant groups allied with al Qaeda. This would miss the much greater atrocities committed by the Syrian government, including the chemical attack on its internal opponents. The Islamists came to Syria to defend the victimized Syrian opposition. The U.S. Government and the Western international community are also supporting this opposition to the Syrian regime.

Although I do not consider myself a specialist on Chechnya, I've read a few books about this series of conflicts. To put events and Azzam Publications into perspective, let me briefly sketch an outline of the two decades of conflict in Chechnya. In the chaos of the collapse of the Soviet Union, Chechnya, a region with about one million people, 71% of whom were Chechen and 27% Russian, adopted a policy of independence from Russia. One of its nationalist leaders, Dzhokhar Dudayev was elected president with 85% of the vote in October 1991. His first action on November 1, 1991 was to declare independence for Chechnya. Boris Yeltsin, the head of Russia at the time, sent a small force of 600 troops to re-establish order, but the force was captured by Chechen nationalists upon landing. They were eventually released and returned to Russia. However, in response to the Russian action, 26-year-old Shamil Basayev and two accomplices hijacked a Russian airliner to protest the Russian action and diverted the plane to Turkey. Basayev had been a black-marketer in Moscow prior to the August 1991 coup there. The hijackers negotiated the release of some Chechen prisoners in Russia and flew back to Chechnya, where they were greeted as heroes.

Russia was too weak from internal conflict to react with force and instead isolated the region economically and politically. Expecting a Russian invasion, Dudayev armed the Chechen population from left over Soviet weapons depots. Meanwhile, Basayev led 300 Chechens to fight for Azerbaijan against Armenia during the Nogorno-Karabagh crisis. In the summer of 1993, he led the Chechen "Abkhazia Battalion" against Georgia. Russian forces, which orchestrated the fight against Georgia, transported him and his troops, trained them and supplied them. Allegedly, Russian intelligence taught them the basics of irregular warfare. The battalion home returned in triumph. It is not known what Basayev did in 1994. There are allegations that he and some of his men trained for three months in Afghanistan.¹⁰⁴

¹⁰⁴ Bodansky, 2007: 37 – 38; Murphy, 2004: 16 – 17; Rohan Gunaratna, 2002, *Inside al Qaeda: Global Network of Terror*, New York: Columbia University Press: 134 – 135. I found these claims to be unreliable. The first two authors have not a single footnote or reference in their respective books. Gunaratna is well known to fabricate stories and has lost credibility among terrorism experts. Hughes, 2007: 101 referred a 1996 Basayev interview in a Russian newspaper for his allegation, but given the intense campaign of Russian disinformation, one must remain cautious of Russian sources. In his interview for Qoqaz net, Basayev mentioned that he "had returned to Chechnya and formed several units that were trained in Afghanistan, and then dispatched to join the Mujahideen in Tajikistan." He did not

Lieven gave a good portrait of Basayev's transformation over a series of personal interviews over two years, from October 1993 to December 1995. At the first meeting in Abkhazia, where Basayev was commanding the Chechen battalion, he was already a separatist from Russia, but not really religious. Lieven met him again a year later in Chechnya. Again, he was for an independent Chechnya. "Speaking about Islam in Chechnya – at least to a Western journalist – he said nothing about the need for an Islamic state. His later support for this project seems therefore to have come out of the war."¹⁰⁵ Lieven met him again, in Grozny in January 1995, when Basayev had been wounded and recalled, "his beard, which had been short and piratical, grew longer and bushier, until by the end of the year he really did resemble a Mujahid of old."¹⁰⁶ In May 1995, he was looking more and more like a mujahed. But he was still subordinate and very loyal to Aslan Maskhadov, the secular and separatist chief of the Chechen Army. In December 1995, he was unchanged. It is clear that the atrocities of the war radicalized Basayev.

By the end of 1994, a "party of war" in Russia had formed to try to bring Chechnya back to the fold. Russia invaded Chechnya on December 11, 1994 despite great protest and reluctance on the part of the army, which felt it was not ready. Dudayev begged Yeltsin not to do it, but to no avail. At first, the war went disastrously for the invading troops who did not know how to cope with mass protest and urban warfare. It suffered heavy losses in Grozny, whose defense was conducted by Aslan Maskhadov and Basayev. This demoralized Russian troops. Russia proceeded to conduct the large scale aerial and artillery bombings of the capital, described above. Lieven noted that the destruction of Grozny was "fully comparable to pictures of Stalingrad in 1943, Berlin in 1945, or Hue in 1968."¹⁰⁷ But slowly Russian heavy firepower asserted itself and the Chechens retreated to their villages. This was their low point in the war.

On June 14, 1995, Basayev commanded a small force that raided the town of Buddenovsk, forty miles deep in Russian territory.

After storming the police station and briefly holding the town hall, they rounded up several hundred hostages and confined them in the hospital, threatening to kill them if the Russian army did not withdraw from Chechnya. He did in fact reportedly execute several wounded Russian soldiers in the hospital, and some ninety-one people were killed in the Chechen attack, including policemen and local civilians...

On 17 June, Russian Special Forces made two unsuccessful attempts to storm the hospital, suffering losses and killing a number of hostages and Chechen fighters... [Russian Prime Minister] Chernomyrdin opened negotiations with Basayev and negotiated an agreement involving an immediate ceasefire by Russian troops, the reopening of negotiations, and transport and a guarantee of safe passage for Basayev and

mention that he had gone with the men he dispatched to Tajikistan. Basayev, 2000, "World Exclusive Interview with Field Commander Shamil Basayev," February 21, 2000 posted at <http://www.qqaz.net>. This is part of the discovery material but has no Bates stamp.

¹⁰⁵ Lieven, 1999: 35

¹⁰⁶ Lieven, 1999: 36

¹⁰⁷ Lieven, 1999: 47

his men to return to separatist-held areas of Chechnya. On the 19th, accompanied by hostages and some courageous volunteers from the Russian media and the Duma, they returned to Chechnya and a hero's welcome.

Although obviously an act of terrorism by the usual definition of that term, Basayev's was also an act of enormous daring, and may well have saved his cause. The peace negotiations which resulted, and the truce which accompanied them, gave the hard-pressed Chechen forces a critical breathing space of several months before full-scale fighting began again, and during that time they filtered back into most parts of Chechnya and in effect retook them without a fight from under the Russians' noses.¹⁰⁸

This was a strategic victory because the sight of "the brutality and unconcern for the hostages displayed by the Special Forces in their attempt to storm the hospital"¹⁰⁹ turned the Russian public against the war. Lieven wrote that while both sides committed atrocities, they were committed mostly by the Russians, as documented by Russian investigative journalists. Of course, Basayev had shot wounded people in the hospital, but this paled compared to the more spontaneous and drunken Russian atrocities. With Russian troops completely demoralized and the war unpopular at home, Chechens launched an offensive in August 1996 to recapture the major cities. They succeeded and the Russians negotiated their withdrawal, in short their defeat. As one of the Russian democrats said at the time, the war was "won by freedom of speech."¹¹⁰ The most conservative estimates of the casualties concluded that about 11,500 combatants died (7,500 Russians and 4,000 Chechans), 25,000 – 29,000 civilians (mostly ethnic Russians, who had nowhere to go in contrast to ethnic Chechens, who returned to their respective villages) were killed in the Russian bombing of Grozny, and 35,000 civilians were killed overall.¹¹¹

After the war, Basayev revealed that he had included about ten Arab Afghans in his raid on Buddenovsk, including Samir al-Suawailem or better known as Khattab. He and about ten companions had come to Chechnya in the middle of 1995 and joined forces with Basayev. Mr. Kohlmann on the basis of the propaganda video on Khattab tends to treat Khattab's joining the Chechen conflict as very significant because of their alleged success in fighting the Soviets in the Afghan-Soviet War in the 1980s and indicative of a larger pan-Islamist terrorist conspiracy. Certainly, this is what Khattab wanted to project. However, his account is contrary to my experience as the U.S. Government official who filed over one hundred intelligence reports on the Afghan Soviet war. The so called Afghan Arabs – Afghans called them "Wahabis" at the time – did not fight at all as a group against the Soviets except for one small skirmish at Jaji/Ali Kheyl in the spring of 1987. Yet, their hagiographic obituaries made it appear that they had won that war. Nothing can be further from the truth. The Afghans won the war, and they got no help in the field from the foreigners. Indeed, this was Basayev's own experience when asked during the first Chechen war whether he used mercenaries.

¹⁰⁸ Lieven, 1999: 124 – 125

¹⁰⁹ Lieven, 1999: 125

¹¹⁰ Sergei Kovalev, quoted in Hughes, 2007: 109

¹¹¹ The figures are quoted from Hughes, 2007: 81 – 82

There were individuals who came to us who had fought in Afghanistan, and volunteers from the Arab countries. Now there are only a few of those people left. They thought they were tough, but their equipment, their tactics and even their way of thinking don't fit. Here's their kind of war: they spend a month reconnoitering a post, they shell it for three or four hours, then they go around for another three months bragging about their courageous act. We don't have that kind of opportunities. We have to fight fast.¹¹²

Being an Arab fighting in Chechnya, Khattab became very famous in the Middle East and Muslim West, as bin Laden had become after the skirmish in Jaji about a decade earlier. He was not sent by bin Laden. The two had met in the 1980s when Khattab was still a teenager. Khattab later claimed he had not seen him since then.¹¹³ Indeed, the two appeared to have been rivals rather than collaborators.¹¹⁴ Toward the end of his life, Basayev denied any relationship with al Qaeda and said that his deceased friend Khattab had never been a member of al Qaeda.

Q: Have you had any contacts with Osama bin Laden or other members of al Qaeda recently?

A: Before asking questions, such a solid news agency as yours ought to look at my previous interviews, where I have always said that I am not acquainted with bin Laden and have had no contact with him, although I would very much like to meet him. Anyway, Putin has already 'appointed' him as my commander...

Q: What is your attitude to this organization [Al Qaeda]?

A: My attitude is a normal one, with an element of caution, as one has with any unknown quantity. Because all my life I have only seen two "members" of al Qaeda. And not only were Khattab and Abu Walid not members of Al Qaeda, but they did not even know bin Laden. They had only seen him a few times in Afghanistan, and then from a distance, in the company of people like them, who were ordinary mujahideen during wartime. But now in Chechnya, a situation has developed where, as soon as any more or less well known mujahid is killed, he immediately "becomes" the organizer of all the worst subversive operations, and must have been a member of Al Qaeda.

