

Memorandum



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| Subject: United States v. Muhammad Oda Dakhalla NDMS Criminal No. 1:15-cr-00098-SA-DAS | Date: March 10, 2016 |
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| To: Honorable Sharion Aycock United States District Judge Northern District of Mississippi Oxford, Mississippi | From: Felicia C. Adams United States Attorney Northern District of Mississippi Ethridge Professional Building 900 Jefferson Avenue Oxford, MS 38655-3608 By: Clay Joyner Assistant United States Attorney |
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FACTUAL BASIS

Were this case to proceed to trial, the government would prove, via expert and lay witness testimony, as well as documentary, electronic and physical evidence, the following:

On October 15, 2004, the United States Secretary of State designated Al-Qa'ida in Iraq ("AQI"), then known as Jam' at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq ("AQI") as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the designation: "the Islamic State

of Iraq and al-Sham,” “the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-’Iraq wa-sh-Sham (“Dawla” or “Dawlah”).” “Daesh,” “Dawla al Islamiya,” and “Al-Furqan Establishment for Media Production.” Although the group has never called itself “Al-Qaeda in Iraq (“AQI”),” this name has frequently been used to describe it during its history. I will use “ISIL” for the sake of simplicity in this factual basis. The government would prove that MUHAMMAD ODA DAKHLALLA conspired with Jaelyn Delshaun Young to join ISIL and provide material support to it in the form of personnel while knowing it was a foreign terrorist organization that had engaged in terrorist acts.

DAKHLALLA, a United States citizen, first met Jaelyn Young in the spring of 2014 in Starkville, MS, where they resided, and began dating her in November of 2014. Young had expressed an interest in converting to Islam before she started dating DAKHLALLA, and she announced in March, 2015 that she had converted to Islam. Soon thereafter, Young explained to DAKHLALLA that she wanted to start covering her face, and by the summer, she began wearing a burkha at times. After her conversion, Young distanced herself from family and friends and felt spending time with non-Muslims would be a bad influence. DAKHLALLA taught Young how to pray and to recite the Quran in Arabic, and Young began watching YouTube videos about Islamic law.

Young began to complain to DAKHLALLA about the treatment of Muslims by the U. S. and Britain. Young continued to watch pro-ISIL videos, including the radical views of Anjem Choudry (and to show these to DAKHLALLA) and seemed to be developing hatred for people she deemed immoral. For instance, she viewed and shared with DAKHLALLA a video of a man accused of being a homosexual being thrown from the roof of a building to his death below by ISIL, which she supported. After watching pro-ISIL videos on a regular basis,

DAKHLALLA and Young felt that the U.S. media was presenting a biased picture and refusing to acknowledge the good they thought that ISIL was doing in some parts of the world. DAKHLALLA and Young were bothered greatly by the coverage of ISIL in Western media, in light of the fact that the couple viewed ISIL as liberators of areas of Syria and Iraq. Beginning in the early summer of 2015, Young continually asked DAKHLALLA when they were going to join ISIL and began to express hatred for the U.S. government and to express support for the imposition of Sharia law in the United States.

In May, 2015, the FBI identified a Twitter profile that appeared to be supportive of ISIL and expressed a desire to travel to ISIL territory. The Twitter user was identified as Young and the FBI engaged in subsequent undercover interactions with Young on internet and social media platforms. During these interactions, Young announced that she was preparing for "hijrah," a reference to journeying to the Islamic State and further stated, "I have hijrah partner and we are planning to leave before August," and that "[W]e just have to be careful because the NSA is launching new investigation programs and I dont want to be trapped here:(." YOUNG then added that her travel partner was a "brother" and that she would have to have "nikkah" (Islamic marriage) with him so that they could travel together without an escort. The partner was eventually discovered to be DAKHLALLA.

In an interaction on June 1, 2015, Young stated, "I need help crossing from Turkey to Syria with my hijrah partner." YOUNG also expressed a readiness to swear allegiance to and join the Islamic State, stating "Alhamdulillah...we know this is the true Khalifa." Young then discussed what skills she and her partner possessed that would be useful, and explained that they were fast learners and offered to provide medical assistance to the wounded. Young also informed the FBI employee that DAKHLALLA would like to help with the media

operation to correct the falsehoods being spread by the Western media, and then he would be a mujahidin.

DAKHLALLA, in contacts with the FBI employee, stated “I am good with computers, education, and media. What could I contribute to Dawlah? In sha Allah.” He went on to explain that he and Young would soon have nikkah (there was a ceremony, but, as DAKHLALLA acknowledges, it is not legally recognized) and exhibited an understanding that he would be taking orders from ISIL when he arrived in their territory. DAKHLALLA and Young maintained contact with who they thought were ISIL recruiters and continued to express concerns about being caught by U.S. or Turkish authorities, and explained the initial plan of travelling first to Greece posing as honeymooners, then going to Turkey and on to Dawlah. DAKHLALLA inquired about training in Sharia law, and said that if their passports did not arrive in time, they would spend Eid with their families, “since it will be our last with them.” DAKHLALLA made a payment for the purpose of expediting his and Young’s passport applications and speeding their trip to join ISIL.

July 12, 2015, DAKHLALLA told the FBI employee, “I wanted to ask about the military experience there. Would I be with people that speak English as well or do they put me with everyone at basic training? I am excited about coming to Dawlah, but I feel I won’t know what all I will be doing.” DAKHLALLA, the next day, informed the FBI employee that he wanted to become a mujahid and learn “what it really means to have that heart in battle.” DAKHLALLA assumed he would go to a military training camp when they arrived in Syria. Later in July, Young posted a message supportive of the attack on U.S. military personnel in Chattanooga, TN, while making complaints about their passports being delayed. DAKHLALLA and Young expressed relief when the passports arrived, and made a plan to

meet their “contact” in Istanbul, Turkey, on or about August 10, 2015, and described the clothes they would be wearing.

The duo bought plane tickets to Istanbul, Turkey, to meet their “contact” and be taken to Syria. They were arrested on August 8, 2015, at the Golden Triangle Airport in Columbus, MS, attempting to board a flight for the first leg of their journey to Turkey. DAKHLALLA was mirandized by FBI Special Agent Steven E. Thomason and confessed the plan to travel to Turkey in order to join ISIL. He and Young also left behind incriminating farewell letters that explained that they would never be back, with Young acknowledging her role as the planner of the expedition and that DAKHLALLA was going as her companion, of his own free will.

The government would ask the Court to take judicial notice that Starkville, Oktibbeha County, Mississippi, and Columbus, Lowndes County, Mississippi, are within the Northern Federal Judicial District of Mississippi.