

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CASE NO. 2:10-cr-20005

Plaintiff,

HONORABLE NANCY G. EDMUNDS

-vs-

D-1 UMAR FAROUK ABDULMUTALLAB,

Defendant.

GOVERNMENT'S SENTENCING MEMORANDUM

INTRODUCTION

As noted by the Court at the time of his plea, and as found by the Probation Department in its Presentence Investigation Report, Defendant Abdulmutallab faces mandatory life sentences as to Counts Four and Six, and a mandatory minimum sentence of thirty years as to Count Two.¹ Defendant also faces up to a life sentence as to Counts One and Seven. The remaining charges, which are Counts Three, Five and Eight, each carry sentences of up to twenty years imprisonment. A summary of the charges, maximum sentences, mandatory minimum sentences, requirement of consecutive sentences, and the government's recommendation as to each is contained in the Sentencing Appendix attached to this Memorandum. The government asks that the Court impose the maximum sentence as to each count.

¹Although Count 2 carries a mandatory minimum sentence of 30 years imprisonment, it carries a maximum sentence of up to life imprisonment.

SENTENCING FACTORS

As applicable to the present case, the Court is required to consider the following factors in imposing sentence:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed --
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the defendant; and
 - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;
- (4) the sentencing guidelines applicable to the offense; and
- (5) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.

18 U.S.C. § 3553(a).

A. The Nature and Circumstances of the Offense and the History and Characteristics of the Defendant

The “nature and circumstances of the offense” are straightforward: defendant maliciously attempted to murder 289 innocent people of all nationalities and ethnicities, and, but for a technical problem with his bomb, he would have succeeded. As detailed extensively in the Presentence Investigation Report at ¶¶ 13-24 and in the Supplemental Factual Appendix,² defendant was deeply

²Defendant, through his standby counsel, objects to those paragraphs of the presentence report. *See* Defendant’s Objections, ¶ 1. Defendant states that the objected-to paragraphs contain “information obtained during plea negotiations in this matter and can not at this stage be used against him, for sentencing purposes.” Assuming *arguendo* that the debriefings at which
(continued...)

committed to his mission, seeking out and finding Al Qaeda and Anwar Awlaki, volunteering for a martyrdom mission, and then becoming involved in planning and training for a significant amount of time. Never did defendant falter in his resolve or reconsider his decision to commit mass murder. Indeed, as of the date that he entered his guilty plea, defendant stated to this Court that he believes that the Koran obliges “every able Muslim to participate in jihad and fight in the way of Allah, those who fight you, and kill them wherever you find them, some parts of the Koran say, an eye for an eye, a tooth for a tooth.” (October 12, 2011, Tr. Vol. 5, page 26.) Defendant added that “participation in jihad against the United States is considered among the most virtuous of deeds in Islam and is highly encouraged in the Koran.” (*Id.* at 27.) In explaining his offense, defendant stated that “I attempted to use an explosive device which in the U.S. law is a weapon of mass destruction, which I call a blessed weapon . . .” (*Id.* at 28.) In short, defendant is an unrepentant would-be mass

²(...continued)

the statements were made were in fact “plea negotiations,” defendant’s argument precisely misses the point. The admissibility of plea negotiations is controlled by Federal Rule of Evidence 410, which is inapplicable at sentencing. Fed. R. Evid. 1101(d)(3); *see also* 18 U.S.C. § 3661 (“No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purposes of imposing an appropriate sentence.”).

Defendant further objects that “the statements made during plea negotiations were protected by Kastigar.” Presumably, by using the term “Kastigar” stand-by counsel is referring to a proffer agreement, sometimes referred to as a Kastigar letter, rather than *Kastigar v. United States*, 406 U.S. 441 (1972), as that case involved a grant of immunity under 18 U.S.C. §§ 6002-6003, which was never extended to Defendant Abdulmutallab. However, no proffer agreement was ever signed by Defendant Abdulmutallab, who, after consultation with his then-counsel, chose to speak to agents without signing such an agreement. There is thus no bar to the Court’s consideration at sentencing of statements defendant made during debriefings.

The Supplemental Factual Appendix is included in order to provide the Court with additional information regarding “the nature and circumstances of the offenses,” particularly Count One. It provides the Court with relevant details regarding other terrorists with whom defendant interacted overseas as part of this plot, including Anwar Awlaki.

murderer, who views his crimes as divinely inspired and blessed, and who views himself as under a continuing obligation to carry out such crimes.

B. The Need for the Sentence to Reflect the Seriousness of the Offense,
To Promote Respect for the Law, and to Provide Just Punishment
For the Offense

Had defendant attempted to murder a single individual, he likely would be facing a life sentence. Here, where he attempted to murder two hundred eighty nine individuals, no sentence other than life, as to all the counts which carry such a potential sentence, could possibly reflect the seriousness of defendant's conduct. Under the circumstances of this case, anything less than a life sentence would fail to provide just punishment. Indeed, a life sentence would promote respect for the law.

In order to demonstrate the destructive power of defendant's device as it was designed, the government intends to play for the Court at sentencing a video of the FBI Laboratory's demonstration of PETN explosions. These are the same videos which the Court ruled admissible for trial for the same purpose. Those videos demonstrate explosions of 76 grams of PETN, the amount which was recovered unexploded and unburned from defendant's explosive device, and 200 grams, the amount the FBI has estimated was contained in defendant's device before defendant initiated the explosion.

C. The Need to Protect the Public From Further Crimes
Of the Defendant

Defendant poses a significant, ongoing threat to the safety of American citizens everywhere. As noted previously, in pleading guilty, defendant reiterated that it is his religious belief that the Koran obliges “every able Muslim to participate in jihad and fight in the way of Allah, those who fight you, and kill them wherever you find them,” and that “participation in jihad against the United States is considered among the most virtuous of deeds in Islam and is highly encouraged in the Koran.” Thus, by his own words, defendant has shown that he continues to desire to harm the United States and its citizens, and that he views it as his religious obligation to do so.

In addition, Dr. Simon Perry, Ph.D., who was to have testified on behalf of the government at trial as an expert on the concepts of martyrdom and jihad, has prepared a report analyzing defendant’s level of danger. Dr. Perry is a criminologist and co-director of the Program in Policing and Homeland Security Studies at the Hebrew University of Jerusalem. Dr. Perry and a team conducted research into the motivation of forty failed suicide bombers, and developed a psychological profile of such individuals. *See* Exhibit A, Memorandum for the Court, by Simon Perry, Ph.D. In his memorandum, Dr. Perry analyzed the available data on the motivation of suicide bombers, or, to use his preferred term, of an individual engaged in “martyrdom.”³ Dr. Perry also

³“Martyrdom” is also the term used by defendant in describing his intended behavior. For instance, on December 25, 2009, during the hospital admissions process, defendant told University of Michigan Hospital nurse Julia Longenecker that he had no history of having attempted to harm himself or others. When Ms. Longenecker disputed that characterization, by asking him whether what he had undertaken on the airplane earlier that day was not harming himself and others, defendant replied: “That was martyrdom.”

analyzed the facts of the case, including defendant's extensive debriefing given to the FBI.⁴ Dr. Perry's entire report provides a unique analysis of martyrdom bombers in general and Defendant Abdulmutallab in particular; Dr. Perry's conclusion is chilling:

Since UFAM's [Umar Farouk Abdul Mutallab's] motivation to commit martyrdom appears to be great, I believe there is a high probability that given the opportunity, he would try once again to commit an act of martyrdom, endangering his and other innocent lives.

