

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 12-60298-BLOOM /O'SULLIVAN

UNITED STATES OF AMERICA

vs.

**RAEES ALAM QAZI
and
SHEHERYAR ALAM QAZI,**

Defendants.

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FACTUAL BASIS IN SUPPORT OF PLEA

If this case were to proceed to trial, the government would prove the following beyond a reasonable doubt:

Defendants Raees Alam Qazi and Sheheryar Alam Qazi conspired with one another and others to provide material support to terrorists, in violation of Title 18, United States Code, Section 2339A(a) (Count 2), and conspired with one another to forcibly assault federal employees, in violation of Title 18, United States Code, Section 371 (Count 6). Further, Raees Alam Qazi attempted to provide material support to a foreign terrorist organization, in violation of Title 18, United States Code, Section 2339B (Count 5).

Count 2

Beginning as early as July 2011, and continuing through November 29, 2012, in the Southern District of Florida, and elsewhere, the defendants conspired to provide material support and resources, as defined in Title 18, United States Code, Section 2339A(b)(1), including but not limited to property, service, including financial services, lodging, communications equipment,

and personnel, knowing and intending that they be used in preparation for, and in carrying out, a violation of Title 18, United States Code, Section 2332a(a), that is, using a weapon of mass destruction.

Count 5 (only as to Raees Alam Qazi)

Beginning as early as July 2011 and continuing through November 29, 2012, in the Southern District of Florida and elsewhere, Raees Alam Qazi attempted to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b)(1), including but not limited to property, service, including financial services, lodging, communications equipment, and personnel, to a Foreign Terrorist Organization, that is, al-Qa'ida and al-Qa'ida in the Arabian Peninsula (AQAP), knowing that those organizations have engaged and engage in terrorist activity, as defined in Title 18, United States Code, Section 1182(a)(3)(B).

The facts in support of these two counts are as follows:

From mid-summer 2011 until November 2012, agents conducted a lengthy investigation into two brothers from Oakland Park, Florida, suspected of planning a terrorist attack. The investigation revealed that Raees Alam Qazi, the younger brother, was going to initiate the attack and that he was financially and emotionally supported by his older brother, Sheheryar Alam Qazi. Although Sheheryar Alam Qazi likely did not know all of the details of the planned operation, he encouraged his brother to succeed in his task. Both brothers were arrested on November 29, 2012, after Raees Alam Qazi returned to Fort Lauderdale from an aborted attempt to launch an attack involving a weapon of mass destruction in New York City.

During the course of the investigation, evidence was revealed that Raees Alam Qazi conducted significant computer research regarding AQAP/Al Qa'ida, Anwar al-Awlaki, *Inspire*

Magazine, and tools utilized for violent jihad. Raees Alam Qazi participated in online computer forums discussing violent jihad and he maintained two YouTube channels in which he discussed various topics, including Anwar al-Awlaki and *Inspire*.

While Raees Alam Qazi was in Pakistan between July 2011 and January 2012, he accessed a radical Islamic internet forum called Ansar al-Mujahedeen English Forum (“Ansar”) using the screen name “alBaraa” (Raees Alam Qazi would later admit in his post-arrest statement that he used this user name on the Ansar forum.) Raees Alam Qazi made numerous postings in this forum as “alBaraa” related to Anwar al-Awlaki, *Inspire*, and jihad. YouTube comments made by Raees Alam Qazi in late 2011 and early 2012 further show his knowledge and familiarity with Anwar Al-Awlaki and *Inspire*. In July 2012, Raees Alam Qazi decided to rejoin the Ansar radical Islamic forum, this time taking on the screen name “AnwarAwlaki.” Raees Alam Qazi admitted in his post-arrest statement that he had also used the screen name “AnwarAwlaki” on either the Ansar forum or another forum. During this timeframe, Raees Alam Qazi recommended an Al Qaeda-sponsored course on the manufacturing of explosives to an individual seeking information on “rocketry, explosives or any other such weapons.”

AQAP/Al Qaeda are designated foreign terrorist organizations and defendants knew that AQAP/Al Qaeda participated in terrorist activity. Anwar al-Awlaki was a radical American-born AQAP spiritual leader killed by drone strike in September of 2011.