It is a very interesting situation; so long as a mujahid is alive, he is my subordinate, but as soon as he dies, he becomes a member of Al Qaeda and the "main source of funds."¹¹⁵

¹¹² Yelena Azarova, 1996, "A Heart to Heart Interview with Shamil Basayev: Terrorist #1 About Himself and the War," *Vecherniy Novosibirsk*, March 1, 1996, translated by the Open Source Center, FTS 19960301000109. This description reminds me of the Saudi jihadi tourists during the Afghan Soviet War, who upon arriving at Peshawar Airport, dressed up in Afghan mujahedin clothes, traveled to the border with Afghanistan, crossed it for a few yards, got their pictures taken holding an AK-47, and then promptly returned home with the picture proving their jihadi credentials.

¹¹³ Renaud Girard, 1999, "Amir Khattab, Soldat de l'internationale de l'Islam," *Le Figaro*, December 15, 1999..

¹¹⁴ This is also the finding of Cerwyn Moore & Paul Tumelty, 2008, "Foreign Fighters and the Case of Chechnya: A Critical Assessment," *Studies in Conflict & Terrorism*, 31: 420 – 421.

¹¹⁵ Sweden TT news agency interview with Shamil Basayev, March 24, 2005, available at <http://www.kavkazcenter.com/eng/content/2005/03/24/3640.shtml>. Kavkarcenter.com is unrelated to qoqaz net and Azzam Publications. It is a Chechen site mostly in Russian.

Khattab was of course welcomed by the Chechens when he came. He showed his fighting prowess and Basayev made him his deputy and adviser. Their success attracted young Chechens and Muslims from around the region, the Middle East and a few from the West. Islam played an important role in the war, but should not be exaggerated, as Russian propagandists and Islamist militants did and still do. Russian exaggeration of the political role of religion was an effort to brand the Chechen separatists as “Muslim fundamentalists” to appeal to Western audiences with the line that the war was a common fight against Islamist terrorism. Right before the war, Islam had become part of a national rhetoric more as a symbol and expression of national feeling than as a program of its own right. But some fighters like Basayev were radicalized by the war and became more religious.

The Russians killed Dudayev toward the end of the war. Afterwards, Maskhadov and Basayev squared off in a presidential election in January 1997, which Maskhadov won handily 59% to 23% of the votes. Basayev’s strong return showed how the war had radicalized young people, tired of the corruption and complete breakdown of law and order after the war. Basayev entered Maskhadov’s secular government and was prime minister for six months in 1998 before resigning and joining the opposition. But in the post war chaos, especially with the continued economic and political isolation orchestrated by the Russians, the appeal of Islam grew. Basayev and Khattab organized training camps for new recruits and created their own fighting force, semi-independent from Makhadov’s army, even though Basayev continued to be his deputy chief of staff. Even the secular Maskhadov had to change the country’s constitution to include Islam in it and started a transition to sharia law. On the other hand, Russia was reorganized under another war party itching to erase the humiliation of the first Chechen War. Putin was appointed as prime minister in 1999 and started things moving. Chechen Islamists inadvertently helped them. A military column of over one thousand Islamists led by Basayev and Khattab took over an area of adjacent Dagestan and tried to impose an Islamic state in August 1999. The Russian military did not have much trouble turning them back through massive use of firepower. Even though Moscow had a *causus bellum*, the Russian population was reluctant to become engaged in another war as long as the violence was confined to Chechnya and its neighbor.¹¹⁶

A series of bombings of apartment buildings in Moscow, Bolgodonsk and Buinaksh in September 1999, killing or maiming over three civilians rallied public opinion behind Putin’s plan to reconquer Chechnya. The Russians blamed Basayev, “terrorist #1,” and Khattab, but much doubt remains. Basayev and Khattab always took credit for their operations, but vehemently denied responsibility for these acts. Russian security forces were caught in the act of planting explosives in an apartment building in another city, Riazan. Many former intelligence officers later claimed that the bombings were actually orchestrated by Putin. Whoever carried out the bombings did not matter. The Russian public rallied around their leader, Putin, who framed the new campaign as a counter-terrorist action. He ordered a massive aerial bombing campaign on Chechnya in September and Russian troops invaded Chechnya at the beginning of October. This time, the result was different and the Russian army relentlessly pounded the defenders and drove them out of Grozny. Putin’s party rode his wave of popularity and took control of the

¹¹⁶ Hughes, 2007: 94 – 110

Russian Duma during the December 1999 elections. Three months later, Putin was elected president with an absolute majority. The war quickly became a savage counter-insurgency war, with Russian using disproportionate and indiscriminate firepower on the population, triggering widespread international condemnation. Among several massacres by Russian forces condemned around the world was the December 1, 1999 massacre of the village of Alkhan-Yurt, where the Russian troops went on a two week drunken rampage killing 41 civilians and raping several women. Human Rights Watch documented the massacre at the time.¹¹⁷ The international community, including the U.S. and the U.K., strongly condemned Russian action at the time.¹¹⁸

In desperation, Basayev and Khattab resorted to new tactics trying to carry the war to Russia and included suicide bombings, sometimes using women suicide bombers, large hostage taking operations like the taking of the crowded Dubrovka Theater in Moscow in October 2002 and of course the Beslan school hostage crisis in September 2004. Most of the fatalities, 130 and 354 respectively (not counting the hostage takers), in these two crimes were the result of the complete disregard for human lives by the rescuers. The war of attrition wound down around 2007. Because of the Russian government censorship of coverage of the war and its refusal to allow any independent investigation, it is difficult to estimate the number of casualties in this second conflict. Estimates range from 30,000 to 200,000 civilians killed. About half of the whole population was displaced, much of it in concentration camps in Ingushetia.¹¹⁹ Khattab was killed by a poisoned letter in March 2002, Maskhadov in 2005 and Basayev in July 2006. Chechnya was back under the control of Russia.

Mr. Kohlmann's sections on the history and background of al Qaeda, the Bosnian War and the Chechen Wars show a pattern of biases, inaccuracies, very selective use of mostly anecdotal evidence and avoidance of important issues raised by scholars in the field and international organizations in relations to the two wars. He does not read the local languages required to conduct research using primary sources and does not rely on scholars who can. Instead, he relies on selective Islamist extremist propaganda to try to provide a "context and background" on al Qaeda, Bosnia and Chechnya. This is like writing a history of the Second World War relying exclusively on Joseph Goebbels' Nazi propaganda. Any serious scholar would be laughed out of any conference if he attempted to pass this type of work as objective scientific research on that war. Therefore Mr. Kohlmann's total disregard of the bare fundamentals of social scientific methodology in the background historical sections of his report strongly challenge his qualifications in presenting such background. The overwhelming evidence is that foreign fighters came to both Bosnia and Chechnya to defend their fellow Muslims, who were victims of what many witnesses, observers and international organizations called genocide by the Serbs and Russians respectively. Understanding this background may explain, but definitely not condone, the desperate resort to terrorist tactics at least on the part of Chechen

¹¹⁷ Human Rights Watch, December 11, 1999, "Russian Troops Rampage in Chechnya Village," available at <http://www.hrw.org/en/news/1999/12/10/russian-troops-rampage-chechnya-village>. See also HRW more comprehensive report on Russian massacres in Chechnya, Human Rights Watch, 2000, *Russia/Chechnya: "No Happiness Remains," Civilian Killings, Pillage, and Rape in Alkhan-Yurt, Chechnya*, Volume 12, No. 5 (D), April 2000, available at http://www.hrw.org/reports/2000/russia_chechnya2/index.htm#TopOfPage

¹¹⁸ See <http://news.bbc.co.uk/2/hi/europe/553304.stm>

¹¹⁹ Hughes, 2007: 121

Islamist fighters and their foreign allies. In either case, the foreign Islamist militants did not come to establish a platform for terrorism in the West as Mr. Kohlmann suggests.

4. Azzam Publications

Mr. Kohlmann gives a brief two page summary of Azzam Publications including its website Azzam.com (BA-005764 – BA-005765). This is an exact duplicate of Mr. Kohlmann’s previous report on the *U.S. v. Hassan Abu Jihaad* case,¹²⁰ dated August 2007 (there are two sets of Bates stamps in his previous report at the bottom of each page: HA3263 – HA3264 and HA 10099 – 10101). He opens this section by stating boldly stating, “Over time, several shadowy U.K.-based entities have gained notorious reputations for independently *translating al-Qaida multimedia* and re-releasing videos in English *for the purposes of terrorist recruitment* – but perhaps none more so than Azzam publications in London.” (BA-005764, italics mine to emphasize Mr. Kohlmann’s argument.)

Mr. Kohlmann attempts to support his bold assertion with quotes *not* from the family of websites connected with Azzam Publications and included in the discovery material, but from other mysterious websites that no longer exist. All the relevant quotes in this section were posted on the Internet *after* the July 2002 closure of all the Azzam Publications websites. To my knowledge, none of these quotes are in the discovery material or have been subject to forensic authentication. They are therefore of very questionable authenticity. In my interview with Mr. Ahmad, he was very clear that after July 2002, anyone could have posted statements on other websites and claimed to be “Azzam Publications.”

In this section, Mr. Kohlmann has two long quotes, which his footnotes attribute to an “e-mail statement issued on September 24, 2002.” (Footnotes 114 and 117, on BA-005764 and BA-005765 respectively) There is no reference to any website or linkage to this mysterious e-mail. Checking on the Internet, it appears that this e-mail was posted on www.Taliban-news.com at that date and was picked up by many right-wing websites.¹²¹ It was signed “Azzam Publications” but there is no way to authenticate this e-mail as actually coming from Azzam Publications. The www.Taliban-news.com website no longer exists. When I attempted to access it, it simply listed links to over a dozen other websites mostly about jobs in the U.K. and a statement that the domain name was available for sale.

