

1 STEVEN G. KALAR
Federal Public Defender
CANDIS MITCHELL
2 Assistant Federal Public Defender
450 Golden Gate Avenue
3 San Francisco, CA 94102
Telephone: 415.436.7700
Facsimile: 415.436.7706
4 candis_Natsheh@fd.org

Counsel for Defendant Islam Natsheh

6 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
7 SAN FRANCISCO DIVISION

8 **United States of America,**

9 Plaintiff,

10 v.

11 **Islam Natsheh,**

12 Defendant.

Case Number: cr 16-0166 RS

Sentencing Memorandum

Date: December 13, 2016

Time: 2:30 p.m.

13 Islam Natsheh, through undersigned counsel, respectfully offers the following discussion of the
14 statutory sentencing factors with the hope that it will help the Court. Mr. Natsheh’s sentencing guidelines
15 recommend a sentence within the 360-life guideline range. Mr. Natsheh offers the below in support of a
16 recommend a 48-month sentence. For the following reasons, he hopes the Court will conclude the lower
17 sentence is sufficient.

18 **1. Background Information Regarding the Islamic State of Iraq and the Levant (“ISIL”)**

19 For the Court’s background benefit, Mr. Natsheh begins his sentencing memorandum with a
20 review of the history and pervasive nature of the Islamic State of Iraq.

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1.1 Beliefs and Practices of ISIL

The Islamic State of Iraq and the Levant (“ISIL”) is an extremist, fundamentalist group of Sunni Muslims furthering a brutal interpretation of Islam. In June 2014, the group formally shifted from an insurgency—which had seized a large portion of territory in Iraq and Syria—to an organization purporting to be an Islamic “caliphate”— a theocratic pseudo-state ruled by a caliph, someone who claims to be a direct religious successor to the Prophet Mohammed.¹

Though ISIL is a designated foreign terrorist organization, it is distinct from traditional terrorist groups in that it holds territory and has purported to establish a state in that territory. ISIL has a structure of rules based on Sharia law. It also contains a series of organizations that support its state-building efforts, including a basic civil bureaucracy,² Sharia schools (which also function as recruitment centers),³ and “Hisbah”, Islamic morality police who strictly enforce Sharia law. Political and religious dissent in the caliphate are not tolerated.⁴

ISIL’s primary goal is to expand the territory of the caliphate through aggressive jihad—a war against unbelievers. The “Islamic State’s slogan is *baqiya wa tatamaddad* (remaining and expanding).”⁵

¹ Daniel Byman, *Understanding the Islamic State - A Review Essay*, 40 International Security No. 4, pp. 136-37 (Spring 2016), available at http://www.mitpressjournals.org/doi/abs/10.1162/ISEC_r_00235?journalCode=isec#.WEZV32WFDzI (“Byman”).

² See, e.g., Byman p. 152

³ Byman at p. 142

⁴ Tim Arrango, *ISIS Transforming into Functioning State That Uses Terror as Tool*, New York Times, July 21, 2015, available at http://www.nytimes.com/2015/07/22/world/middleeast/isis-transforming-into-functioning-state-that-uses-terror-as-tool.html?_r=0

⁵ Jonathan Spyer, *The Changing ISIS Threat*, Apr. 23, 2016, available at <https://jonathanspyer.com/2016/04/23/the-changing-isis-threat/> (“Spyer”)

1 To achieve this, ISIL is in, and plans to continue to be in, a state of perpetual war.⁶ “[T]hey are deadly
 2 serious regarding the task of their caliphate: war against the non-Islamic world until the latter is defeated
 3 . . . [T]he sense of forward momentum is necessary to keep the foreign volunteers coming and the
 4 monetary contributions flowing.”⁷ And the foreign volunteers have flowed readily—about 30,000 people
 5 had traveled to join ISIL by late 2015.⁸ ISIL has an incredible number of enemies. It most aggressively
 6 opposes not only the United States and other Western nations, but Shiite Muslims⁹ and the Syrian Assad
 7 regime.¹⁰ ISIL targets these and other groups fiercely—including kidnappings for ransom,¹¹ the use of child
 8 soldiers,¹² suicide bombings and other terror attacks on civilians, attacks on the press, individual and mass