It is my belief that UFAM fits well the profile of the classic martyr as described above. Therefore his act of martyrdom is the result of his expectation to receive religious, personal/ personality and social benefits. As long as he is of the same state of mind and continues to hold the same set of beliefs, the outcome of this "rational choice" decision making process which evaluates the "cost" and the anticipated "benefits" is expected to lead him to martyrdom.

UFAM stated to Agents that he is committed to Jihad. He claimed that once a decision is made, one remains committed to that decision unless something comes up that requires re-examination.

It seems that even the death of Aulaji, his source of religious guidance concerning martyrdom, did not change his state of mind and did not require re-examination. If anything, it has made him more determined.

In summary, in addition to the probability that given the opportunity, UFAM will make another attempt at martyrdom, there also exists the likelihood that he will become a role model and proxy of Fundamentalist Islamic Jihadists, assisting them in the recruitment of new martyrs.

In other words, defendant has enormous motivation to carry out another terrorist attack, but lacks the capability because of his incarceration. The Court has no ability to control defendant's motivation, which in any event appears to be unchanged. However, the Court can control

⁴See note 2, *supra*. Even if there were some prohibition on the use of defendant's debriefing statements at sentencing, which there is not, they would still be available for Dr. Perry's use, because they are the type of evidence reasonably relied upon by experts in his fields of criminology and psychology. See Fed. R. Evid. 703.

defendant's opportunity to act on those intentions. The Court should use the discretion it has to impose a sentence which ensures that defendant never again has the opportunity to carry out the type of mission he still is highly motivated to conduct.

D. The Need to Provide Defendant With Educational or Vocational Training and Medical Treatment

None of these factors is applicable to the present case. Defendant has a college degree from University College London,⁵ and even took post-graduate classes. Defendant has fully recovered from the injuries suffered in his attack, and his health is now excellent.

E. The Kinds of Sentences Available, the Sentencing Guidelines, and the Need To Avoid Unwarranted Sentencing Disparities

In the present case, the Sentencing Guidelines provide for life sentences. As noted above, Counts Four and Six carry statutorily-mandated life sentences. Counts One, Three, Five, Seven and Eight all are subject to the terrorism enhancement of USSG § 3A1.4,⁶ which adds twelve levels to

⁵According to the Times Higher Education World Ratings, University College London is rated the 17th best university in the world for 2011-2012. *See* <http://www.timeshighereducation.co.uk/world-university-rankings/2011-2012/top-400.html>.

⁶USSG § 3A1.4 applies “[i]f the offense is a felony that involved, or was intended to promote a federal crime of terrorism[.]” “Federal crime of terrorism” has the meaning given in 18 U.S.C. § 2332b(g)(5). *See* USSG § 3A1.4 (comment.), n.1.

A “federal crime of terrorism” is defined under 18 U.S.C. § 2332b(g)(5) as an offense that is “calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct,” and which also is a violation of 18 U.S.C. § 2332b (relating to terrorism transcending national boundaries, as is Count One), 18 U.S.C. § 32 (relating to destruction of aircraft, as are Counts Five and Eight), 18 U.S.C. § 2332a (relating to weapons of mass destruction, as is Count Seven), *see* 18 U.S.C. § 2332b(g)(5)(B)(i); and which also is a violation of 18 U.S.C. § 46506 (relating to attempted murder on aircraft, as is Count Three), *see* 18 U.S.C. § 2332b(g)(5)(B)(iii).

The record is replete with defendant's statements that he acted “to retaliate against
(continued...)

each of the base offenses and also places defendant in Criminal History Category VI. As a result, each of the non-mandatory counts has an adjusted offense level above Level 43, which is the highest level contained in the guidelines. *See* USSG § 5, Pt. A, comment. (n.2) (an offense level of more than 43 is to be treated as an offense level of 43). An offense level of 43 calls for a life sentence at any criminal history level. The fact that the terrorism enhancement places defendant in the most serious criminal history category merely reinforces the fact that the Sentencing Commission sought to ensure life sentences for individuals who commit the types of offenses of which defendant was convicted.⁷

⁶(...continued)

government conduct.” *See* October 12, 2011, Tr. Vol. 5, page 26 (defendant stating he acted “in retaliation for U.S. support of Israel and in retaliation of the killing of innocent and civilian Muslim populations in Palestine, especially in the blockade of Gaza, and in retaliation for the killing of innocent and civilian Muslim populations in Yemen, Iraq, Somalia, Afghanistan and beyond”); *id.* (defendant committed an “act of jihad against the United States for the U.S. killing of my Muslim brothers and sisters around the world”); *id.* at 27 (defendant acted “to avenge”); *id.* (defendant acted “in retaliation”); *id.* at 28-29 (defendant acted “for the U.S. oppression of Muslims,” “for U.S. interference in Muslim countries,” “for U.S. use of weapons of mass destruction on Muslim populations” in various countries, and “for the U.S. wreckage of Muslim lands and property”).

Thus, it is clear that the offenses for which defendant was convicted qualify for the terrorism enhancement, and that defendant acted with the requisite intent to retaliate against the United States government. For purposes of the record, the government asks that the Court make an express finding that the enhancement applies.

⁷The statutory factors also require the Court to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct. A life sentence in the present case would not create any such disparity. To the contrary, Courts routinely impose very stiff sentences on defendants who are convicted of participating in terror plots. For example, in a case involving similar facts, Richard Reid received three non-mandatory life sentences for attempting to explode a bomb aboard an aircraft in flight in 2001 on behalf of al Qaeda, and the maximum sentence on several other non-mandatory counts. *See United States v. Reid*, 02-10013-WGY (D. Mass. 2003); *also e.g., United States v. Faisal Shahzad*, 10 Cr. 541 (MGC) (S.D.N.Y. 2010) (life imprisonment for attempted bombing in

(continued...)

CONCLUSION

For the reasons stated, the government asks that the Court impose life sentences as to Counts One, Two,⁸ Four, Six, and Seven, and twenty year sentences as to Counts Three, Five and Eight.