According to Mr. Kohlmann’s footnote 116 (BA-005764), the third relevant long quote in this section came from an “open letter issued by Azzam Publications titled ‘In Defence of the Mujahideen,’ November 6, 2002, <http://www.azzam.com>.” This is not possible since Azzam.com was shut down in July 2002, four months prior to the posting of this letter. It was part of a polemic questioning the authenticity of a rival website www.jihadunspun.com. The complete letter appears in the archives of www.islamistwatch.org¹²² but contains so many inaccuracies about www.azzam.com that calls into question the authenticity of the letter, which may have been first posted on the no longer available www.waaqiah.com website. So Mr. Kohlmann’s

¹²⁰ *U.S. v. Hassan Abujihaad*, U.S.D.C. District of Connecticut, Criminal Docket No. 3:07CR57 (MRK)

¹²¹ See <http://www.freerepublic.com/focus/fr/756623/posts>

¹²² Available at <http://archive.is/pxOWI>

attempts to back his claims comes from sources of questionable reliability, not part of the discovery material, and not authenticated by forensic analysis. In any case, the quotes in this section of Mr. Kohlmann's report do not mention anything about terrorism recruitment. The quotes only claimed to provide information on Islamist fighters.

In a war situation, it is difficult to obtain much reliable information about one's enemies. Each side is prone to demonize the other, and this prevents understanding one's enemies, which is so important in trying to defeat it. The mainstream Western media reporting on what was going on in Bosnia, Chechnya and Afghanistan was fairly one-sided. It had not yet reached its low point of outrageous distortions of the facts that characterized the run-up to Iraq from mid-2002 to mid-2003. Indeed, major newspapers, like the *New York Times* and the *Washington Post*, later apologized to their subscribers for their strong biases and inaccuracies during that period. Azzam.com, of course, provided the opposite biases in its selection of items posted on its site. But it was a good counterweight to Western media one-sided reporting. I often accessed it at the time, but of course did not take its reporting at face value, just as I was trying to put Western media reporting in its context. I often access websites despite my disagreement with their political agenda. For instance, I often use Steve Emerson's www.investigativeproject.com because it contains a wealth of information on global neo-jihadi terrorists and suspects. I even used to access Mr. Kohlmann's NEFA site for the same reason before it went off the air. I would not accuse either of them of recruiting for terrorism against Muslims, an under-reported phenomenon in the West.

Azzam Publications never translated any al Qaeda multimedia piece. As ██████████ explained in his lengthy interviews with the FBI, he was helping al Qaeda multimedia in translating its material. At the time, al Qaeda multimedia did not need help from Azzam Publications with the translation: it did the translation itself for *The State of the Ummah*. The various audio and video cassettes sold by Azzam Publications were not al Qaeda multimedia productions. They were not al Qaeda as Mr. Kohlmann claims. Later, qoqaz.net translated news items from the Arabic from qoqaz.com, which was not affiliated with Azzam Publications. I shall comment on this on the next section on the actual history of Azzam Publications.

Azzam Publications of course did not have any money to send foreign correspondents abroad to cover the areas of conflict in which it was interested. Instead, it deceptively claimed to have foreign correspondents to promote itself as described by Mr. Ahmad in his interview with me. For instance, with Xavier Jaffo, there is no hint that Azzam Publications sent Jaffo to Chechnya. He had left England on his own. By using Jaffo, Azzam Publications was simply publicizing his writings to call attention to what was happening in Chechnya and to promote itself. Jaffo was injured in April 2000, and Azzam Publications posted a picture of him smiling and showing the bloody stump of his severed leg, shortly before he died.

It seems that Mr. Kohlmann could not resist smearing Azzam Publications with another cheap reference to 9/11/01. Jaffo was a close friend of Zacarias Moussaoui¹²³ and it is possible

¹²³ Abd Samad Moussaoui, 2003, *Zacarias, My Brother: the making of a terrorist*, New York: Seven Stories Press: 121 – 127

that the two of them left England together (Moussaoui may be “Abu Azzam” in Jaffo’s obituary on Azzam.com¹²⁴). But Kohlmann’s statement that Moussaoui “pled guilty ... to conspiring to kill Americans as part of the September 11, 2001 suicide hijackings” is correct but not the full and far more complicated story of Moussaoui’s plea. Moussaoui was a very unstable defendant, who had fired his lawyers and represented himself. He had pled not guilty to the charges against him. However, during the course of his trial, on April 22, 2005 he surprised everyone and pled guilty in order to get the death penalty and achieve martyrdom. He explained himself in an affidavit filed with the court on May 6, 2006 after the jury on the guilt phase of his trial rejected the death penalty and sentenced him to life in prison.

Solitary confinement made me hostile toward everyone and I began taking extreme positions to fight the system...

On April 22, 2005, over the objections of my court-appointed attorneys, I entered a guilty plea to the six counts in the indictment admitting that I was a member of al Qaeda and part of the al Qaeda conspiracy [9/11 attack].

At that time I entered my guilty plea, my understanding of the American legal system was completely flawed...

During my colloquy, I made it clear to the Court that I did not have knowledge of and was not a member of the plot to hijack and crash planes into buildings on September 11, 2001 but that I was part of another al Qaeda plot which was to occur after September 11, 2001.

My court-appointed attorneys kept telling me that I should not testify and I thought that they would prevent me from testifying, so I decided to ask the government to let me testify as their witness.

It is my recollection that when the judge addressed the jury before my trial began, she informed the jury that I was part of the September 11 plot which further confirmed my distrust of the American justice system and further convinced me to testify since I was going to be given death for the September 11 plot anyway.

I decided to testify that I had knowledge of and was a member of the plot to hijack planes and crash them into buildings on September 11, 2001 even though I knew that was a complete fabrication.

I have never met Mohammed Atta and, while I may have seen a few of the other hijackers at the guesthouse, I never knew them or anything about their operation.

As I stated during my plea colloquy, I was in the United States as a member of al Qaeda but was involved in a separate operation and I did not have any knowledge of and was not a member of the plot to hijack planes and to crash them into buildings on September 11, 2001.

¹²⁴ See <http://www.azzam.com/html/storiesmasoodalbenin.htm>, accessed September 25, 2001

I was extremely surprised when the jury did not return a verdict of death because I knew that it was the intention of the American justice system to put me to death.

I had thought that I would be sentenced to death based on the emotions and anger toward me for the deaths on September 11 but after reviewing the jury verdict and reading how the jurors set aside their emotions and disgust for me and focused on the law and the evidence that was presented during the trial, I came to understand that the jury process was more complex than I assumed.¹²⁵

Moussaoui wished to withdraw his guilty plea on the September 11, 2001 plot and be tried on this count alone. Judge Brinkema, presiding, rejected the motion.

This just an example of Mr. Kohlmann's partial presentation of the facts, simplifying them and taking them out of context. This is a constant feature of Mr. Kohlmann's report. This type of ploy does not conform to any scientific methodology of carefully weighing each piece of information within its context. Either he does not know the whole story and therefore he is not much of an expert in this field, or he does know the whole story and his presentation is indicative of intentional deception.

In fairness, I am surprised that Mr. Kohlmann relied on such weak and distorted evidence to try to show the nature of Azzam Publications. He could have quoted from the homepage of the first version of the Azzam.com, which was far more devastating to Mr. Ahmad and was specifically cited in Mr. Ahmad's plea agreement.¹²⁶ I suspect that Mr. Kohlmann did not bother to read the discovery material in this case and simply reproduced verbatim the last eleven pages of his previous report on the Abu Jihaad case. Therefore, he failed to provide a history of Azzam Publications and its affiliated websites that are relevant in this case. Let me now try to fill this important gap.

- **Evolution of Azzam Publications and Azzam.com**

In his interview with me, Mr. Ahmad provided the history on Azzam Publications and the family of websites associated with it. Azzam Publications started as Azzam Recordings for copyright purposes when Mr. Ahmad launched his audiocassettes *In the Hearts of Green Birds* on the first anniversary of the Srebrenica massacre in July 1996. It became Azzam Publications later that year when Mr. Ahmad published a translation of Abdullah Azzam's *Join the Caravan* that he had found on the Internet. He decided to launch a website, Azzam.com, which went online on February 20, 1997, and went through four upgrades before being shut down in July 2002. It was interrupted for two months from September 27, 2001 to November 20, 2001. Qoqaz.net was its sister website focusing on the second round of the war in Chechnya and was online for a little less than two years, from November 20, 1999 until it was shut down on

¹²⁵ *U.S. v. Zacarias Moussaoui*, U.S.D.C. for the Eastern District of Virginia, Alexandria Division, Criminal No. 01-455-A, Defendant's Motion to Withdraw Guilty Plea with accompanying notarized affidavit, May 8, 2006, available at <http://law2.umkc.edu/faculty/projects/ftrials/moussaoui/withdrawguilty.pdf>

¹²⁶ *U.S. v. Babar Ahmad*, U.S.D.C., District of Connecticut, Case No.: 3:04-CR-0031 (JCH), Plea Agreement, Document 108, December 10, 2013: 13.

September 15, 2001. For clarity's sake, I shall deal with each version of Azzam.com and Qoqaz.net separately.

○ **First Version of Azzam.com (February 20, 1997 – April 4, 1998)**

The homepage of this first version introduced Azzam Publications to the world under the title "Who is Azzam Publications". Let me quote:

Azzam Publications has been set up to propagate the call for Jihad, among the Muslims who are sitting down, ignorant of this vital duty.

We, Alhamdulillah, have news links around the world, and also have humanitarian links to help the brothers there.

Our purpose is to respond to Allah's call in Sura Nisa, ayah 84 (which means): *"Then Fight (O Muhammad) in the cause of Allah, you are not accountable except for yourself, and incite the believers to fight along with you, it may be that Allah will restrain the evil might of the disbelievers. And Allah is Stronger in might, and stronger in Punishment."*

Thus the purpose of Azzam Publications is to 'Incite the believers' and also secondly to raise some money for the brothers.

We must state here categorically that Islam is not Jihad alone. Jihad is a key component of which there is a severe shortage of information on in English...

This is strictly a Jihad orientated publishing company, we are not a new group, but we do feel that many contemporary movements have run far away from Jihad.

So we are making a small effort to avail the English speaking brothers of literature, because there is surely a great lack of any Jihad orientated literature available, although there is literature on almost every other aspect of Islam in English.¹²⁷

In a smaller font at the bottom of the homepage was a statement: "Azzam Publications is solely engaged with the publication of material and the distribution of news. It is not linked in any way, form or manner whatsoever with any Mujahideen group anywhere."¹²⁸

These facts speak for themselves. At the time, Mr. Ahmad did not have the technical expertise to have built or operated this site, but he was aware of its content. Much of the site consisted of advertisements for Azzam Publications products. It did include an article "Expel the Mushrikeen from the Arabian Peninsula" written by Usama bin Laden which included his "Declaration of War against the Americans Occupying the Land of the two Holy Places (Expel the Infidels from the Arab Peninsula)" dated August 23, 1996. At the end of the document was a note in smaller font stating, "Azzam Publications is solely engaged with the publication of material and the distribution of news. It is not linked in any way, form or manner whatsoever

¹²⁷ Full Azzam website, First Version, February 1997, in discovery material for *U.S. v. Babar Ahmad*, no bates numbers.