10 ⁶ Byman at pp. 136, 153

11 ⁷ Spyer

12 ⁸ The Soufan Group, *Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria*
 and *Iraq*, Dec. 2015, available at [http://soufangroup.com/wp-](http://soufangroup.com/wp-content/uploads/2015/12/TSG_ForeignFightersUpdate3.pdf)
 13 [content/uploads/2015/12/TSG_ForeignFightersUpdate3.pdf](http://soufangroup.com/wp-content/uploads/2015/12/TSG_ForeignFightersUpdate3.pdf) (“The Soufan Group”)

14 ⁹ Sunni and Shia Muslims split 1,400-years ago—“immediately after the Prophet Mohammed’s death in
 632. Mohammed died without appointing a successor, leading to a split in the religion over whether its next leader
 15 should be chosen democratically or whether the Prophet’s blood relatives should reign. The Sunnis believed
 Mohammed’s friend and advisor Abu Bakr was the rightful ‘caliph’ of Muslims, while Shias thought that his
 16 cousin and son-in-law Ali was chosen by Allah to rule. Abu Bakr held the title first until his death, while Ali was
 crowned caliph fourth after two previous rulers were assassinated. But the split became more entrenched between
 17 Sunnis and Shias over who came next. Sunni Muslims argue their interpretation of Islam follows the ways of
 Mohammed (the Sunnah), Shias claim Ali was the rightful first caliph and only his descendants could claim to be
 18 the true leaders of Muslims.” Jake Burman, *What is the Difference Between Sunni and Shia? Ancient Muslim*
Rivalry Explained. Daily Express, Jan. 5, 2016 available at [http://www.express.co.uk/news/world/631524/Sunni-](http://www.express.co.uk/news/world/631524/Sunni-Shia-Muslim-Explained-Islam-Islamic-Caliph-Prophet-Mohammed-Iran-Saudi-Arabia-Cleric)
[Shia-Muslim-Explained-Islam-Islamic-Caliph-Prophet-Mohammed-Iran-Saudi-Arabia-Cleric](http://www.express.co.uk/news/world/631524/Sunni-Shia-Muslim-Explained-Islam-Islamic-Caliph-Prophet-Mohammed-Iran-Saudi-Arabia-Cleric)

19 ¹⁰ See, e.g., Byman at pp. 130, 153

20 ¹¹ Tim Lister, *Is ISIS going broke?*, CNN, June 29, 2016, available at
<http://www.cnn.com/2016/03/04/middleeast/isis-finance-broke-lister/> (“Lister, Tim”)

21 ¹² Erin McLaughlin, *How ISIS recruits children, then kills them*, CNN, Feb. 22, 2016, available at
<http://www.cnn.com/2016/02/19/middleeast/isis-child-soldiers/>

1 executions,¹³ the systematic rapes and forced abortions of Yazidi minorities,¹⁴ and the attempted ethnic
 2 cleansing of groups, including other Muslims and Christians.¹⁵

3 Despite these evils, ISIL is a strategic and clever organization. ISIL's tactics are designed to terrorize
 4 others to engender respect and fear, and, to push westernized Muslims away from society and towards
 5 radicalism.¹⁶ The Western Islamic community has widely, though not unanimously, condemned and
 6 rejected ISIL's siren song.¹⁷

7 1.2 History of ISIL

8 1.2.1 Origins and Al-Qaeda in Iraq

9 Though the group took its present form in June 2014, the group now known as ISIL's roots go back
 10 to an earlier organization, Jama'at al-Tahwide w'al Jihad.¹⁸ In 1999, a Jordanian militant, Abu Masab al-
 11 Zarqawi, was released from prison and became affiliated with Al-Qaeda, then led by Osama bin Laden.¹⁹
 12 After the United States unseated the Taliban, Zarqawi fled to Iran. By 2003, he had resurfaced in Iraq.²⁰

14 ¹³ Byman at p. 143

15 ¹⁴ Byman at p. 141

16 ¹⁵ Amnesty International, *Ethnic Cleansing on a Historic Scale*, 2014, available at
https://www.es.amnesty.org/uploads/media/Iraq_ethnic_cleansing_final_formatted.pdf

17 ¹⁶ Mona Alami, *Is ISIS Decentralizing?*, Atlantic Counsel, Mar. 25, 2016, available at
<http://www.atlanticcouncil.org/blogs/menasource/is-isis-decentralizing> ("Alami").