Inspire is an online publication by AQAP/Al Qaeda which encourages “brothers” in the West to remain in the West to conduct jihad operations (acts of terrorism). The publication provides instructions, including, but not limited to, how to conduct attacks and how to select targets for the attack. There have been numerous issues of the publications and the first issue was available as early as the summer of 2010. Issue nine was made available in May 2012,

which was the last issue published before the arrest of the defendants. Various issues of *Inspire* had a section entitled “Open Source Jihad” which provided information on how to conduct jihad operations in the west.

Raees Alam Qazi’s online computer research and postings reveals that he was very well-versed with *Inspire*, the fact that it was a publication by a terrorist group, and that it encouraged “brothers” in the West to remain in the West to conduct jihad operations (acts of terrorism). Volumes of *Inspire* which Raees Alam Qazi acknowledged reading contained lectures on the propriety of targeting non-Muslim civilians, specific instructions on building an explosive device out of common items, including Christmas tree light bulbs, and instructions on the use of encryption, the use of internet proxies and connecting to the internet from places other than his house.

During the course of his attack planning, Raees Qazi followed the direction of Al Qa’ida/AQAP. On November 6, 2011, Raees Alam Qazi sent an encrypted email to AQAP/Al Qa’ida at an address listed in *Inspire* Magazine. Surveillance of Raees Alam Qazi demonstrated that Raees Alam Qazi followed many of the directions contained in *Inspire* including the use of internet proxies, and connecting to the internet from places other than his house.

Sheheryar Alam Qazi was well-aware that Raees Alam Qazi was in contact with Al Qa’ida and that he supported his brother’s efforts to support the terrorists. In a recorded August 30, 2012, meeting between an FBI confidential human source (“CHS”) and Sheheryar Alam Qazi, Sheheryar Alam Qazi acknowledged that while Raees Alam Qazi was in Pakistan, he tried to cross the border into Afghanistan, but couldn’t find a way to do it. Sheheryar Alam Qazi confided that “I sent him” to go over to Afghanistan and that, due to his support of Raees Alam Qazi, Raees Alam Qazi came back to Sheheryar Alam Qazi – rather than other family members -

- after the failed attempt to enter Afghanistan. Sheheryar Alam Qazi also acknowledged that Raees Alam Qazi had been trying to reach the “guys from Yemen” (Al Qa’ida/AQAP) on the internet and that they told him not to come to Afghanistan because there were enough people but instead to do something in the U.S. Sheheryar Alam Qazi stated that the guys from Yemen were supposed to help Raees Alam Qazi, but no help had been rendered to date, and Raees Alam Qazi was no longer waiting. Sheheryar Alam Qazi said that Raees Alam Qazi had to train himself and would be a “lone wolf” like “brother (Faisal) Shahzad” who had tried to conduct an attack on the Comedy Central building in New York. The man whom Sheheryar Alam Qazi referenced, Faisal Shahzad, had attempted to use a weapon of mass destruction on the Comedy Central building before he was apprehended by law enforcement officials. Referencing a quote attributed to the prophet Muhammad, Sheheryar Alam Qazi stated in the recording that Raees Alam Qazi had to be more patient than the enemy (the United States).

Raees Alam Qazi confirmed his submission to the will of his Al Qa’ida handlers in a recorded September 15, 2012, meeting with another CHS. After expressing approval of a radical jihad-inspiring lecture of Anwar Al-Awlaki’s entitled “The Dust Never Settles.” Raees Alam Qazi confided that he was on a different course for his jihad. Raees Alam Qazi hinted that he would not be using an “assault rifle” or “RPG” but would be doing “different things.” Raees Alam Qazi explained that he had been in contact with representatives from Al Qa’ida and that if he is told by his “leaders” to stay in the West, meaning the United States, then he would “obey them.” Raees Alam Qazi continued: “the leaders know what they are talking about so when they call on Muslims in the West to stay in the West, there’s a reason for that.” Raees Alam Qazi suggested to the CHS that if the CHS was serious about jihad, the CHS could consider staying in Florida because the CHS knew that area well, including the “famous places.”

Recordings made during the course of the investigation demonstrate that both Sheheryar Alam Qazi and Raees Alam Qazi enjoyed listening to lectures by Anwar al-Awlaki and that both Sheheryar Alam Qazi and Raees Alam Qazi expressed support for Al Qaeda leader Osama bin Laden. Raees Alam Qazi also professed his support of Jihad and to Al Qaeda specifically to a CHS on a number of occasions. Sheheryar Alam Qazi also professed his support of Jihad and to Al Qaeda specifically on a number of occasions, as well as professing his support for his brother and his brother's "mission." For example, Sheheryar Alam Qazi explained that he was feeding his brother Raees and housing him "for the sake of Allah" and did not want to force him to get a job which might diminish his level of devotion and take him away from the path of Allah.