¹²⁸ Full Azzam website, First Version, February 1997, in discovery material for *U.S. v. Babar Ahmad*, no bates numbers.

with any Mujahideen group anywhere.” At the time the article was uploaded on Azzam.com in February 1997, this statement had been widely available for six months both in print and on the Internet.

Azzam.com also posted an interview with bin Laden about “The New Powder Keg in the Middle East” that had been first published in *Nida’ul Islam* magazine in October-November 1996 at <http://speednet.com.au/~nida>. At the end of the article, Azzam.com carried its usual disclaimer that it was only distributing news.¹²⁹ These seem to have been the only two statements attributed to Usama bin Laden posted on Azzam Publications family of websites throughout their existence on the Internet.

○ **Second Version of Azzam.com (April 4, 1998 – November 9, 1998)**

On April 4, 1998, Azzam.com updated its website. The homepage of the first version was completely eliminated along with its desire to “incite the believers,” an expression it had taken from the Quran. The second version of Azzam.com also took down both bin Laden’s statement and interview. Al Qaeda had not yet been designated a Foreign Terrorist Organization by the State Department. It became so later on October 8, 1999.¹³⁰

The website now included exaggerated obituaries of fighters, who had died in Afghanistan, Bosnia and Chechnya. It also contained an article entitled, “What can I do to Help Jihad and the Mujahideen?”

Fighting in the Jihad and visiting the battlefronts

Obviously the best way of helping Jihad and the Mujahideen is by actually going to the lands of Jihad and physically fighting....

Azzam Publications is not an organization that ‘sends’ or ‘sponsors’ people to go on Jihad. We believe that if a person is sincere in his heart to Allah and sincerely makes dua to Allah, then Allah will open the way for him to the Land of Jihad and the Mujahideen. In the same way that a determined businessman can travel to Outer Mongolia to clinch a business deal, can an educated person not find out how to get to e.g. Bosnia, Afghanistan or Eritrea?

Raising, collecting and donating money...

Azzam Publications is able to accept all kinds of Zakah and Sadaqah donations and pass them on to where they are most needed. We can categorically say that Azzam Publications ONLY helps the oppressed people by passing on the money directly without cutting for unnecessary expenditures; *it does NOT support, financially or otherwise,*

¹²⁹ Full Azzam website, First Version, February 1997, in discovery material for *U.S. v. Babar Ahmad*, no bates numbers.

¹³⁰ See the official list of Foreign Terrorist Organizations and the dates of their respective designation on the Department of State website: <http://www.state.gov/j/ct/rls/other/des/123085.htm>

*terrorist acts against innocent citizens, in ANY country in the world. This is fact NOT just a disclaimer.*¹³¹ (Bold script in the original, italics added for emphasis)

This version of Azzam.com stayed online for seven months.

- **Third Version of Azzam.com (November 9, 1998 – March 26, 2000)**

It was during this version's four and a half months of existence that Azzam.com acquired its domain name Azzam.com and moved its website from www.webstorage.com/~azzam to www.azzam.com. This version is similar to the previous version in content. It was during this period that Azzam Publications created qoqaz.net, to which I shall return.

- **Fourth Version of Azzam.com (March 26, 2000 – September 27, 2001)**

The Azzam.com website was updated on March 26, 2000 for its fourth version and by this time, Mr. Ahmad had acquired enough technical knowledge and skills to help build and operate it. After about six months, he took a backseat in the operations of running the website because he had become engaged to be married and only provided occasional technical support to it. The copy of this version of the website I examined was dated from September 25, 2001, two days before the site was taken down. By the time it was taken down, it had dramatically expanded to about six times the size of the previous version.

The fourth version of Azzam.com advertised itself under its welcome banner on top of its homepage as "Information about Jihad and Mujahideen everywhere." On the same homepage, it prominently displayed a link to www.qoqaz.co.za for authentic news on the Jihad in Chechnya. In its articles section, it again posted again bin Laden's "Declaration of War: Expel the Polytheists from the Arabian Peninsula" that had been left out in the previous two versions, but added this disclaimer: "Azzam Publications has provided this document for information purposes and as a reference for other Media organizations only. It does not automatically mean that we agree with or endorse everything written in this document."¹³² This version greatly expanded the sections on Jihad Stories (obituaries of martyrs, including Masood al-Benin¹³³ [aka Xavier Jaffo]), Jihad Lands, Photo Library, Jihad News and Articles.

It got rid of the article "What Can I Do to Help Jihad and the Mujahideen?" and replaced it with a FAQ (Frequently Asked Questions) page.

What is Azzam Publications?

Azzam Publications is an independent media organization providing authentic news and information about Jihad and Foreign Mujahideen everywhere. It comprises a handful of individuals who volunteer their spare time without getting paid to convey authentic news to the world about these matters...

¹³¹ Full Azzam website, Second Version, Apr 04 98, in discovery material for *U.S. v. Babar Ahmad*, no bates numbers.

¹³² See <http://www.azzam.com/html/articlesdeclaration.htm>, accessed on September 25, 2001.

¹³³ See <http://azzam.com/html/storiesmasoodalbenin.htm>, accessed September 25, 2001.

Can Azzam Publications provide me with contact names, addresses and telephone numbers to enable me to get to a land of Jihad such as Afghanistan or Chechnya?

As we mentioned above, we are only a media organization and we do not provide information for anyone wishing to go to a land of Jihad. Perhaps interested parties can try asking BBC or CNN to provide them with contact details to reach Mujahideen in Chechnya or Afghanistan and see what they say.

Can Azzam Publications provide me with details where I can find information and manuals on home-made explosives on the Internet?

We are a media organization and not an Internet search engine. Anyone who wishes to locate the above information can easily go to any search engine and find it themselves...

There are other sites on the Internet carrying the name Azzam or its variants. Do these sites have anything to do with Azzam publications?

No, www.qoqaz.net and its mirrors is the only site on the Internet connected with Azzam Publications...

Why is the content on azzam.com predominantly about Jihad when the Prophet (SAWS) did not only speak about Jihad?

Since the number of sites on the Internet dealing exclusively about Jihad are very small in number, we have taken this obligation upon ourselves. We do not consider it efficient to include other Islamic content on our web-site when there are already many other excellent Islamic sites doing a better job than we could do. We have linked to some of these sites in our Links section. (bold characters in the original)¹³⁴

In the Jihad News section, Azzam.com posted an article on “Joint/U.S./Russian Chemical Attack on Afghanistan Imminent” on November 9, 2000. The article was pieced together from dubious sources, including British and Pakistani newspaper articles and speculations. The alleged attack was to be a retaliation for the previous month’s USS *Cole* attack in Aden, Yemen. Azzam.com concluded with an urgent appeal for Muslims to send money and gas masks to the Taliban and be on standby for travel to Afghanistan to help the anticipated victims of the attacks. When I asked Mr. Ahmad about this strange story, he said that azzam.com feared a U.S. attack on Afghanistan in retaliation of the USS *Cole* bombing and it concocted the story of a joint Russian Zionist collaboration and a chemical attack in order to promote its site. He said that he had lots of doubts about supporting the Taliban up to that point because of its misogynist policies. Now, he strongly believed that the U.S. would retaliate for the USS *Cole* attack by bombing Afghanistan as it had done two years before in August 1998 after the East Africa Embassies bombings. This forced him to take sides, and he chose potential Muslims victims. He made up a U.S.-Russian-Zionist conspiracy to create some hype in order to generate support for the Taliban in the Muslim community. In retrospect, he thought his actions were wrong and stupid.

¹³⁴ See <http://azzam.com/html/faqsazzam.htm>, accessed September 25, 2001.

The fourth version of Azzam.com posted articles featuring the Taliban in Afghanistan on its website. It tried to answer questions about the Taliban, posted a religious ruling legitimizing the rule of the Taliban in Afghanistan by the Saudi Sheikh Hammoud al-Uqlaa Ash-Shuaibi,¹³⁵ and solicited money for the regime. It directed Muslims to bring donations in person to the Taliban Consul General in Karachi. At his interview, Mr. Ahmad said he got the name and address of the Consul General from the Pakistani Urdu press. Azzam.com also included a sample letter that he suggested should accompany the donation. It warned potential donors not to give money to anyone else but the Consul General in person. Otherwise, they should just keep the money until they had an opportunity to meet with him personally.¹³⁶ The same request for help asked for help in rebuilding Afghanistan and academic expertise to the Taliban to develop the country. It also posted a lengthy section on “The Children of Iraq,” especially the consequences of sanctions on them, with the subtitle “The Weapon that Keeps Killing.”¹³⁷

After the attacks of 9/11/01, azzam.com posted several articles blaming the attacks on a Zionist conspiracy. One called “The Monumental Struggle of Good Versus Evil” included excerpts from a book by Sheikh Abdul-Kareem Zaydan trying to distinguish truth from falsehood.¹³⁸ In his interview, Mr. Ahmad said he strongly condemned the 9/11/01 attacks at the time, but said that there was a lot of denial in the Muslim community at the time as they wanted to believe that Muslims had nothing to do with it. To make sure that people understood the difference between Jihad and terrorism, Azzam Publications posted an article entitled “Rules of Jihad Forbid Killing of Innocent Civilians.” The link to the article was prominently displayed on Azzam.com’s homepage.¹³⁹ The opens with a quote from the Quran and Bukhari’s hadiths.

“Fight in the Way of Allah those who fight against you, but do not transgress the limits, for verily Allah loves not those who transgress the limits.” (Quran 2:190)

“During some of the battles of the Prophet (SAWS) a woman was found killed. Allah’s Apostle disapproved the killing of women and children.” (Salih al-Bukhari, 52: 257)¹⁴⁰

Then the document lists ten rules of warfare ordered by Abu Bakr, whom I believe was the first Caliph after the death of the Prophet.

1. Do not betray, or misappropriate any part of the booty.
2. Do not practice treachery.
3. Do not practice mutilation of the bodies.
4. Do not kill a young child, an old man, or a woman.
5. Do not uproot or burn palms or cut down fruitful trees...¹⁴¹

¹³⁵ See <http://azzam.com/html/talibanfatwahammoud.htm>, accessed September 25, 2001.