18 ¹⁷ Emily Feldman, *How Muslim Groups, Scholars Have Been Fighting ISIS*, NBC New York, Dec. 10, 2015,
 available at <http://www.nbcchicago.com/news/national-international/Muslim-Scholars-Groups-Against-ISIS-Speal-Out-361309791.html>

19 ¹⁸ Bobby Ghosh, *ISIS: A Short History*, The Atlantic, Aug. 14, 2014, available at
<http://www.theatlantic.com/international/archive/2014/08/isis-a-short-history/376030/> ("Ghosh")

20 ¹⁹ Byman at p.131; Ghosh

21 ²⁰ *Id.*

1 Zarqawi prepared and organized insurgent networks to fight America, and later, the transitional
2 Iraqi government.²¹ In 2004, Zarqawi pledged loyalty to bin Laden and renamed his group Al-Qaeda in
3 Iraq (AQI).²² After the United States overthrew Saddam Hussein's Baathist regime and installed a
4 democratic government, many formerly empowered Baathist Sunni Muslims were displaced and
5 radicalized.²³ This is especially true for Hussein's former military members.²⁴ Zarqawi himself fostered the
6 chaos early on by bombing the United Nations headquarters in Baghdad, the Jordanian embassy there,
7 and assassinating a leading moderate Shiite cleric.²⁵ Zarqawi's attacks were believed to be strategic and
8 purposeful with the goals of isolating Iraq in the Arab world and encouraging a sectarian war.²⁶

9 Likewise, during this time the organization became more demanding upon other Muslims,
10 requiring other Iraq Sunnis to "submit to [Zarqawi's] harsh interpretation of sharia law [. . .] Those who
11 resisted, even prominent figures in the community, were executed."²⁷ Al-Zarqawi advocated three core,
12 interconnected ideas: "ideology understood through tactics, anti-Shi'aism; and foreign recruitment."²⁸

13
14
15
16 ²¹ *Id.*

17 ²² *Id.* at p. 131-32

18 ²³ *Id.*

19 ²⁴ *Id.* at p.132; Ghosh

20 ²⁵ Byman at p.132

21 ²⁶ Byman at p.132

²⁷ Ghosh

²⁸ Isaac Kfir, *Social Identity Group and Human (In)Security: The case of Islamic State in Iraq and the Levant (ISIS)*, Sept. 8, 2014, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2493209

1.2.2 Islamic State in Iraq

1 **1.2.2 Islamic State in Iraq**
2 Shortly after Zarqawi’s 2006 death, AQI rebranded itself as ISI, Islamic State in Iraq.²⁹ The
3 organization’s fundamentalist ideals and brutal tactics persisted through the rebranding,³⁰ but ISI had a
4 distinct goal - to create a self-governing caliphate.³¹ After its rebranding as ISI, the organization began to
5 hold territory in a more formal sense. At its zenith, its territory held about eight million people—willing
6 and unwilling, in its jurisdiction.³² However, ISI experienced backlash from Sunni militia, local tribes, and
7 the United States military, and lost most of its power base and shrunk. After a period of time it “became
8 irrelevant.”³³

9 This persisted until about 2011 under ISI’s new leader, Abu Bakr Al-Baghdadi.³⁴ “Baghdadi took
10 Zarqawi’s tactics and supercharged them. The Shiites were still his main targets, but now he sent suicide
11 bombers to attack police and military offices, checkpoints, and recruiting stations—civilian targets
12 remained fair game.”³⁵ Al-Baghdadi also exploited unpopular policies of Iraq’s Prime Minister Nouri al-
13 Maliki who put in policies that disfavored Sunni Muslims. Al-Baghdadi and ISI were able to frame al-
14 Maliki’s rule as an existential threat to Sunni Muslims and began consolidating power again.³⁶

15
16 ²⁹ Byman p.132

17 ³⁰ Byman p.131

18 ³¹ Byman p.132

19 ³² David Rose, *How does ISIS fund its reign of terror?*, Newsweek, Nov. 14, 2014, available at
20 <http://www.newsweek.com/2014/11/14/how-does-isis-fund-its-reign-terror-282607.html>