By

⁷(...continued)

Times Square, New York); *United States v. Wadih el-Hage, et al.*, S10 98 Cr. 1023 (LBS/LAK) (S.D.N.Y. 2001 and 2010) (life imprisonment for all convicted participants in al Qaeda bombing of U.S. embassies in East Africa); *United States v. Kassir*, S2 04 Cr. 356 (JFK) (S.D.N.Y. 2009) (multiple terms of life imprisonment for operative who set up jihad training camp in the U.S.); *United States v. Mohammed Mansour Jabarah*, 02 Cr. 1560 (BSJ) (S.D.N.Y. 2008) (life imprisonment upon a guilty plea to conspiring to bomb U.S. Embassies in Singapore and the Phillippines); *United States v. Zacarias Moussaoui*, 01 Cr. 455 (LMB) (E.D. Va. 2006) (life sentence for conspiring in the attacks of September 11, 2001); *United States v. Mohammed Salameh, et al.*, 93 Cr. 180 (KTD) (S.D.N.Y. 1999) (1993 bombing of the World Trade Center, resulting in six deaths — sentences of 240 years, 240 years, 180 years, 117 years, 116 years, 108 years); *United States v. Terry Nichols*, 96 Cr. 68-m (D. Colo. 1998) (life imprisonment for conspiracy to bomb the Oklahoma City federal building — defendant acquitted of murder but convicted of manslaughter); *United States v. Abdul Hakim Murad, et al.*, 93 Cr. 180 (KTD) (S.D.N.Y. 1998) (life imprisonment plus 60 years imposed on each of two defendants for a conspiracy to bomb United States airliners in Southeast Asia); *United States v. Omar Abdel-Rahman*, 93 Cr. 181 (MBM) (S.D.N.Y. 1996) (life sentence for seditious conspiracy); *see also United States v. Timothy McVeigh*, 96 Cr. 68-m (D. Colo. 1997) (death sentence for the bombing of the Oklahoma City federal building, resulting in 168 deaths).

⁸Count Two carries a minimum sentence of 30 years imprisonment, but the maximum sentence can be up to life imprisonment.

statute, the sentences on each of Counts One, Two, Four and Six must run consecutively to any other sentence.

Respectfully submitted,

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Dated: February 10, 2012

SENTENCING APPENDIX

| Count | Charge | Maximum Sentence | Mandatory Minimum? | Mandatory Consecutive? | Government Request |
|-------|--|------------------|--------------------|------------------------|--------------------------------------|
| 1. | Terrorism Trans. Nt'l Boundaries | Life | No | Yes | Life/ consecutive to other counts |
| 2. | Possession Firearm/Dest. Device | Life | 360 months | Yes | Life/ consecutive to other counts |
| 3. | Attempted Murder | 20 years | No | No | 240 months* |
| 4. | Use/Carrying of Dest. Device | Life | Life | Yes | Life, consecutive to other counts |
| 5. | Placing Destructive Device in Aircraft | 20 years | No | No | 240 months* |
| 6. | Possession Destructive Device | Life | Life | Yes | Life, consecutive to other counts |
| 7. | Attempted Use Weapon of Mass Destruction | Life | No | No | Life* |
| 8. | Attempt to Destroy and Wreck Aircraft | 20 years | No | No | 240 months* |

*The government has no objection to these counts being made concurrent to each other.

SUPPLEMENTAL FACTUAL APPENDIX

This Supplemental Factual Appendix is intended to provide additional information regarding “the nature and circumstances of the offenses,” particularly Count One of the First Superseding Indictment - Conspiracy to Commit an Act of Terrorism Transcending National Boundaries. Specifically, this Supplemental Factual Appendix is intended to provide the Court with details about Defendant Abdulmutallab’s interactions with Al Qaeda in the Arabian Peninsula (AQAP) terrorists in the months leading up to his attack on Northwest Flight 253. As with the Presentence Investigation Report, the bulk of the material provided comes from debriefing statements defendant made to FBI agents from January to April 2010, which may be considered for sentencing. *See Note 2, supra.*

In August 2009, defendant left Dubai, where he had been taking graduate classes, and traveled to Yemen. For several years, defendant had been following the online teachings of Anwar Awlaki, and he went to Yemen to try to meet him in order to discuss the possibility of becoming involved in jihad. Defendant by that time had become committed in his own mind to carrying out an act of jihad, and was contemplating “martyrdom;” *i.e.*, a suicide operation in which he and others would be killed.

Once in Yemen, defendant visited mosques and asked people he met if they knew how he could meet Awlaki. Eventually, defendant made contact with an individual who in turn made Awlaki aware of defendant’s desire to meet him. Defendant provided this individual with the

number for his Yemeni cellular telephone. Thereafter, defendant received a text message from Awlaki telling defendant to call him, which defendant did. During their brief telephone conversation, it was agreed that defendant would send Awlaki a written message explaining why he wanted to become involved in jihad. Defendant took several days to write his message to Awlaki, telling him of his desire to become involved in jihad, and seeking Awlaki's guidance. After receiving defendant's message, Awlaki sent defendant a response, telling him that Awlaki would find a way for defendant to become involved in jihad.

Thereafter, defendant was picked up and driven through the Yemeni desert. He eventually arrived at Awlaki's house, and stayed there for three days. During that time, defendant met with Awlaki and the two men discussed martyrdom and jihad. Awlaki told defendant that jihad requires patience but comes with many rewards. Defendant understood that Awlaki used these discussions to evaluate defendant's commitment to and suitability for jihad. Throughout, defendant expressed his willingness to become involved in any mission chosen for him, including martyrdom - and by the end of his stay, Awlaki had accepted defendant for a martyrdom mission.

Defendant left Awlaki's house, and was taken to another house, where he met AQAP bomb-maker Ibrahim Al Asiri. Defendant and Al Asiri discussed defendant's desire to commit an act of jihad. Thereafter, Al Asiri discussed a plan for a martyrdom mission with Awlaki, who gave it final approval, and instructed Defendant Abdulmutallab on it. For the following two weeks, defendant trained in an AQAP camp, and received instruction in weapons and indoctrination in jihad. During his time in the training camp, defendant met many individuals, including Samir Khan.⁹

⁹ Khan later came to be involved with AQAP's *Inspire* magazine. Both Khan and Awlaki were killed in September 2011.

Ibrahim Al Asiri constructed a bomb for defendant's suicide mission and personally delivered it to Defendant Abdulmutallab. This was the bomb that defendant carried in his underwear on December 25, 2009. Al Asiri trained defendant in the use of the bomb, including by having defendant practice the manner in which the bomb would be detonated; that is, by pushing the plunger of a syringe, causing two chemicals to mix, and initiating a fire (which would then detonate the explosive).

Awlaki told defendant that he would create a martyrdom video that would be used after the defendant's attack. Awlaki arranged for a professional film crew to film the video. Awlaki assisted defendant in writing his martyrdom statement, and it was filmed over a period of two to three days. The full video was approximately five minutes in length.¹⁰

Although Awlaki gave defendant operational flexibility, Awlaki instructed defendant that the only requirements were that the attack be on a U.S. airliner, and that the attack take place over U.S. soil. Beyond that, Awlaki gave defendant discretion to choose the flight and date. Awlaki instructed defendant not to fly directly from Yemen to Europe, as that could attract suspicion. As a result, defendant took a circuitous route, traveling from Yemen to Ethiopia to Ghana to Nigeria to Amsterdam to Detroit. Prior to defendant's departure from Yemen, Awlaki's last instructions to him were to wait until the airplane was over the United States and then to take the plane down.

¹⁰ The Court has seen the thirty-four-second excerpt of the video that was subsequently released by AQAP as part of its video *America and the Final Trap*.