¹³⁶ See <http://www.azzam.com/html/talibanhelp.htm>, accessed September 25, 2001

¹³⁷ See <http://azzam.com/html/iraqhome.htm>, accessed September 25, 2001.

¹³⁸ See <http://azzam.com/html/articlemonumentalstruggle.htm>, accessed September 25, 2001.

¹³⁹ See <http://azzam.com/html/home.htm>, accessed September 25, 2001. This is the third item on azzam.com’s homepage.

¹⁴⁰ See <http://azzam.com/html/articlerulesofjihad.htm>, accessed September 25, 2001.

¹⁴¹ See <http://azzam.com/html/articlerulesofjihad.htm>, accessed September 25, 2001.

Since azzam.com anticipated an invasion of Afghanistan, it posted excerpts from Abdullah Azzam on “The Islamic Ruling on Defending Muslim Land Under Attack”¹⁴² and an article “Urgent Appeal to Defend Afghanistan” consisting of quotes from the Prophet, President George W. Bush, and mostly Taliban officials.¹⁴³ And between September 25, 2001 and two days later when the website went down, Azzam.com posted an article “We Offer Our Condolences... to the innocent victims of Zionist terrorism on the events of 11 September 2001”¹⁴⁴ The content of the webpage reflected the fact that Mr. Ahmad believed that the terrorist attacks that he strongly condemned were the works of a Zionist conspiracy. At the time of the interview, he said that before the end of the year the evidence was clear that the attacks had been done by al Qaeda and Usama bin Laden. He was sorry to have been mistaken at the time.

At his interview, Mr. Ahmad recalled that he condemned the attacks even to the senders of the abusive e-mails he received on the azzam.com website right after 9/11/01. For instance, on September 14, 2001, in a reply to an e-mail, Azzam Publications wrote, “Who said we support such terrorism? [9/11] We are against the killing of innocent civilians, be they in Chechnya, Iraq, Palestine, Bosnia, Kashmir or America.”¹⁴⁵ In another e-mail reply on September 20, 2001, it wrote: “who said we approve of last week’s events? Did we say that anywhere on our web-site? Can you please point it out to us when it comes back online? We actually put up an article against it. Therefore, please verify your facts before making rash, emotional and hasty decisions.”¹⁴⁶ Mr. Ahmad told me that Azzam Publications actively discouraged Muslims from going to Jihad in Chechnya or other places. It did not accept donations for the Jihad and directed potential donors to Islamic relief organizations active in the regions of fighting.¹⁴⁷

○ **Qoqaz.net (November 20, 1999 – September 15, 2001)**

Mr. Ahmad said at his interview that the time period from the fall of 1999 to 9/11/01, most of the efforts of Azzam Publications were focused on a sister website www.qoqaz.net providing news on the second round of the War in Chechnya, which began in September 1999. Mr. Ahmad helped to build the qoqaz.net website and provided technical support for it and its operators. The vast majority of the website consisted of news reports about the Chechen War and e-mails of support. As described in his interview, Mr. Ahmad picked up daily news dispatches from the war posted on the Arabic website www.qoqaz.com and crowd-sourced the translation of the material, which was checked, proof-read and posted on his website www.qoqaz.net. Since this was the only English website providing news on the war, it made Azzam Publications famous. It was itself translated into fifteen other languages and its homepage was linked to them.

Besides the news dispatches and the e-mails of support, the website also carried a few articles. One of them was entitled “How can I Train Myself for Jihad?” The document starts with the quote from the Quran (8:60) and two hadiths. It then goes on to explain,

¹⁴² See <http://azzam.com/html/articleislamicrulingdefence.htm>, accessed September 25, 2001.

¹⁴³ See <http://azzam.com/html/articleappealdefendafghanistan.htm>, accessed September 25, 2001.

¹⁴⁴ See <http://azzam.com/html/articlecondolences.htm>, provided in the www.azzam.com website provided in the discovery material in *U.S. v. Babar Ahmad*.

¹⁴⁵ See Selected post 9/11 abusive emails to AP extracted from \Email_Data\.\DOJ001242555.txt

¹⁴⁶ See Selected post 9/11 abusive emails to AP extracted from \Email_Data\.\DOJ001242555.txt

¹⁴⁷ See Selected emails to and from AP dated 2000-2001 extracted from \Email_Data\.\DOJ001242669.txt

After receiving a number of e-mails asking about this topic, we decided to include a small article about this subject. It is broken down into sections, but should be read from beginning to end for maximum benefit.

Disclaimer

This information contained in this document is for background information purposes only. Azzam Publications and the maintainers of the qoqaz web-sites do not encourage you to commit any illegal acts, and disclaim liability for the same. We cannot answer specific questions about information contained in this document. We do not ‘sponsor’, ‘organize’ or provide ‘contacts’ for people to go to Jihad or Jihad training. There are no exceptions to this: we are only a news and information outlet, so please do not contact us asking for contact details and the likes.

1.0 What is Jihad?

Jihad literally means ‘*to struggle*’. In the military sense it is meant in the context, ‘*to struggle against oppression*’: Jihad is therefore an act to liberate people from the oppression of tyrants. Jihad is not illegal acts of terror against innocent people. When tabloid journalism mistakenly informs the masses that Jihad is ‘*to commit illegal acts of terror*’, they are revealing the lack of their research and the extent of their unprofessional approach to the subject.¹⁴⁸ (italics in original)

The document goes on to state that military training is an Islamic obligation, encourages Muslims to start physical training, martial arts, survival and outdoors training, firearm training if legally allowed, and military training by joining one’s country armed forces. It directs Muslims to obey the laws of their respective countries. It concludes with a short paragraph on “Jihad Training Abroad.” “There are some countries where one can obtain Jihad training but we are not in a position to comment on the suitability or unsuitability of any particular country. Contact individuals you know and trust and they will be able to advise you better. If you are true to Allah, Allah will be true to you and He will find you a way to do what you want to do.”¹⁴⁹

Qoqaz.net also posted an article on “Sisters’ Role in Jihad.” It provided general advice on how women could generally help, but it discouraged them from personally participating in the fighting. In a section entitled, “A note for sisters wanting to participate in fighting these days,” the author wrote: “By the Grace of Allah, the Most High, the situation in the Ummah is not that desperate yet, that sisters are called to fight. Those sisters who voluntarily want to join the fighting for reward from Allah, are advised to not go unless the leader of Jihad in that place calls

¹⁴⁸ “How can I Train Myself for Jihad,” Document posted on www.qoqaz.net, February 29, 2000. It is part of the discovery of *U.S. v. Babar Ahmad*, but does not have any Bates stamp: pages 1 – 2 of the document. Italics and bold characters in the original.

¹⁴⁹ “How can I Train Myself for Jihad,” Document posted on www.qoqaz.net, February 29, 2000. It is part of the discovery of *U.S. v. Babar Ahmad*, but does not have any Bates stamp: page 8 of the document.

sisters to fight. As for other help, they can go if the Mujahideen are able to accommodate and protect them. However, sisters should definitely be prepared!”¹⁵⁰

Qoqaz.net posted a July 1, 2000 interview with Basayev discouraging foreign volunteers from coming to Chechnya to fight or provide medical help despite the great need for it.

The problem is not the way in to Chechnya as much as it is the problem inside the republic, particularly when it comes to fighting and moving. The situation is not like Afghanistan, which bordered a country that supported it and facilitated movement into the country; Chechnya does not border any friendly country. Moreover, the size of the Republic is small and the Russians are surrounding it from all sides.

If a brother Mujahid does not know the nature of the terrain then it will be difficult for him to execute orders. The presence of Russian Forces in most locations makes things difficult for the Mujahideen. Also, if a Mujahid is injured, he will find it very difficult to remain in the mountains. Thus, if one of the Foreign Mujahideen was injured, it becomes a major problem for us to treat him inside Chechnya.¹⁵¹

Basayev’s discouragements of foreign volunteers was reinforced on www.qoqaz.net in its FAQ section, on “Frequently Asked Questions about the Jihad in Chechnya.”

1. I want to go and fight in Chechnya. How do I get there?

- (a) The Mujahideen in Chechnya are in need of military-trained manpower but their Commanders, Shamil Basayev and Khattab have specifically requested for extra volunteers NOT to attempt to come to Chechnya, because they are not able to guarantee their safety within Chechnya and they are not able to help them if they are injured. There are only 7000 Mujahideen fighting an army of 110,000 Russians. In comparison, that is like 7 people fighting 110 people. Even if you are trained, it is advisable to listen to the advice of the Field Commanders on the ground. If you are not trained, see (c) below.
- (b) The question of extra volunteers entering Chechnya is not one of routes, but rather that of which groups are able to accept them inside Chechnya. The Mujahideen are fighting a guerilla war against the Russians, sleeping and moving in mountains at night and attacking the Russians by day.
- (c) If you are not trained, then the Mujahideen in Chechnya advise you to go and get some training first in other countries.
- (d) Azzam Publications is only a news outlet. We do not help or ‘sponsor’ people to go for Jihad.

¹⁵⁰ “Sisters’ Role in Jihad,” Document posted on www.qoqaz.net, undated. It is part of the discovery of *U.S. v. Babar Ahmad*, but does not have any Bates stamp: pages 5

¹⁵¹ “Saturday 01 July 2000 Exclusive Interview with Commander of Mujahideen Forces in Chechnya, Shamil Basayev,” Document posted on www.qoqaz.net, undated when it was actually posted. It is part of the discovery of *U.S. v. Babar Ahmad*, but does not have any Bates stamp. This excerpts comes from Basayev’s reply to Question number 2.

- (e) Anyone interested in going to fight Jihad in other countries (if they are trained) or in going to train should contact members of their own communities and countries who are known to have been for Jihad. You will know these people and they will know you. In these cases, you should only speak in confidence to those whom you trust, rather than speaking to everyone.
- (f) Anyone unable to go and fight in Chechnya should refrain from attacking innocent people in countries outside the land of fighting. Any such energy should be translated into actually fighting in Chechnya, or obtaining training in other parts of the World.

2. How do I send donations to the Muslims in Chechnya?

There are many relief organizations and individuals collecting money for the Chechen cause, all over the World. Only a fraction of this money actually reaches those in need...

we advise the Muslims to collect the money but HOLD ONTO IT. We do not advise you to hand it over to anyone that you do not know...¹⁵² (words in capital letters in original)

Qoqaz.net was shut down in the wake of the 9/11 attacks on September 15, 2001 and did not resurface again. A link directed people to Azzam.com.