21 ³³ Byman p.132-33

³⁴ Byman p.133

³⁵ Ghosh

³⁶ Byman p.133-34

1.2.3 Interaction with Nusra Front in Syria

1 The next major step forward for ISI was when it became involved in Syria's post-2011 collapse. ISI
2 jumped into the war, initially as a supporter of the Nusra front in Syria, which was fighting against the
3 controversial President Assad.³⁷ In 2013, ISI either "merged with" or "took over" the Nusra front and
4 rebranded itself as either the Islamic State of Iraq and the Levant, ISIL (or the Islamic State of Iraq and
5 Syria, ISIS).³⁸ In doing so, ISI and Al-Qaeda had a falling out, which included attacks on each other.³⁹ In
6 2014, ISIL again attempted to rebrand itself, this time as simply the "Islamic State." ISIL saw itself as a
7 worldwide organization, not one limited to Iraq and Syria.⁴⁰ Around this time, ISIL increased its foreign
8 recruitment efforts—particularly from other areas of the Middle East.⁴¹ In total, by the end of 2015,
9 roughly 30,000 people were estimated to have traveled from a foreign country to join ISIL.⁴²
10

1.2.4 Recent Decline

11 The international community, including the United States, has strongly opposed ISIL. As the
12 United States Defense Secretary Ash Carter noted, "[a]t every step in the campaign, we have generated
13 and seized additional opportunities to hasten ISIL's lasting defeat."⁴³ ISIL has recently been struggling,
14 both militarily and in its financial and recruitment capacities.
15

16 ³⁷ Byman p.135; Ghosh

17 ³⁸ Byman p.135

18 ³⁹ *Id.*

19 ⁴⁰ *Id.* at p.136.

20 ⁴¹ *See* The Soufan Group at p.6; Byman 146-47

21 ⁴² The Soufan Group

⁴³ Rebecca Kheel, *Analysis: ISIS loses another 12 percent of territory*, July 11, 2016, available at
<http://thehill.com/policy/defense/287205-report-isis-losses-another-12-percent-of-territory>

1 Militarily, ISIL has been struggling to fight against the numerous groups supporting the Baathist
2 Syrian president, Bashar al-Assad, while simultaneously being devastated by air strikes from both a U.S.-
3 led coalition and from Russia.⁴⁴ The coalition—which includes the United States, Australia, Belgium,
4 Canada, Denmark, France, Jordan, and the Netherlands—launched nearly 13,000 air strikes against the
5 Islamic State across both Iraq and Syria from August 2014 to June 2016.⁴⁵ In June 22, 2016, the United
6 States publicly estimated that its air strikes killed a total of 25,000 ISIL fighters.⁴⁶ Russia’s airstrikes have
7 likewise been frequent and devastating.⁴⁷

8 This coordinated effort, along with domestic problems for ISIL, has caused a substantial decline in
9 its territory and has caused economic hardship for ISIL. The organization Information Handling Services
10 (“IHS”) reported ISIL “consistently lost territory month-on-month throughout 2015”—and, over the
11 calendar year, lost roughly 14% of its geographical territory.⁴⁸ The same organization later reported that
12 ISIL territory shrunk a further 12% during the first half of 2016.⁴⁹ Critically, to exist in its current form,

14 ⁴⁴ BBC, 22 June 2016, *Islamic State and the crisis in Iraq and Syria in maps*, available at
15 <http://www.bbc.com/world-middle-east-27838034>

16 ⁴⁵ *Id.*

17 ⁴⁶ *Id.*

18 ⁴⁷ Emma Graham-Harrison *Russian airstrikes in Syria killed 2,000 civilians in six months*. The Guardian,
19 Mar. 15, 2016, available at <https://www.theguardian.com/world/2016/mar/15/russian-airstrikes-in-syria-killed-2000-civilians-in-six-months>

20 ⁴⁸ *Islamic State’s Caliphate Shrinks by 14 Percent in 2015*, IHS MARKIT, Dec. 21, 2015, available at
21 <http://news.ihsmarket.com/press-release/aerospace-defense-security/islamic-states-caliphate-shrinks-14-percent-2015>

⁴⁹ *Islamic State Caliphate Shrinks a Further 12 Percent in 2016, IHS Says*, IHS MARKIT, July 10, 2016,
available at <http://news.ihsmarket.com/press-release/aerospace-defense-security/islamic-state-caliphate-shrinks-further-12-percent-2016-ihs>