On November 10, 2012, Raees Alam Qazi conducted online research on key chemicals used in the manufacturing of a weapon of mass destruction, such as ammonium nitrate, potassium chlorate and potassium nitrate. All three chemicals are commonly used as an oxidizer to accelerate the burning of oxygen in a bomb explosion.

On November 23, 2012, Raees Alam Qazi was able to "shake" the surveillance of the agents. He had made arrangements to travel by vehicle to New York City with another individual, and shaved his beard (which he had grown for religious reasons) as part of his attack plans. On November 27, 2012, Raees Alam Qazi called Sheheryar Alam Qazi to notify his brother that he had not been successful in his task and to express concern that he would have to return after having shaved his beard. Sheheryar Alam Qazi reassured his younger brother that he should "not give any importance to people... [while] doing something for the sake of Allah" and encouraged him to return to "practice over here [Florida] then you may return [to New York] you know.... I will give you complete freedom." Agents regained surveillance of Raees Alam Qazi

on November 28, 2012, when he boarded a bus to return to South Florida. Upon his return, both he and Sheheryar Alam Qazi were arrested.

In his post-arrest, post-Miranda statement, Raees Alam Qazi admitted that he travelled to New York to conduct an attack. He also admitted in his statement that he had taken "hints" from an AQAP/Al-Qa'ida online publication entitled *Inspire Magazine*, including building an explosive device using Christmas tree light bulbs. Raees Alam Qazi also conceded that he had used information in *Inspire* to communicate with AQAP/Al-Qa'ida -- including using an encryption program, using internet proxies and connecting to the internet from places other than his house-- and that his communications with Al-Qa'ida dealt with his desires to launch an attack in the United States.

While Sheheryar Alam Qazi did not know all of the details of his brother Raees's attack plans, he was aware that Raees Alam Qazi was planning on using a weapon of mass destruction and agreed to provide him with support, including lodging, food, and a computer to be used to research the internet, so that his brother Raees would be successful in his plans to use a weapon of mass destruction. While Raees Alam Qazi was in New York, Sheheryar Alam Qazi actively misled friends and family members about Raees Alam Qazi's true whereabouts and activities.

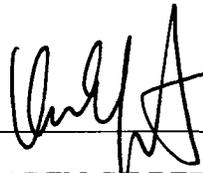
Count 6

The defendants further conspired to commit an offense against the United States, that is, to forcibly assault, resist, oppose, impede, intimidate, and interfere with, and inflict bodily injury upon, Sebastien Barrois and Michael Norwood, officers and employees of the United States Marshals Service, an agency in a branch of the United States Government, while they were engaged in and on account of the performance of their official duties.

The facts in support of this count are as follows:

On or about April 8, 2014, Raees Alam Qazi and Sheheryar Alam Qazi, while being moved within the United States Courthouse complex in Miami, Florida, simultaneously motioned with their heads to cause the Deputy United States Marshals to look at the ceiling; while the Deputy United States Marshals were momentarily distracted, the defendants simultaneously punched them in the face and struggled with them. Raees Alam Qazi and Sheheryar Alam Qazi, while struggling with the Deputy United States Marshals, attempted to use potentially lethal force on them, and while struggling with the Deputy United States Marshals, the defendants simultaneously exclaimed "Allahu Akbar," an Arabic exhortation meaning "God is Great."

Date: 3-11-15



KAREN GILBERT
ASSISTANT UNITED STATES ATTORNEY

Date: 3-11-15



ADAM FELS
ASSISTANT UNITED STATES ATTORNEY

Date: 3/9/15



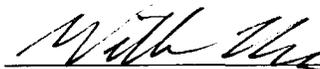
DANIEL ECARIUS, ESQ.
ATTORNEY FOR DEFENDANT RAEES QAZI

Date: 3/9/15



RAEES ALAM QAZI
DEFENDANT

Date: 3/10/15



WILLIAM BARZEE, ESQ.
ATTORNEY FOR DEFENDANT S. QAZI

Date: 3/10/15



SHEHERYAR ALAM QAZI
DEFENDANT