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2012, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to Anthony Chambers. I further certify that I have caused a copy of this filing to be delivered and mailed to the defendant, Umar Farouk Abdulmutallab, Register No. 44107-039, Federal Detention Center, East Arkona Road Milan, Michigan.

s/ Darlene Secord
Paralegal Specialist
U.S. Attorney's Office

Memorandum for the Court

The Level of Danger Posed by Umar Farouk Abdul Mutallab

Prepared by: Dr. Simon Perry on behalf of the
United States Department of Justice

January 2012

Introduction

My name is Dr. Simon Perry. I have a Ph.D in Criminology, received in 2003 from the Criminology Department of the Law Faculty of the Hebrew University in Jerusalem, Israel. My thesis focused on the topic: The "Economical Behavior" of the "Rational Criminal" and Enforcement Policy. In 1987 I received my M.A. in Criminology from the Law Faculty of the Hebrew University in Jerusalem. My thesis was on the "The Presentation of Self of Young Criminals". I also received my undergraduate B.A. degree from the Hebrew University in 1981 majoring in Sociology with minors in Psychology and Law.

I am currently the Co-Director of the Program in "Policing Terrorism Studies" in the Institute of Criminology, Faculty of Law, Hebrew University Jerusalem where I am a professor in the Graduate School lecturing and conducting research in the field of Terrorism and Policing with colleagues in Israel and U.S.

I have done extensive academic lecturing worldwide including at leading American academic forums in the capacity of a guest lecturer at: Yale School of Management in Spring 2009 on "Policing Terrorism Strategy & Tactics", and again in the Fall 2009 on "Decision Making in Law Enforcement Intelligence Counter Terrorism"; the American Society of Criminology in November 2009 on the topic of "The Israeli Model for Policing Terrorism - Goals, Strategies, and Open Questions"; the Hoover Institution, Stanford University, CA in Summer 2006 presenting a seminar entitled "Homeland Security and the War on Terrorism – The Israeli Experience" ; and Princeton University, N.J. in the summer of 2004 where I gave a seminar on "Policing Terror – The Israeli Model".

I have provided extensive training and lectures for Law Enforcement and Intelligence Agencies in the U.S. and Canada as well as for the various branches of the Department of Homeland Security in the areas of: Policing Terrorism, Suicide Terrorism, Homeland Security, and International Organized Crime. I was also the leading presenter in the FBI national training project which focused on the area of Suicide Terrorism.

I joined the Israel National Police in 1978 and served in a variety of positions in the Police Force for 30 years. Some of the positions I held were: Israel Police and Ministry of Public

Security Attaché & Liaison Officer to the USA & Canada; Commander of Intelligence and Operational Division; Commander of the Special Operations Unit; Head of Interpol and International Relations; Commander of National Drug Unit, Head of European Operations, posted in the Netherlands.

I was asked by the United States Department of Justice to prepare the following memorandum in order to provide the court with information which may be useful for sentencing. Specifically, I have been asked to assess the defendant's future dangerousness or likelihood of again attempting a martyrdom mission if released from prison.

In the following memorandum I integrate relevant literature on the topic of Martyrdom as well as findings from a pioneering study of 40 individuals who were recruited to commit acts of suicide bombings and were apprehended and interviewed by the Israel National Police (INP) Negotiation Unit headed by Colonel Shmuel Zoltack. This particular study attempted to learn more about the phenomenon of martyrdom. I served as an advisor for this study on the criminological aspects particularly as they relate to what motivates a person to commit a suicide attack according to the "rational choice theory". An explanation of the rational choice theory is set forth in sections I, II and III (discussion) of this paper.

I was originally supposed to serve as an expert witness at the trial, and therefore received the following materials for trial preparation under a non-disclosure agreement. The materials include reports of Umar Farouk Abdul Mutallab's post-arrest statement to the FBI as well as the reports of his extensive debriefing by the FBI.

The list of materials reviewed to prepare this memorandum were:

1. Interview of Umar Farouk Abdul Mutallab, by FBI agents Timothy Waters and Theodore Peissig on December 25, 2009;
2. A copy of a text message sent by Mr. Abdul Mutallab to his family approximately three months before his mission;
3. Interviews of Umar Farouk Abdul Mutallab (redacted version) from the following dates: 01/29/10; 01/30/10; 01/31/10; 02/02/10; 02/03/10; 02/04/10; 02/05/10;

02/08/10; 02/09/10; 02/12/10; 02/15/10; 02/16/10; 02/19/10; 02/23/10; 04/08/10;
04/16/10; 04/30/10;

4. Interview of Elaine Christmas;
5. Interview of Julia Longnecker;
6. Interview of Anne Fernandez;
7. Interview of Elnaz Yahyai;
8. Interview of Jolanda Quarshie;
9. Interview of Joyce Kaufman;
10. Interview of Julia Longnecker;
11. Interview of Lamare Mason;
12. Interview of Ollie Pepijn;
13. Interview of Reinald Van Gaal;
14. Interview of Robert Digennaro;
15. Interview of Dionne-Marie Ransom;
16. Interview of Jessica Marie Worsley;
17. Interview of Marvin Steigerwald;
18. Photographs of items found in the possession of Mr. Abdul Mutallab upon his arrest;
19. Photographs of Mr. Abdul Mutallab's injuries;
20. A portion of a video released by Al Qaeda in the Arabian Peninsula, of Mr. Abdul Mutallab.
21. Statements of Mr. Abdul Mutallab to the court during the entry of his guilty plea.

The Level of Danger Posed by Umar Farouk Abdul Mutallab

In this document, I have been asked to examine the level of danger that the convicted Umar Farouk Abdul Mutallab (referred to below as UFAM) poses. In understanding or predicting criminal/terrorist behavior, criminologists define, as in any normative behavior, two necessary conditions: *motivation* to commit a certain behavior and the *opportunity* to carry out that behavior.

I. The "rational choice" to "martyrdom" an outcome of *Religious, Personality and Social Background.*

In attempting to understand the *motivation*, initially the phenomenon of suicide bombers is conceived as non rational behavior, whereby the individual sacrifices himself for a cause that in his mind is more important than his own personal interests. One thinks that only altruistic motivation drives the individuals who are willing to make the ultimate sacrifice, for what they believe to be the common good of their society. As a natural outcome of indiscriminate murder, some nature of the behavior, which is clearly both criminal and deviant according to Western behavior and legal standards, the actor is demonized. It is thought that the suicide bomber is driven and motivated by such deep irrational feelings as hatred and revenge. Yet, quite the opposite is the case. **In contradiction to the above perceptions of the phenomenon of suicide bombers, the act of suicide bombing is in fact a “rational choice”, as the term is defined in criminology.** The society that breeds suicide bombers succeeds in building incentives for such choices.

The holy act of martyrdom (“Istishad”) in fact is not perceived as suicide (“Intichar”), which is forbidden in Islam as it is forbidden in Judaism and Christianity. According to the fundamentalist Islamists, the Martyr (“Shahid”) dies in this world but lives on in

paradise. The source of this belief originates from the writing passage in the Koran which states:

“Don’t think that those who died for ‘Allah’ are dead, But know that they are living with the Almighty God who fulfills all their needs” (Koran 3/169)

In a pioneering study, 40 individuals who were recruited to commit acts of suicide bombings and were apprehended were interviewed by the Israel National Police (INP) Negotiation Unit. The study attempted to learn more about the phenomenon - especially what *motivates* a person to commit a suicide attack. The subjects of this research came from three groups: individuals who arrived at the scene and tried to activate the explosive but failed due to a technical malfunctioning; individuals who were arrested on the way to the scene; and individuals who committed themselves to the suicide act, received the explosive device, and then changed their minds.