- **Fifth Version of Azzam.com (November 20, 2001 – July 2002)**

No discovery material was provided on the fifth version of Azzam.com.

Mr. Kohlmann's Five Conclusions

Mr. Kohlmann built on his very sketchy and biased background to draw the following five conclusions.

- **Azzam.com: Support for Al-Qaida and Usama Bin Laden**

This section of Mr. Kohlmann's report (BA-005765 – BA-005768) is taken *verbatim* from Mr. Kohlmann's 2007 report on the Hassan Abu Jihaad case (HA3264 – HA3266 or HA 10101 – 10103). This section contains some of the most egregious distortions of the evidence to support Mr. Kohlmann's vilification of Azzam.com. It plays on an ambiguity in the meaning of the word "support" and conflates the notion of jihad with terrorism.

The first item that Mr. Kohlmann lists to back his claim that Azzam.com supports al Qaeda and bin Laden is a link posted on azzam.com to a CNN video clip of nine minutes. In his report, he provided quotes from the website, but deleted all mention that this was a CNN video. Let me reproduce the text on the webpage in full, putting in plain type Mr. Kohlmann's quotes and in italics what he intentionally ignored.

¹⁵² "Frequently Asked Questions about the Jihad in Chechnya. 1. I want to go and fight in Chechnya. How do I get there?" Document posted on www.qoqaz.net, undated. It is part of the discovery of *U.S. v. Babar Ahmad*, but does not have any Bates stamp.

OSAMA BIN LADEN SUPPORTS PALESTINE IN NEW VIDEO

Osama bin Laden has recently released a video in which he encourages the Muslims to prepare for Jihad in, amongst other places, Palestine.

CNN have published a 9 minute clip of this video:

Click here to see the video

If you have any comments about the video send them to our qoqaz.net email account at:

Qoqaz@azzam.com

The text of the CNN report is reproduced below:

Disclaimer: Azzam Publications has published this news article for information purposes and therefore this is not necessarily an endorsement of any of the views expressed below.

ATLANTA (CNN) – Osama bin Laden has produced a videotape in which he is directing his followers to prepare for fighting...¹⁵³

This is not an al Qaeda video or statement, but a CNN video and statement. The CNN story is about *The State of the Ummah* video produced by al Qaeda, but CNN apparently did not have a copy of it and got its information from a Kuwaiti newspaper that did. The azzam.com disclaimer speaks for itself. The deletion of anything attributable to CNN and the careful ignorance of the disclaimer cannot be a simple coincidence, but part of a deceptive pattern, which I shall continue to document in this section. By ignoring information contradictory to his claim and taking excerpts out of context, Mr. Kohlmann can claim something contradictory to the evidence at hand.

But let's assume there was no disclaimer and the video was from al Qaeda. Posting a link to it may or may not indicate support for al Qaeda or bin Laden. The word support has different meanings. A person X can listen to a person Y and agree with that position. It can be said that X supports Y. There is nothing wrong with this. However, assuming that what Y intends to do is illegal, if X provides help to Y in committing illegal acts, if X supports Y in this concrete meaning of the term, then X may be guilty of providing support for Y in this second meaning. By posting a link to an al Qaeda video (not the case here) may at worst indicate agreement with that position, but does not mean that Azzam.com provides support for al Qaeda or bin Laden in the second and illegal meaning of the term. To suggest otherwise, as Mr. Kohlmann does, plays on the ambiguity of the term.

The second item backing Mr. Kohlmann's claim in this section is not part of the discovery material. Mr. Kohlmann claims that Azzam Publications posted a "short treatise titled 'The Nineteen Lions' glorifying the mission of the 9/11 suicide hijackers" on December 12, 2002. But this was six months after its websites had been permanently shut down in July 2002,

¹⁵³ <http://azzam.com/html/newsoblvideo.htm>, posted in June 2001. This document is part of the discovery material but has no Bates stamp. Page 1 of the document. The disclaimer in the quote is originally in italics for emphasis that Azzam.com did not necessarily endorse the CNN statement.

as stated in the plea agreement stipulation¹⁵⁴ and my interview with Mr. Ahmad. I followed the link provided in the appropriate footnote (number 123) in Mr. Kohlmann's report, and it directed me to an Uzbek Muslim dating site. As the reader has probably noticed by now, I am very suspicious of Mr. Kohlmann's quoting things out of context and distorting them. I would need the context of the quote to comment. In my interview with Mr. Ahmad, I asked him specifically about posting items under the name of Azzam.com on other websites. He was categorical that after the shutting down of Azzam.com, no one was authorized to use the name anymore. Individuals could post items on the Internet, using the name of Azzam.com, but this was no longer Azzam.com. He himself had never posted e-mails on other websites using the name Azzam.com or Azzam Publications. Mr. Kohlmann provides no forensic analysis authenticating "The Nineteen Lions" quote to Azzam Publications.

There are similar problems with the third item in this section, which is a comment about Khalid Sheikh Mohammed (KSM) that Azzam Publications allegedly posted on another website on March 4, 2003, after the news of the arrest of KSM in Pakistan surfaced. This is not part of the discovery material as far as I could ascertain and the link provided in the footnote (number 124) is no longer existent. This was posted eight months after Azzam.com was shut down, and Mr. Ahmad denied ever posting this item on the Internet. The comment simply says that Abdullah Azzam had praised KSM and his two brothers, who had come to Peshawar to support the Afghan jihad against the Soviets in the late 1980's. Abdullah Azzam praised them for abandoning their life in Kuwait and dedicating themselves to helping the Afghan mujahedin, whom I, on behalf of the U.S. Government, also supported at the time. If memory serves me right, Zahid was the head of the Kuwaiti Red Crescent Society in Peshawar, the Muslim equivalent of the Red Cross, a humanitarian organization. Apparently, Khalid (KSM) and Abid, joined the fight alongside the Afghan mujahedin. Abid was killed in the battle of Jalalabad in the spring of 1989.¹⁵⁵ Abdullah Azzam wrote an obituary about him, which was later reprinted in his collection of obituaries of foreign fighters who had died fighting alongside our allies, the Afghan mujahedin (the book was called *Lovers of the Paradise Maidens* and published in 1989). Little did Abdullah Azzam anticipate that KSM would later, after Azzam's death, be involved in terrorist operations in the West, first on his own and then on behalf of al Qaeda, including the 9/11 attack, twelve years after Azzam's death. I have no doubt that Azzam would have disapproved of the attack against the U.S. because the U.S. was not a land where Jihad was permissible according to him. (Jihad was only allowed in lands that had previously been under Muslim rule, like Palestine or Afghanistan.) So posting a comment that the arrested KSM in March 2003 was one of the three brothers that Azzam had praised in 1989 does not, by itself, constitute support for al Qaeda or Usama bin Laden or even KSM's attacks on the U.S., either from Azzam in 1989 or from the unknown individual who posted the comment in 2003. This is a little bit like arguing that Hitler's mother supported his genocidal policies carried out decades after her death. She certainly loved him as a child, but may not have supported his later

¹⁵⁴ *U.S. v. Babar Ahmad*, U.S.D.C., District of Connecticut, Case No.: 3:04-CR-0031 (JCH), Plea Agreement, Document 108, December 10, 2013: 12 – 13.

¹⁵⁵ See an account of KSM and his brothers in Peshawar in 1989 in Terry McDermott & Josh Meyer, 2012, *The Hunt for KSM: Inside the Pursuit and Takedown of the Real 9/11 Mastermind, Khalid Sheikh Mohammed*, New York: Little, Brown and Company: 33 – 42.

genocidal policies. Likewise, KSM in 1989 was a very different man than he was in 2001 or even 1992, at a time he supported his nephew in the first World Trade Center bombing. By taking this comment out of context, Mr. Kohlmann can imply that the unknown person who had posted this comment supported al Qaeda and bin Laden. This may be true, but the comment by itself is not enough to show that. In any case, Mr. Kohlmann attributes to Azzam Publications, and Mr. Ahmad, these two comments without providing a link between the comments and Mr. Ahmad.

The fourth item cited by Kohlmann, is the posting an eight page document entitled “How Can I Train Myself for Jihad” posted on the Qoqaz.net on February 29, 2000. I have already provided some excerpts from this document in the section on www.qoqaz.net. This is Mr. Kohlmann’s most egregious distortion of the evidence backing his claim. He does so by conflating the notions of Jihad with terrorism, taking some quotes out of context while ignoring others that explicitly contradict his claim and providing a distorted interpretation of material cherry-picked out of context. Mr. Kohlmann claims the document “proceeds to offer a litany of advice and guidance *addressing the military training of homegrown terrorist cells*, with an acknowledged intent for this knowledge to be used for illegal purposes in connection with violence jihad.” (BA-005767, italics mine for emphasis)

Instead of taking Mr. Kohlmann’s outrageous claim, let me again provide *in full* the beginning of the document, complete with its disclaimer and definition of Jihad.

After receiving a number of e-mails asking about this topic, we decided to include a small article about this subject. It is broken down into sections, but should be read from beginning to end for maximum benefit.

Disclaimer

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2.0 What is Jihad?

Jihad literally means ‘*to struggle*’. In the military sense it is meant in the context, ‘*to struggle against oppression*’. Jihad is therefore an act to liberate people from the oppression of tyrants. Jihad is not illegal acts of terror against innocent people. When tabloid journalism mistakenly informs the masses that Jihad is ‘*to commit illegal acts of*

terror’, they are revealing the lack of their research and the extent of their unprofessional approach to the subject.¹⁵⁶

The last paragraph quoted is the only place in the eight page document that the word “terror” appears. There is no reference whatsoever in the whole document to the “homegrown terrorist cells” as Mr. Kohlmann claims. Nor is there any encouragement for any illegal activity, quite the contrary as noted in the disclaimer and repeated several times throughout the document. The document argues that military training is an obligation under Islam. So it was for most Western countries, including the United States throughout much of the twentieth century. In the late 1970s and 1980s, I personally grew concerned that the United States was growing weak in the face of multiple threats. I joined the U.S. Navy then the Central Intelligence Agency and am a military veteran today, proud to have served my country at a time of need. I hope this does not make me a terrorist and part of a sleeper cell. In Islam, the obligation to undergo military training is similar. Given the threat that the Islamic community faced in 1990’s, it was good to be prepared in case one had to defend oneself or the community. There is no malevolent intent here, as claimed by Mr. Kohlmann. The document gives advice on doing physical training, like running; martial arts; survivalist and outdoor exercises; firearms training, with a section specific to Britain; and finally military training. The document ends with a comment on jihad training abroad: “There are some countries where one can obtain Jihad training but we are not in a position to comment on the suitability or insuitability of any particular country.”¹⁵⁷

The lengthy quote in Mr. Kohlmann’s report comes from the section entitled “Firearms Training.” Let me quote the end of that section in full, putting in plain type Mr. Kohlmann’s excerpts and in italics what he ignored.