1 ISIL has had to raise money from a variety of sources. These include lootings, seizures, traditional taxes,
2 special taxes on certain groups of non-believers, oil sales, and kidnappings and ransoms.⁵⁰ ISIL's ability to
3 raise money has been recently hamstrung for a variety of reasons, including (1) the organization has not
4 been able to maintain its rate of seizing others' assets; (2) the organization's ability to extract oil and sell it
5 has been marginalized; (3) the organization is not politically conducive to functioning modern businesses;
6 and, (4) the war has taken a toll on ISIL's capabilities—particularly the U.S.-led coalition's targeted
7 bombings, nicknamed "Tidal Wave II"—which have attacked both ISIL's funding sources and
8 manpower.⁵¹ These factors have led to low morale amongst ISIL's soldiers. In January 2016, it was widely
9 reported that ISIL slashed the salaries of its fighters by half.⁵² In July 2016, ISIL executed 35 of its fighters
10 who refused to be redeployed.⁵³ The organization killed another 21 who were fleeing from ongoing
11 battles.⁵⁴ A number of other fighters—at least 40—defected from ISIL near Aleppo.⁵⁵

12 Earlier this year, it appeared that a ceasefire in Syria might have slowed some of the turmoil
13 surrounding ISIL. But that ceasefire quickly unraveled.⁵⁶ ISIL recently lost control of Dabiq - a city with
14
15

16 ⁵⁰ Lister, Tim; Mona Alami, *Is ISIS Decentralizing?*, Atlantic Council, Mar. 25, 2016, available at
17 <http://www.atlanticcouncil.org/blogs/menasource/is-isis-decentralizing> ("Alami")

18 ⁵¹ Lister, Tim; Alami

19 ⁵² Alami

20 ⁵³ *Id.*

21 ⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ See, e.g., Associated Press, *As cease-fire ends, ISIS advances on Palmyra in Syria*, CBS News, May 11,
2016, available at <http://www.cbsnews.com/news/as-cease-fire-ends-isis-advances-palmyra-syria/>

1 substantial religious and strategic significance to the organization.⁵⁷ The combat and unrest continues,
2 with ISIL weakening, but with no end immediately apparent to the organization or its terror campaign.

3 **1.3 ISIL's Use of Sophisticated Propaganda**

4 One of the most remarkable and unprecedented features of ISIL's strategic operations is its
5 intensive and sophisticated use of social media to recruit new members and supporters. On a variety of
6 social media platforms, ISIL has engaged in an international propaganda campaign, featuring glossy online
7 magazines, videos with high production values, drone images, and multi-lingual, easily-relayed
8 messages—propaganda efforts President Obama has acknowledged are “designed to target today's young,”
9 especially “those who may be disillusioned or wrestling with their identity.”⁵⁸

10 At its heart, this propaganda markets a seductive ideology of statehood and citizenship. Writing in
11 the Boston Globe in June 2014, Thanassis Cambanis explains that despite its “repugnant” tactics, ISIL “has
12 gotten one important thing right: It has created a clear - and to some, compelling - idea of citizenship and
13 state-building in a region almost completely bereft of either.”⁵⁹ This message is coupled with a sense of
14 urgency. As psychologist John G. Horgan adds, ISIL is saying to its young audience, “[b]e part of
15 something that's bigger than yourself and be part of it *now*.”⁶⁰

16 ⁵⁷ Anne Barnard, *After Losses in Syria and Iraq, ISIS moves the goal posts*, New York Times, Oct. 18, 2016,
17 available at <http://www.nytimes.com/2016/10/19/world/middleeast/islamic-state-syria-iraq.html>

18 ⁵⁸ See Remarks by the President at the Summit on Countering Violent Extremism, Feb. 19, 2015
19 (“President Obama CVE Remarks”), available at <https://www.whitehouse.gov/the-press-office/2015/02/19/remarks-president-summit-countering-violent-extremism-february-19-2015>

20 ⁵⁹ See Thanassis Cambanis, *The Surprising Appeal of ISIS*, Boston Globe, June 29, 2014, available at
<https://www.bostonglobe.com/ideas/2014/06/28/the-surprising-appeal-isis/l9YwC0GVPOQ3i4eBXt1o0hI/story.html>

21 ⁶⁰ See Scott Shane and Ben Hubbard, *ISIS Displaying A Deft Command of Varied Media*, New York Times,
Aug. 31, 2014, available at <http://www.nytimes.com/2014/08/31/world/middleeast/isis-displaying-a-deft->