The propaganda which appears in recorded video wills, published letters and other means promotes the claim that suicide bombing is motivated by altruistic and unselfish nationalistic/religious reasoning. Yet it appears from the interviews in the INP study and from other literature that has been published on suicide bombers, that there exists another level beyond that of the declared propaganda disseminated by Fundamentalist Jihadists. Based on the study and literature¹, it emerges that this lethal behavior is in fact an outcome of a dynamic interaction among three major factors: A. **Religion**, B. **Personality and C. Social Background**. The individual who commits such an extreme act expects to receive three major sets of rewards: religious rewards, personality rewards, and social rewards.

¹ Should the court find it helpful, a bibliography list of the relevant literature could be submitted.

A. Religious Background - The study reinforces the literature and concludes that the typical religious background of the potential martyr is classically characterized by: 1) deep religious feelings; 2) following Islamic laws; 3) spending a great deal of time at the mosque; 4) becoming “Taleb a’Shuhada” – a student of "Shuhada" (Martyrdom).

This religious concept of martyrdom also offers meaningful personal rewards, as explained by the Islamic fundamentalist Jihadist focus on the issue of martyrdom, on eternal life in the highest gardens of paradise (jannat al-firdaws). According to this belief, the martyr will go on living in the presence of Allah and will be permitted to see Allah's face and meet the Prophet Muhammad. By pressing the detonator, the Martyr immediately opens the door to Paradise which is the shortest path to Heaven. The first drop of blood shed by a martyr during Jihad washes away all of his past sins instantaneously and protects him against the pain of death. The extremists also claim that the act of martyrdom also opens the path to paradise for seventy of the martyr's beloved ones. And they assert that the martyr will have at his disposal seventy-two "houris", the beautiful black eyed virgins who will serve him in heaven

Militant groups cleverly structure and package their existing struggle as part of the Islamic tradition of Jihad and martyrdom, utilizing ceremonies and rituals linking to holy history.

B. Personality Background - These manipulations by the fundamentalists, which are expertly circulated and publicized (via the media, internet, education system, the mosque etc.), offer martyrs significant *personality rewards* as well, such as: self-fulfillment and becoming a hero and receiving fame and honor, which in traditional societies is the most important status that one can be given. Martyrdom also offers a respectful and beneficial way to put an end to negative feelings of depression and helplessness. Naturally these rewards are extremely attractive to individuals who

have some or all of the following psychological characteristics which have been found to be characteristic of the those tested in the INP study - individuals who: do not stand out; exhibit submissive and dependent personalities; have childish behavior; suffer from low self-esteem and are socially isolated; exhibit external locus of control whereby they do not accept any responsibility for failures by placing responsibility on others or circumstances; are characterized by a gap between the need "to be someone" and the ability to achieve it. The most surprising finding is that these individuals, who intended to explode themselves killing people they didn't know, were found to have, in fact, a low level of aggression. A possible explanation for this might be that the extremist religious structure creates a culture of martyrdom which in fact encourages such acts of extreme violence, by transforming cruel terror into sacred missions in the minds of terrorists and their sympathetic observers. The martyr has no personal conflict with his victims; they are perceived as collateral damage in his fulfillment of a holy command.

C. Social Background - In contradiction to the above findings regarding the low levels of aggression in martyrs - the study and related literature conclude that the *Social* environment background of the potential "Shahid" is typically characterized by a high level of aggression. This extreme aggression is supported by a culture which provides militant organizations with a "tool kit" of concepts, myths, and symbols. This "tool kit" is used to expose their disciples to high - impacting terror propaganda by means of the media and educational programs.

The *Social* environment is an intrinsic part of a culture which emphasizes values such as honor, revenge and family, before the individual. Such a culture legitimizes and encourages "Istishad" behavior and glorifies the martyr. In such a society martyrdom offers substantial *Social* rewards as well: upgrading of the social status in the community of the individual and as well as that of his/her family, as well as social and economic support for the family.

The suicide bomber's family and the sponsoring fundamentalist organization celebrate martyrdom with festivities, as if it were a wedding, because of the honor that Allah has bestowed upon the family. Many guests gather together at the family's house to offer congratulations. The hosts serve juices and sweets. Supporters and sponsors of suicide bombings create posters, web sites, and public exhibits to honor their "martyrs" and publicize their "heroic" sacrifice.

These findings should not really surprise us, because as documented in the literature, there is a very extensive socialization system through the fundamentalist religious, social and governing institutions that reinforces and supports this behavior by promising personal gains.

In summary, analyzing the study interviews as well as the literature and documentation about the phenomenon, I conclude that - counter to preconceptions - the act that we call "suicide bombing" is in fact a result of rational situational choice, based on an evaluation of the cost and the anticipated benefits. In order to better understand suicide terrorism by extremist Islamists, we must realize that it is irrelevant whether Paradise and all of the expected benefit exist for the martyr. What is important is that the religious suicide terrorist believes that it does.

It should be emphasized that the term "rational" calls attention to the notion of strategic thought, and assumes a processing of information, analysis and evaluation of opportunities and alternatives.

II. The "rational choice" of "martyrdom" by UFAM is an outcome of *his Religion, Personality and Social Background.*

As in the INP's study of the suicide bombers, it seems that in the case of UFAM there appears to be another level beyond the declared reasoning for the terror attack. UFAM's declared reasoning emphasizes the Fundamental Jihadist propaganda and veils the real rational choice he made, based on anticipated cost and religious social and personality benefits. As in the case of many other martyrs (as claimed above), UFAM might believe at least some of the Jihadist propaganda, yet it is clear that it is not his main motivation for martyrdom. For example, in his statement to the court he claims that his attack was an outcome of the fact that the "American people are guilty of the sin, and Obama should pay for the crime".² In contradiction to this statement made in court, UFAM previously, in his FBI debriefing³, claims that he did not specifically target the U.S. for his mission. He said that he was prepared to pursue whatever Jihad path he was directed (by others) to pursue, regardless of the country or the target. Even the occupation of Palestine, Afghanistan and Iraq by Western troops did not signal a call to Jihad for him (once again this statement contradicts his declarations when pleading guilty at the trial). UFAM was entirely motivated by his realization of his religious obligation to conduct Jihad. In fact, UFAM believes it would be acceptable to conduct attacks against a Muslim country that did not practice and support the fundamentalist beliefs about Islam

Through his own statements and behavior, and without interviewing him directly, there is a great deal that can be learned about UFAM and what brought him to attempt to explode the aircraft. The following paragraphs will point out the main elements that promote the belief that UFAM fits well the profile of the classic martyr as described above.

² References in this memorandum to UFAM's statements refer to the reports of interviews of his debriefings conducted with the FBI (unless otherwise indicated).

³ UFAM's debriefing by the FBI on 02/15/2010 p.2

A. UFAM's Religious Background as a Typical Martyr

As mentioned above, the typical Religious background of the potential "Shahid" is classically characterized by: 1. deep religious feelings; 2. following the Islamic laws; 3. spends a lot of time at the mosque; 4. becoming a student of "Shuhada" (martyrdom). UFAM demonstrates all of these characteristics as seen in the following examples.