Under NO circumstances should you play or experiment with firearms. NEVER EVER point a firearm at anyone for a joke, whether loaded or unloaded. Keep firearms unloaded and out of reach of children. If you feel that you will be unable to control a firearm or your temper, do not purchase one.

*Respect the laws of the country you are in and avoid dealing in illegal firearms. One can learn to operate many arms legally, so there is no need to spend years in prison for dealing in small illegal firearms. Learn the most you can according to your circumstances and leave the rest to when you actually go for jihad.*¹⁵⁸ (words in upper case in original)

The document further warns anyone in Britain not to participate in “Jihad training camps in the UK”¹⁵⁹ as they are probably police traps. Again, nowhere in the document is there “a litany of advice and guidance addressing the military training of homegrown terrorist cells, with an acknowledged intent for this knowledge to be used for illegal purpose in connection with

¹⁵⁶ “How can I Train Myself for Jihad,” Document posted on www.qoqaz.net, February 29, 2000. It is part of the discovery of *U.S. v. Babar Ahmad*, but does not have any Bates stamp: pages 1 – 2 of the document. Italics and bold characters in the original, except for the second sentence of the second paragraph, which I added because it directly refutes Mr. Kohlmann’s claim.

¹⁵⁷ “How can I Train Myself for Jihad,” 2000: 8

¹⁵⁸ “How can I Train Myself for Jihad,” 2000: 6

¹⁵⁹ “How can I Train Myself for Jihad,” 2000: 7

violent jihad.” (BA-005767) This conclusion is a plain distortion of the evidence and even fabrication of the facts – bringing in the notion of homegrown terrorist cells out of nowhere. This is definitely not social science methodology, which he claims to follow. Only people who are not familiar with the evidence can fall prey to his egregious claims that follow the same formula as outlined by Professor Aho in his description of hate literature.¹⁶⁰

The discovery materials show no link between Azzam Publications or Mr. Ahmad and al Qaeda. [REDACTED]

[REDACTED]

- **Azzam.com: Support for the Taliban Movement in Afghanistan**

Again, this section of Mr. Kohlmann’s report is lifted *verbatim* from his report seven years ago on the *U.S. v. Hassan Abu Jihaad* case (HA3266 – HA3267 or HA 10103 – HA10104). I agree that the evidence shows that azzam.com provides support for the Taliban movement in Afghanistan. However, Mr. Kohlmann backs up his evidence in a weak and bizarre way. He cites the posting of Sheikh Hammoud bin Uqlaa’ Ash-Shuaibi’s November 29, 2000 fatwa on the “Shariah Implementation of the Taliban Government in Afghanistan.”¹⁶² In it, Sheikh Hammoud al-Uqlaa argues that the Taliban Government is a legitimate Islamist government. Because it was under fire at the time by the Northern Alliance (of Ahmad Shah Masood), it was obligatory to assist the Taliban Regime and make Jihad with it against the Northern Alliance. In his report, Mr. Kohlmann implies that many detainees in Guantanamo Bay were swayed by Sheikh Hammoud al-Uqlaa’s fatwa to come and fight in Afghanistan on behalf of the Taliban. But the vast majority of these detainees were not English speakers and they would not have accessed Azzam.com, an English language site, to read the sheikh’s fatwa. I have already covered Mr. Kohlmann’s second allegation against Mr. Ahmad and Azzam Publications in the section on the Fourth Version of www.azzam.com about the bizarre conspiracy of an American-Russian-Zionist conspiracy to use chemical weapons in Afghanistan.

However, the discovery material has much stronger evidence of Azzam Publications’ support for the Taliban than this fatwa, especially its appeal for cash donations for the regime posted on the website. This is reproduced in the stipulation in the Mr. Ahmad plea agreement,

¹⁶⁰ See footnote 20

¹⁶² “Fatwa of Sheikh Hammoud al-Uqlaa on the Taliban” posted on azzam.com, available at <http://www.azzam.com/html/talibanfatwahammoud.htm>, part of the discovery material in *U.S. v. Babar Ahmad*, no Bates stamp.

paragraphs 15 to 25.¹⁶³ Indeed, the stipulation in the plea agreement contains facts that are far more damning than anything Mr. Kohlmann mustered in his report.

Mr. Ahmad conspired to provide and provided material support for terrorism in three ways through Azzam.com: (1) he solicited and conspired to provide funds for the Taliban regime in Afghanistan; (2) he solicited and conspired to provide personnel for the Taliban regime in Afghanistan; and (3) he solicited and conspired to provide physical items for the Taliban regime in Afghanistan...¹⁶⁴

I suspect that Mr. Kohlmann has not read the items in the discovery material that are new since he last looked at it, seven years ago.¹⁶⁵ In his interview, Mr. Ahmad clearly described his support for the Taliban from around late 2000 to 2002. He now views his support for the Taliban as mistaken and wrong. The Afghan Taliban was never formally designated a Foreign Terrorist Organization by the U.S. State Department or listed on the Specially Designated National or Blocked Person List by the U.S. Treasury Department.

[REDACTED]

¹⁶³ *U.S. v. Babar Ahmad*, U.S.D.C., District of Connecticut, Case No.: 3:04-CR-0031 (JCH), Plea Agreement, Document 108, December 10, 2013: 14 – 16.

¹⁶⁴ *U.S. v. Babar Ahmad*, U.S.D.C., District of Connecticut, Case No.: 3:04-CR-0031 (JCH), Plea Agreement, Document 108, December 10, 2013: 14.

¹⁶⁵ In his report, Mr. Kohlmann refers to a security operation that took place in 2006 as a “recent security operation.” (BA-005764)

[REDACTED]

[REDACTED]

Azzam.com: Support for the Ideas of Shaykh Abdullah Azzam

Again, this section is lifted *verbatim* from Mr. Kohlmann’s report on the *U.S. v. Hassan Abu Jihaad* case. (HA3267 – HA3268 or HA10104 – HA10105) I agree with Mr. Kohlmann that the evidence is strong that Azzam Publications, and Mr. Ahmad, supported the ideas of Sheikh Abdullah Azzam. However, Mr. Kohlmann mischaracterizes Abdualah Azzam’s position by claiming that he was the “Al-Qaida founder.” This is false, as I have demonstrated earlier in the section on the history of al Qaeda in this report. Nor did young Islamist militants like prosecution witness [REDACTED] make this mistake as I have shown in that same section. Azzam was a strong supporter of traditional jihad, with the twist that he believed that defensive jihad (one where the infidel enters a land of Muslims, such as Afghanistan or Palestine) was an individual obligation rather than a collective one. But he was not a supporter of terrorism, especially not against adversaries that were not in a land of defensive jihad.

Abdullah Azzam was never designated as a Foreign Terrorist Organization by the U.S. State Department or the Treasury Department. His organization the Makhtab al Khadamat was never designated a Foreign Terrorist Organization by the State Department, but it became listed by the US Treasury Department on its Specially Designated National or Blocked Person List twelve years after he died. Organizations can change dramatically over time, especially after their founders die. It is not possible to anticipate what they will do twelve years down the line after one’s death. In this case, the prosecution’s main witness, [REDACTED] was very convinced that, had Azzam lived, it would never have followed the path of bin Laden.

- **Azzam.com: Support for the Mujahideen in Bosnia-Herzegovina**

Like the previous sections, this one is lifted *verbatim* from Kohlmann’s previous report (HA3268 – HA3269 or HA10105 – HA10106). I find this a bizarre claim, predicated on Mr. Kohlmann’s willful obfuscation of dates to take things out of context. The Bosnian War ended at the end of 1995 and early 1996. Most of the foreign fighters, the “Mujahideen,” left the country and dispersed around the world, while a few who had married local women remained, but were no longer involved in fighting. They were no longer involved in jihad, and therefore no longer mujahedin. Azzam.com first went online a year after the end of the war, on February 20, 1997. How could a site support (in the legal sense of the term) an entity that no longer existed? If I start a website, praising Greek philosophers, does that mean that I materially support them retroactively? Like Azzam.com for the Bosnian mujahedin, it simply means that I admire them

and support what they did. It does not mean that I materially support them now as they are long dead.

During the course of the Bosnian War, Mr. Ahmad not only supported the Mujahedin Battalion (Kateeba) in Bosnia, he became part of it twice in 1992-3 and in the summer of 1995, as was clear in his interview. The Mujahedin Battalion was never designated as a Foreign Terrorist Organization by the U.S. State Department. The U.S. Government and NATO intervened at the end of the war on the Muslim Bosnians' side and bombed Serbian positions. U.S. forces in NATO were on the side of Mujahedin fighting against the Serbs. The Dayton Accord specifically demanded that the Mujahedin Battalion be disbanded and the mujahedin leave the area, which many did. However, it was never against the law to praise the mujahedin after the fact, which Azzam.com did. Since Mr. Kohlmann does not provide dates, the reader may be confused and mistaken to believe that Azzam.com actually supported the mujahedin in Bosnia-Herzegovina during the war, which of course is a chronological absurdity as it was created over a year after its end. In any case, the Mujahedin were not a terrorist organization as Mr. Kohlmann's book argues.

- **Azzam.com: Support for Khattab and the Mujahideen in Chechnya**

Again, this is lifted verbatim from Mr. Kohlmann's previous report on *U.S. v. Hassan Abu Jihaad* (HA3269 – HA3272 or HA 10106 – HA10109). Mr. Kohlmann backs his claim with several facts: Khattab's video clip about Azzam publications; the distribution and sale of videos produced by the Islamic Army of the Caucasus; the reaction of Islamist militants to the videos; and information on fighters who died in the war.