1 The impact of ISIL's propaganda can be measured in the huge numbers of foreign fighters that
 2 have flocked to join insurgent groups in Syria - an estimated 20,000 fighters by early 2015, the
 3 overwhelming majority to join ISIL.⁶¹ As an extensive study by Alberto M. Fernandez (former U.S.
 4 Ambassador to Equatorial Guinea) for the Brookings Institution published in October 2015 concludes,
 5 "[e]fforts to blunt ISI[L] propaganda have been tentative and ineffective . . . dwarfed by the sheer size of
 6 the ISI[L] footprint. No effort to date has matched the tailored nature, the scope, nor the electrifying
 7 content of the Islamic State's material."⁶²

8 1.3.1 Sophistication, Diversity, Reach

9 ISIL's propaganda strategy is not unique to ISIL, its forebear Al-Qaida, or terrorist groups in
 10 general. In fact, Al-Qaida leader Ayman Al-Zawahiri claimed half of his organization's battle was "taking
 11 place in the battlefield of the media."⁶³ But, as experts acknowledge, the quality, quantity and reach of
 12 ISIL's media warfare is extraordinary. As the Syrian war escalated and Islamic State became ISIL, its brand
 13 of propaganda emerged: "a focus on Syria, high quality production values, an emphasis on social media
 14 networks and an appeal to a wider, pan-Islamic and non-Arabic speaking audience."⁶⁴ Harnessing the

15 command-of-varied-media.html ("*ISIS Displaying A Deft Command*") (emphasis added).

16 ⁶¹ Peter Neumann, "*Foreign Fighter Total in Syria/Iraq Now Exceeds 20,000; Surpasses Afghanistan Conflict*
 17 *in the 1980s*," The International Centre for the Study of Radicalisation and Political Violence, Jan. 26, 2015,
<http://icsr.info/2015/01/foreign-fighter-total-syriairaq-now-exceeds-20000-surpasses-afghanistan-conflict-1980s/>

18 ⁶² Alberto M. Fernandez, *Here to Stay and Growing: Combating ISIS propaganda Networks*, The Brookings
 Project on U.S. Relations with the Islamic World U.S.-Islamic World Forum Papers 2015, Oct. 2015, at 1, available
 19 at https://www.brookings.edu/wp-content/uploads/2016/06/IS-Propaganda_Web_English.pdf ("Brookings
 Report").

20 ⁶³ Ayman Al-Zawahiri, *Letter from Al-Zawahiri to Al-Zarqawi*, Global Security, Oct. 11, 2005, available at
http://www.globalsecurity.org/security/library/report/2005/zawahiri-zarqawi_letter_9jul2005.htm

21 ⁶⁴ Brookings Report at 6.

1 “free-wheeling, decentralized nature”⁶⁵ of YouTube, Twitter, Instagram, Facebook, among other social
2 media platforms, one writer has termed ISIL’s “war of ideas”⁶⁶ as “high-tech media jihad.”⁶⁷ As
3 Ambassador Fernandez puts it, “[j]ust as ISIS took advantage of ungoverned space in war-torn parts of
4 Iraq and Syria, it also took advantage of ‘ungoverned’ virtual space.”⁶⁸

5 Along with its flagship online magazine, “Dabiq,” ISIL produces and disseminates powerful and
6 emotional videos and images. They depict its members as dedicated and fearsome warriors;⁶⁹ they
7 highlight the ravages of the Syrian war, particularly on children;⁷⁰ and they illustrate ISIL’s role not just as
8 combatant, but also as nation-builder.⁷¹ ISIL’s prodigious media output juxtaposes images of battle, gore,
9 and executions with warmer images of “foot soldiers eating Snicker’s bars and nurturing kittens,” aimed
10 to “communicate the message that, while strictly Islamic, ISI[L] stands for promoting the welfare of
11
12

13 ⁶⁵ Brookings Report at 12.

14 ⁶⁶ James P. Farwell, *Jihadi Video in the “War of Ideas,”* *Survival*, Vol. 52. No. 6, December 2010-January
2011, pp. 127-150.

15 ⁶⁷ Alex Marshall, *How Isis Got its Anthem*, *The Guardian* (US edition), Nov. 9, 2014, available at
<https://www.theguardian.com/music/2014/nov/09/nasheed-how-isis-got-its-anthem>

16 ⁶⁸ Brookings Report at 12.