1. **Deep religious feelings** - UFAM is clearly guided by deep religious feelings when he writes to his mother⁴: "Allah knows what is best...I ask you for the sake of Allah to let me stay here and come closer to him. This is 'insha allah' (God's will) what is best for me spiritually in my worldly affairs and in the hereafter (after this life)...Oh mother don't despair or worry and never lose hope in the mercy of Allah. Read the speech of Allah and its meanings as much as you can. May Allah take care of you wherever you are like you took care of me all my life. May Allah also take care of me wherever I am and I put my full trust in him. I will be fine wherever I am and nothing will happen to me except what Allah has written which there is no escape from wherever I may be...I will come back "Insha Allah" and we will have a happy reunion by the mercy of Allah and his favor. But not now, sooner or a little while later "Bismilla."

UFAM espouses Aulaqi's lectures which differentiate between the holy act of martyrdom and suicide⁵ which as previously discussed is forbidden in Islam.

UFAM believes that: "If we are patient and put our trust in Allah then he will make whatever he has decreed easy for us. And Allah has promised ...hardship ease will definitely come". In what UFAM believes is his last message to his mother ("my phone will be disposed after this message") he writes: "Allah guides us and that Allah saves us from the love of this world and our evil desires....."

⁴ A copy of a text message sent by UFAM to his family approximately three months before his mission.

⁵ UFAM's debriefing by the FBI on 02/08/2010 p.10

UFAM follows the principle: "God guides people in ways they don't always expect." Then when you receive a message from God it is viewed as religious evidence supporting your commitment.⁶ UFAM felt that Allah would favor this martyrdom path.⁷

When the airplane was close to crossing the border between Canada and the U.S., UFAM went to the restroom, washed his face, brushed his teeth, put on some cologne, came back to his seat, said his final prayers and only then pushed the plunger on the device.⁸ Through these acts (prior to pushing the plunger) UFAM prepared himself for martyrdom by **purifying himself - body and soul**.

2. Following Islamic fundamentalist laws There is no doubt that UFAM is preoccupied with following Islamic fundamentalist laws. He believes that one needs to actually travel and participate in Jihad to meet one's religious obligation. UFAM was never given a "Fatwah" (religious ruling) regarding his decision to commit Jihad. UFAM believes that All Muslims already know that Jihad is authorized, that no "Fatwah" is needed to be issued on that topic,⁹ and that a Muslim has a religious obligation to participate in Jihad and fight just as he does to fast and to pray.¹⁰ UFAM believes one's obligation for Jihad ends only when Muslim lands are free from Western occupation. He believes this would require a global caliphate. When an area is no longer occupied by westerners, Jihad becomes an option rather than an obligation.¹¹

UFAM referred several times to the religious commandment of **donation** (which is also one of the five pillars of Islam). "It is binding upon everyone to seek knowledge and to constantly make "duas" (donations)". For example he donated a

⁶ ibid p.10

⁷ UFAM's debriefing by the FBI on 01/29/2010 p.10

⁸ UFAM's debriefing by the FBI on 01/30/2010 pp.11-12; 02/12/2010 p.8

⁹ UFAM's debriefing by the FBI on 02/05/2010 p.4

¹⁰ UFAM's debriefing by the FBI on 02/15/2010 p.2

¹¹ UFAM's debriefing by the FBI on 02/08/2010 p.9

few hundred Pounds to an organization which supports families of prisoners in the UK.¹²

3. *Spent a lot of time in the mosque* - UFAM reveals to the agents that he indeed spent a lot of time at the mosque, attending various Mosques¹³ wherever he has been. UFAM states that at a certain period he began to memorize the Koran and prayed at the Mosque and listened to Aulaqi's many lectures on Jihad and Islamic topics.

4. *Student of "Shuhada"* (martyrdom) - UFAM makes a point to present himself as a student of "Shuhada", while he differentiates between Muslims who are Jihadists and those who are not Jihadists such as Sheik Yassir Qudhi. While at UCL, UFAM claimed that he did not want to participate in Jihad and did not at that time subscribe to religious philosophy that supported Jihad¹⁴. Only later UFAM felt that **God was guiding him to Jihad**, he "saw the doors open" before him. In the summer of 2009, UFAM was facing a two month break from his course work in Dubai, and he viewed it as a sign from God that he should take this opportunity to travel to Yemen, seek out Aulaqi and participate in Jihad. Later during the Ramadan the conviction became more intense.¹⁵

UFAM's religious devotion to martyrdom such as fasting (one of the five pillars of Islam) convinced others such as Abdul Aziz that he was ready to become a martyr¹⁶. Aulaqi suggested that UFAM pray for religious guidance concerning the right time to make the flight and then to travel when he was ready. The group had to have a measure of trust that the martyr would perform the mission. According

¹² ibid pp.7-8

¹³ UFAM's debriefing by the FBI on 12/25/2009 p.2; 02/09/2010 p.8; 02/23/2010 p.2

¹⁴ UFAM's debriefing by the FBI on 02/08/2010 p.7

¹⁵ UFAM's debriefing by the FBI on 01/31/2010 p.11

¹⁶ UFAM's debriefing by the FBI on 02/09/2009 p.5

to UFAM the matter of trust was sensitive. The members of the group were very spiritual about it. They would pray for guidance for the trustworthiness of the individual as they did in UFAM's case. They would pray until they received a signal or sign that the selected individual would actually perform the mission, and only after that would they develop the required trust.¹⁷

UFAM argues that he does not believe that his family has the religious authority to dissuade him from his decision to commit martyrdom.¹⁸ It would have required a command from a powerful religious authority associated with Jihad such as Aulaqi, to dissuade him from completing his mission. UFAM believes that Aulaqi held all the power to make this decision. UFAM believed he had decided on a path of Jihad, and destiny and/or fate would determine whether martyrdom would be his path.¹⁹

UFAM believes that martyrdom is already assumed to be part of Jihad and is just one of several ways in which a person can participate in Jihad.²⁰ A martyr works with people he trusts to determine whether that is the appropriate course of Jihad for him. UFAM prayed for guidance from Allah seeking Jihad, and he wanted Allah to make it easy for him.²¹

B. UFAM's Social Background as a Typical Martyr

1. High level of aggression of significant surrounding social environment

UFAM is a classic example of a Shahid also as far as his significant *social* environment is concerned (as far as we know from the information that we have pertaining to the period of time from when he decided to become a martyr). From