In a translated video clip, Khattab recognizes the efforts of the "brothers in Britain" and Azzam Publications in publicizing the Jihad. Khattab told viewers that anyone who wished to support them or required any further information about the situation in Chechnya should contact Azzam Publications. As is clear from the interview with Mr. Ahmad, this clip was filmed in the fall 1996, at a time when there was no war. In any case, neither Khattab, Basayev nor their respective organizations were designated as Foreign Terrorist Organizations by the U.S. State Department nor listed on the Specially Designated National or Blocked Person List by the U.S. Treasury Department by the time azzam.com ceased to exist.

Azzam.com and Qoqaz.net provided an important public service in posting news on the war given the news blackout imposed by the Russian on what was going on in the region. Large news organizations such as BBC and the wire services used the website to inform their readers. Qoqaz.net simply translated dispatches on qoqaz.com (not part of the Azzam Publications network of websites) and posted them on its site. This included the interview of Shamil Basayev posted on its website on February 21, 2000 that was previously reproduced in the section on Qoqaz.net, in which Basayev discouraged foreigners from coming to Chechnya. Qoqaz.net followed suit by discouraging them from coming and from donating funds in its FAQ section as previously documented.

There is no doubt that Azzam Publications was very sympathetic to the Muslim fighters, but their posting of information on the unfolding of the war on their website was a benefit to the

whole world, as the Russians had imposed a complete news blackout to hide the atrocities they were committing at the time. Azzam Publications posted documentations of such atrocities on their qoqaz.net website. Indeed, the international community, including the United States Government and many humanitarian organizations were protesting against what some people were calling a genocide against Chechen people.¹⁷² Condemning Azzam Publication for posting news on the war is a bit like condemning CNN or other news organizations for informing the public.

The distribution and sale of media material produced by the Islamic Army of the Caucasus does not mean that Azzam Publications endorsed the message or the army. In fact, on the sale pages of *Russian Hell in the Year 2000* and *Chechnya from the Ashes* videos on qoqaz.net, they posted a disclaimer.

This CD is duplication of original copyright material produced by the Islamic Army of the Caucasus. It has not been edited and thus contains some scenes which may not be suitable for children or the faint-hearted. Any opinions or views expressed therein are those of the copyright holders, not necessarily shared by Azzam Publications. This CD is not being sold for profit, hence the low price inclusive of postage and packaging...

Any enquiries regarding the content of this CD should be directed to the Islamic Army of the Caucasus, to Field Commander Shamil Basayev, Field Commander Khattab or their spokesman Movladi Udogov.¹⁷³

The posted emails from viewers of the videos and hagiographic obituaries of Islamist fighters who died in the war cannot be construed as concrete material support, as Mr. Kohlmann seems to imply in his report. Azzam Publications was sympathetic to the Islamic Army of Chechnya and distributed its material at a time the Russians were invading their country and committing atrocities against its people.

Far more supportive to Kohlmann's claim that Mr. Ahmad provided material support for the Chechen resistance (never designated foreign terrorist organization by the U.S.) were two letters from him found on December 2, 2003 on his hard drive at Imperial College during Operation Quarrier. The two letters were mentioned in Special Agent Craig Bowling's report dated March 14, 2014, referred to as UK Exhibit NGMHDD2 and reproduced in part as appendices L and M of his report. (BA-005962 to BA-005964; BA-006039 to BA-006042; and BA-006043 to BA-006046). The first letter is addressed to Masood and dated December 5, 1999 or four days after the Alkhan-Yurt massacre by Russian forces which generated strong international condemnations. Special Agent Bowling identifies Masood as being Masood al-Benin or Xavier Jaffo. I find this credible since Mr. Jaffo used Masood al-Benin as his alias and was in Chechnya, helping Khattab with IT and his media efforts. Each of the letters details that Mr. Ahmad had sent the Chechen resistance a satellite phone with antennas and a laptop computer loaded with software for "Kevin" and "Oliver" respectively.

¹⁷² See my summary of the War in Chechnya in a previous section.

¹⁷³ "Russian Hell in the Year 2000 Video CD-ROM" and Chechnya from the Ashes Video CD-ROM," posted on www.qoqaz.net. This is part of the discovery material but does not have any Bates stamp.

Who were the recipients of these two satellite phones and laptop computers? Mr. Ahmad liked to use codes using the first initial of a real name but substituting another name for it. ■■■

■■■■■ Using the same code, it seems that “Kevin” and “Kirsten Jones,” the recipient of the material in the first letter to Masood refer to Khattab. In the propaganda documentary on *The Life and Times of Ibn-ul-Khattab*,¹⁷⁴ Khattab is often seen taking care of his troops and bandaging their head after an injury. The nickname of a medic in jihadi circles was “doctor.” For instance, Christophe Caze, a medical student who served as a nurse in Zenica and was extensively discussed in Kohlmann’s book on Bosnia, was known as the doctor.¹⁷⁵ Even Abu Doha, who had no medical training but used the alias of an Italian nurse, was known as the doctor to LAX would be bomber Ahmed Ressam. It is clear from the context that “the Dr” on page three of the letter (BA-006042) is another alias for Khattab.

Who was the recipient of the second telephone and laptop, referred to in the second letter as Oliver and Oliver Humphrey? Using Mr. Ahmad’s method, he was a high level member of the Chechen resistance, whose alias initial started with an O. The senior cleric of the foreign fighters in Chechnya, or the *mufti* of the group was Sheikh Mohammed bin Abdullah bin Saif al Jaber al Buaynayn al Tamimi, better known under his alias of Abu Omar al-Saif.¹⁷⁶ Because of his religious prominence, he was generally referred to the sheikh. Mr. Ahmad confirmed that Oliver, Oliver Humphrey and the sheikh in his correspondence to Chechen resistance fighters was indeed Sheikh Abu Omar al-Saif, the recipient of the second telephone and laptop to help in his media function.

As an aside, it came to my attention that the first letter was entered as an exhibit in ■■■■■’s testimony on direct examination on April 9, 2014. I watched the videotape of the direct examination, but there was a technical problem and the last part of the testimony was not recorded. The transcripts of this second part were not yet made available to me by the court reporter. I understand that ■■■■■ was shown BA-006042, the fourth page of the first letter, whose second paragraph ends with the sentence, “This person or people may be communicating with us, so we must know them well to trust them to pass messages onto the Dr or the Sheikh.” ■■■■■ was asked who the Dr or the Sheikh referred to, and he answered, Ayman al-Zawahiri (the present head of al Qaeda) and Osama bin Laden.

I disagree with ■■■■■, who did not seem to appreciate the context of the letter. It is clear that the letter refers to events and people in Chechnya. Even the passwords used in the two letters refer to martyrs, who died in Chechnya (Abu Bakr Aqedah on BA-006040 and Sheikh Abu Musab on BA-006044: they were the subject of hagiographies on Qoqaz.net). From the context, it is clear that the “Dr or the Sheikh” were people in Chechnya, not Afghanistan. So, they could not have been Zawahiri or bin Laden, who are also frequently referred to as “the

¹⁷⁴ This video, created in 2004, is available at <http://www.youtube.com/watch?v=XE7n2iJYoLU>. Mr. Kohlmann frequently refers to this video in his report.

¹⁷⁵ See Kohlmann, 2004: 188 – 194

¹⁷⁶ Sheikh Abu Omar al-Saif was killed in December 2005. See a biographical fragment on him on the Jamestown Foundation website at <http://www.webcitation.org/6CrGKO8Gx>. He was also the subject of a documentary posted on YouTube posted on 2013, available at <http://www.youtube.com/watch?v=nJZlqzqww9gs>.

doctor” or “the sheikh,” but clearly not in this context. I am also referred to as “the doctor” or the “sheikh” when I interview Muslim extremists in prison because of my medical degree and the fact that I have been a university professor. Even ██████████ was known as “sheikh” because he had memorized the Quran. The titles are non-specific. One can only understand who they refer to from their context. From the context of the first letter, it is clear that Dr refers to Khattab and the Sheikh to Sheikh Abu Omar al-Saif.

In conclusion, Mr. Kohlmann’s report does not meet the standards of scholarly expertise. It shows a lack of social scientific methodology: Mr. Kohlmann cherry picks evidence in a very biased way, often out of context; intentionally ignores or deletes evidence contradictory to its claims; does not demonstrate general background or much familiarity for the Bosnian and Chechen Wars; conflates and misidentifies people; and occasionally fabricates evidence by misquoting people. Mr. Kohlmann’s disregard of social science methodology compounds his lack of academic training and credentials. Throughout his report, Mr. Kohlmann conflates jihad and terrorism and confuses any sympathy for Muslim fighters defending Muslims against atrocities, like in Bosnia and Chechnya, with material support for terrorism. In this previous section, I have attempted to provide the background of Mr. Ahmad’s conduct, based on a comprehensive analysis of primary sources or the works of scholars working with such primary sources in fields beyond my area of specialty such as the Bosnian and Chechen Wars.

In terms of Mr. Kohlmann’s conclusions, I agree with him that Azzam Publications did support the Taliban regime and the ideas of Abdullah Azzam, but he grossly distorted the nature of Azzam’s ideas and made unsubstantiated claims about him. In terms of Mr. Ahmad’s conduct, he joined the Mujahedin Battalion during the Bosnian War to defend fellow Muslims and driven by a sense of outrage committed against Muslims in Bosnia. The Bosnian side was strongly supported by the international community, which compared the genocidal atrocities committed against it to the Nazi Holocaust against the Jews.¹⁷⁷ Mr. Kohlmann’s fear that the Mujahedin in Bosnia would form a platform to carry terrorist operations in Europe never materialized with one exception (in Roubaix, France in 1996) in almost twenty years since the war ended. By the time Mr. Ahmad was recovering from his war injuries in a Bosnian hospital, the U.S. military and NATO had entered the war on the side of the Mujahedin. The Mujahedin in Bosnia or Chechnya were never designated foreign terrorist organizations by either the U.S. State Department or the Treasury Department.

Unlike Mr. Kohlmann, I did not find any evidence for Azzam Publications’ or Mr. Ahmad’s support for al Qaeda and bin Laden as explained in my analysis. Qoqaz.net was set up to inform the general public about Russian atrocities in Chechnya, but discouraged young Muslims from traveling there. Mr. Ahmad did send two satellite telephones and two laptop computers to the Chechen resistance to help in their media operation four days after the Russians committed an internationally condemned atrocity in Chechnya.

¹⁷⁷ See for example, Thomas Cushman & Stjepan Mestrovic, 1996, *This Time We Knew: Western Responses to Genocide in Bosnia*, New York: New York University Press