¹⁷ UFAM's debriefing by the FBI on 02/02/2010 p.3

¹⁸ UFAM's debriefing by the FBI on 02/08/2010 p.9

¹⁹ UFAM's debriefing by the FBI on 02/09/2010 p.3

²⁰ UFAM's debriefing by the FBI on 02/05/2010 p.4

²¹ *ibid* p.3, p.6

this time on, he is exposed to high levels of aggression supported by a culture that provides militant terror propaganda²² via the: media, internet,²³ newsletters,²⁴ and religious and other interactions in the mosque and elsewhere.²⁵ Manipulated by fundamentalists, such as Aulaqi and his internet lectures, UFAM claims that the main motivation for conducting the martyrdom mission included his interpretation of Koranic verses²⁶ and his regularly attendance at prayers, where he met and interacted with Fundamentalist Islamists. UFAM was familiar with all of Aulaqi's lectures, and they were an important motivator which led UFAM to decide to participate in Jihad. He began listening to the lectures in 2005 and reading Aulaqi's writings, which motivated him to accept martyrdom as a possibility.²⁷ Aulaqi was not the only influential fundamentalist in UFAM's life. While residing at Abu Tarak's residence in Sana, Yemen he was mainly confined to his residence and discouraged from any communication with the outside world (phone, email). During this period, UFAM spoke regularly with Abu Tarak and three other individuals who visited him daily, speaking with them about Jihad and martyrdom.²⁸ UFAM discussed the concept of Jihad also with Uthmann who supported Mujahidin worldwide already from 2005. He was deeply influenced by a Jihadist who preached in England and elsewhere and used to meet with him intensively (as often as 3 times a week).²⁹ UFAM associated with Aulaqi who frequently spoke of Jihad and interacted with other fighters, and while in Yemen, he met with a man from Al Qaeda who further deepened his conviction.³⁰

2. **Encouragement and glorification of the martyr** - Indeed we see in the case of UFAM that sponsors of suicide bombings use a “tool kit” of concepts, myths, symbols, ceremonies and rituals that honor and publicize their “martyrs” and their

²² UFAM's debriefing by the FBI on 01/30/2010 p.6

²³ UFAM's debriefing by the FBI on 02/23/2010 pp. 1-2

²⁴ UFAM's debriefing by the FBI on 01/29/2010 p.8

²⁵ UFAM's debriefing by the FBI on 12/25/2009 p.2

²⁶ UFAM's debriefing by the FBI on 01/29/2010 p.10

²⁷ UFAM's debriefing by the FBI on 02/05/2010 p.3

²⁸ UFAM's debriefing by the FBI on 12/25/2009 p.2

²⁹ UFAM's debriefing by the FBI on 01/31/2010 p.6

³⁰ ibid p.3

“heroic” sacrifice, (with videos, web sites, posters etc). UFAM watched propaganda videos³¹ which were intended for the Mujahedeen community and that glorified martyrs attacking the secular corrupt Muslim regimes such as the Yemen government. The video was created as propaganda and to provide justification for the attack, as well as to show the capabilities of AQ in Yemen.

UFAM himself participated in this practice of preparing a martyrs' video after he was told by Aulaqi that he would bring down a plane and that he should prepare a video. UFAM spent time thinking about his martyr's video.³² Approximately on the 2nd or 3rd of Dec. 2009, UFAM made a martyr's video with the help of two video technicians who brought the equipment. They brought a black flag with Islamic writing for the background as well as clothing³³ and other props. It took them approximately 2 or 3 days to complete the video.

C. UFAM's Personality Background and Personal Reinforcement as a Typical Martyr

1. **Martyr's reward** - Islamic Fundamentalist Jihadists preach and emphasize that martyrdom offers meaningful personal rewards, in the eternal life at the highest gardens of paradise. Interestingly, UFAM never mentions these rewards and does not raise these reinforcements as reasons for his decision to become a martyr. This phenomenon is characteristic also with other martyrs who believe that revealing the expected rewards lessens the importance of their act. Yet we can learn that the rewards of martyrdom play a significant part for UFAM since when he talks about Aulaqi's martyrdom he stresses that he believes that if Aulaqi were to be killed, he would be entitled to a **martyrs reward**. UFAM explains (again not in the context of his own martyrdom) that there are different degrees of

³¹ UFAM's debriefing by the FBI on 02/02/2010 p.4

³² UFAM's debriefing by the FBI on 01/29/2010 p.15; 02/09/2010 p.7

³³ UFAM's debriefing by the FBI on 01/29/2010 p.16

reward for martyrdom.³⁴ For example UFAM believes that if the accusations against Aulaqi were true (allegations of solicitation of prostitution) Aulaqi could repent for these sins and his commitment to Jihad would outweigh such transgressions. He adds that people are not perfect and that they make mistakes.³⁵ We can learn that UFAM is concerned and troubled about accountability to God for committed sins that can be forgiven by committing martyrdom. UFAM explains that in Allah's sliding scale of forgiveness, a **Muslim's punishment to hell** can be removed at any time. In the Islamic faith, some sins of the Muslim can be repaired through religious faith and devotion. Sins can be forgiven if you repent just before death since Allah's mercy overcomes his anger.³⁶

UFAM focuses on and gave lectures about black magic - its origins, preventions and cures. From this one can deduce that he is preoccupied (to say the least) with the unknown and the mystical. He speaks about "jinns" (which are frequently mentioned in the Koran and the Haddith). "Jinns" are creatures made from fire which have the properties of light. UFAM believes that Jinns frequently possess people and that they use their possessed to do their work by proxy.³⁷ Martyrdom guarantees Paradise and therefore protects one from evil forces.

We can also learn about UFAM's beliefs and expectations regarding the afterlife from his writings to his mother³⁸: "May Allah reward you with "Jannah" (heaven) where no soul is unhappy and have a good life for what you've done for me. He is well aware and never forgets. Amen. May peace, serenity and tranquility of Allah descend on you always amen...May Allah make it a successful and happy event for you all, amen".

³⁴ UFAM's debriefing by the FBI on 04/16/2010 p.2

³⁵ UFAM's debriefing by the FBI on 02/15/2010 p.3; 02/19/2010 p.3

³⁶ UFAM's debriefing by the FBI on 02/05/2010 p.4

³⁷ UFAM's debriefing by the FBI on 01/31/2010 p.7

³⁸ From a copy of a text message sent by UFAM to his family approximately three months before his mission.

2. **Low levels of aggression** - Similar to the surprising finding in the INP study that found low levels of aggression among the individuals who intended to explode themselves, killing innocent people they didn't know, UFAM also expresses a low level of aggression. On the day of his arrest, when asked by a hospital nurse:³⁹ "...about today on the plane, don't you consider that harming yourself or others?" UFAM replied: "no that is martyrdom". UFAM claims that he was resolved to kill innocent people and considered them to be "collateral damage". UFAM worked through all of these issues with Aulaqi's guidance, believing in the righteousness of the attack, by, in his mind, transforming cruel terror into sacred missions (fulfillment of a holy command). UFAM tells the investigators that he had hardened himself as someone who would do whatever was asked of him in support of the Jihad.⁴⁰ He quotes from the article "Constants of Jihad" (previously identified as being very influential in his decision to commit Jihad), a verse which states "**fighting has been prescribed for you but you hate it**". UFAM felt this statement aligned very closely to verses from the Koran, and that it means that at times one needs to participate in bad acts such as "fighting to achieve the greater good".⁴¹

The investigating agents inquired whether any specific act or event by the US motivated UFAM to conduct Jihad. He replied that his motivation was the religious obligation to conduct Jihad not hatred toward the US.⁴² He was prepared to fulfill his mission of Jihad against whatever enemy was identified by Aulaqi. UFAM did not choose the target or the mission, it was chosen for him.⁴³

3. **Submissive and dependent personality** - UFAM, by his own admission, is highly influenced by leaders that, as we have seen, dictate for him existential decisions. Sheikh Gumi is the most influential person in UFAM's life prior to UFAM's decision to conduct Jihad. UFAM replaces Sheikh Gumi and becomes completely

³⁹ Julia Longnecker's interview by the FBI on 12/29/2009 pp.1-2

⁴⁰ UFAM's debriefing by the FBI on 01/31/2010 p.5

⁴¹ UFAM's debriefing by the FBI on 02/15/2010 p.1

⁴² UFAM's debriefing by the FBI on 02/23/2010 p.4

⁴³ Once again as explained above (p.9 of this memorandum) what UFAM said when interviewed by FBI agents is a direct contradiction to later statement in court upon the entry of his guilty plea.

committed to Sheikh Aulaqi.⁴⁴ He claims that if he would have experienced doubt about conducting Jihad he still would have continued forward with the martyrdom mission. The only way that UFAM would not have followed through with his mission would be if Aulaqi or Abdul Aziz had for some reason directed him not to complete the mission.⁴⁵ UFAM rationalizes that this exhibition of submissive and dependent personalities is in fact a religious command - that every Muslim should swear allegiance to a leader.⁴⁶

III. Discussion

In an attempt to predict the probability that UFAM will commit a future criminal/terrorist act, this document aims to better understand his "rational choice" and analyzes his motivation to become a martyr. UFAM, by his own testimony, claims that the decision to actually pursue Jihad and become a martyr is an outcome of a decision making process. Only upon completion of that decision making process,⁴⁷ he argues, could he be certain that martyrdom was the right course of action for him. The criminological theory of "rational choice" bases the decision making process on an evaluation of the "cost" and the anticipated "benefits" of one's actions.

In this memorandum, which is based on the INP study, literature that has been published on suicide bombers as well as UFAM's statements and reported behavior, I conclude that that UFAM's act of martyrdom is an outcome of a dynamic interaction between his ***Religious Beliefs, Personality and Social Backgrounds***.

⁴⁴ UFAM's debriefing by the FBI on 02/08/2010 p.10

⁴⁵ *ibid*

⁴⁶ UFAM's debriefing by the FBI on 02/09/2010 p.4

⁴⁷ UFAM's debriefing by the FBI on 02/15/2010 p. 1

UFAM's *religious* background is that of a classical martyr and is characterized by: deep religious feelings; following Islamic laws; spending a lot of time in mosques with Fundamentalist Jihadists; becoming a student of "Shuhada".

UFAM is a classic example of a martyr also as far as his *social* environment background is concerned. He is exposed to high levels of aggression by manipulating Islamic Fundamentalist Jihadist sponsors of suicide bombings. These sponsors preach and emphasize that martyrdom offers glorification and meaningful personal rewards, in the eternal life in the highest gardens of paradise.

From a *personality* point of view, UFAM overcomes his hesitation to kill innocent people, by working through this issue with Aulaqi's guidance and by believing in the righteousness of the attack. He does this by, in his mind, transforming cruel terror into sacred missions which are the fulfillment of a holy commandment and in which the victims are considered to be "collateral damage". Also from the personality point of view it is interesting to see that UFAM rationalizes his submissive and dependent personality as his compliance with the religious commandment that every Muslim should swear allegiance to a leader.

It is important to emphasize here that if UFAM believed that he had completed his obligation to Jihad with his failed attempt, one could consider him to be less of a threat in the future. On the contrary, UFAM claims that the fact that the bomb did not explode was merely evidence that it was not his time to die. He did not believe that he had failed to deploy the device properly.⁴⁸ UFAM believes that the outcome of his mission was in God's hands. He believes that the failed martyrdom mission could be the result of God wanting to purify him (since he was not ready for martyrdom yet). UFAM claims that patience is necessary until purification.⁴⁹ The failed martyrdom mission, in his mind, is no more than a possible test of patience imposed on him by God. One can interpret this rhetoric as meaning that he has not given up on aspirations to martyrdom. When asked if he still had an obligation to commit Jihad in light of the fact that his

⁴⁸ UFAM's debriefing by the FBI on 02/08/2010 p.10

⁴⁹ UFAM's debriefing by the FBI on 02/19/2010 p.3

martyrdom operation failed, UFAM answered that the obligation to Jihad still exists for all able bodied Muslims. Essentially in his opinion, only if there is no capability to commit Jihad, then there is no obligation.⁵⁰ Since he felt that Jihad was the right decision, he claimed that no one could have convinced him to reconsider. Therefore, it is quite possible that, once he deems himself purified, he might try another attempt at martyrdom given the opportunity.

In addition to the likelihood that given the opportunity, UFAM will make another attempt at martyrdom, there also exists the prospect that he will present a danger by becoming a role model and an example for other potential martyrs. UFAM has lectured in the past about Islamic faith⁵¹ in various forums. From his failed attempt, debriefings and statements it is clear that he is very opinionated and very articulate about his Fundamentalist Islamic Jihadist beliefs. UFAM's experience, eloquence and passion for lecturing, if given a platform from which to speak to the world, will in my opinion turn him into a strong advocate/spokesman on behalf of Fundamentalist Islamic Jihadists. When interviewed by agents⁵², UFAM replied that if he would have been asked by a leader from AQ⁵³ to assist in recruitment he believes he would have attempted to seek out individuals and instruct them independently. Therefore, I believe that if: a. given the **opportunity** to communicate with other Jihadist sympathizers; and b. given the **command** from those whom he perceives as leaders - UFAM will be willing to become a role model and proxy for Fundamentalist Islamic Jihadists assisting them in the recruitment of new martyrs

⁵⁰ ibid p.4

⁵¹ UFAM's debriefing by the FBI on 01/31/2010 p.7

⁵² UFAM's debriefing by the FBI on 02/15/2010 p.6

⁵³ UFAM is highly influenced by leaders that dictate for him existential decisions (see section II.c.3.) and this is another example, making it clear that he needs a leader who will give him the command.

IV. Conclusion

Since UFAM's **motivation** to commit martyrdom appears to be great, I believe there is high probability that given the **opportunity**, he would try once again to commit an act of martyrdom, endangering his and other innocent lives.

It is my belief that UFAM fits well the profile of the classic martyr as described above. Therefore his act of martyrdom is the result of his expectation to receive religious, personal/ personality and social benefits. As long as he is of the same state of mind and continues to hold the same set of beliefs, the outcome of this "rational choice" decision making process which evaluates the "cost" and the anticipated "benefits" is expected to lead him to martyrdom.

UFAM stated to Agents that he is committed to Jihad. He claimed that once a decision is made, one remains committed to that decision unless something comes up that requires re-examination.⁵⁴

It seems that even the death of Aulaqi, his source of religious guidance⁵⁵ concerning martyrdom, did not change his state of mind and did not require re-examination. If anything, it has made him more determined.

In summary, in addition to the probability that given the opportunity, UFAM will make another attempt at martyrdom, there also exists the likelihood that he will become a role model and proxy of Fundamentalist Islamic Jihadists, assisting them in the recruitment of new martyrs.



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⁵⁴ UFAM's debriefing by the FBI 03/15/2010 p.3

⁵⁵ ibid p.8