17 ⁶⁹ James P. Farwell, *The Media Strategy of ISIS*, *Survival*, Vol. 56, No. 6, Dec. 2014, 2015, p. 50 (December
2014-January 2015) (“*The Media Strategy of Isis*”).

18 ⁷⁰ See, e.g., Katrin Bennhold, *Jihad and Girl Power: How ISIS Lured 3 London Girls*, *New York Times*, Aug.
17, 2015, available at <http://www.nytimes.com/2015/08/18/world/europe/jihad-and-girl-power-how-isis-lured-3-london-teenagers.html>

19 ⁷¹ See Dominic Casciani, *IS Propaganda Pushes State-Building, Quilliam Study Finds*, *BBC*, Oct. 6, 2015,
available at <http://www.bbc.com/news/world-34448557>; Charlie Winter, *Fishing and Ultraviolence: So-Called
20 Islamic State Is Known for its Brutality, But It’s Also Hooking People in Far Subtler Ways*, *BBC*, Oct. 6, 2015,
available at <http://www.bbc.co.uk/news/resources/idt-88492697-b674-4c69-8426-3edd17b7daed> (“Fishing and
21 Ultraviolence”).

1 people, not murdering them.”⁷² With meticulous execution, it exploits the “echo chambers” of social
2 media, in which users end up self-selecting their own nuanced virtual existence.⁷³

3 The group’s use of Twitter—with its advantages of speed, volume and the ability to tailor a message
4 to a specific audience through hashtags—has been particularly effective. ISIL has an Arabic-language
5 Twitter application called “The Dawn of Glad Tidings,” which facilitates retweeting of ISIL-generated
6 hashtags through thousands of activists, while simultaneously avoiding triggering Twitter’s spam-
7 detective algorithms.⁷⁴ When ISIL marched on Mosul, its members produced up to 44,000 tweets a day.⁷⁵
8 Using searchable Twitter hashtags like #BaghdadIsLiberated and #IraqIsLiberated and professional, multi-
9 lingual or subtitled promotional videos, ISIL urged support for its “one billion campaign,” which called
10 on Muslims to post messages, photos and videos on Twitter, Instagram and YouTube in support of ISIS.⁷⁶
11 During the World Cup, ISIL’s media operation creatively used hashtags such as #Brazil2014, #ENG,
12 #France and #WC2014 to gain access to millions of Twitter users who were World Cup fans, in the hope
13 that they would follow links to the group’s propaganda videos.⁷⁷

15 ⁷² *The Media Strategy of ISIS* at 50.

16 ⁷³ *Fishing and Ultraviolence*.

17 ⁷⁴ J.M. Berger, *How ISIS Games Twitter*, Atlantic, June 16, 2014, available at
<http://www.theatlantic.com/international/archive/2014/06/isis-iraq-twitter-social-media-strategy/372856/>

18 ⁷⁵ *Id.*

19 ⁷⁶ Faisal Irshaid, *How ISIS is Spreading its Message Online*, BBC News, June 19, 2014, available at
<http://www.bbc.com/news/world-middle-east-27912569>

20 ⁷⁷ Cahal Milmo, *ISIS Jihadists Using World Cup and Premier League Hashtags to Promote Extremist*
Propaganda on Twitter, Independent, June 23, 2014, available at
<http://www.independent.co.uk/news/world/middle-east/iraq-crisis-exclusive-isis-jihadists-using-world-cup-and-premier-league-hashtags-to-promote-9555167.html>

1 Charlie Winter, a researcher with the Quilliam Foundation, analyzed ISIL’s propaganda output for
2 one month in mid-2015. What he found was startling even to seasoned observers of ISIL’s media usage:
3 In just 30 days, ISIL’s official propagandists created and disseminated 1,146 separate units of propaganda
4 in six languages—892 units when grouping the different language versions. They included photo essays,
5 videos, audio statements, radio bulletins, text round-ups, magazines, posters, pamphlets, and theological
6 treatises, all “uniformly presented and incredibly well-executed, down to the finest details.”⁷⁸ Along with
7 the usual depictions of “civilian life, military pursuits, victimization, ultra-violence, instances of mercy and
8 hints at the camaraderie IS[IL]’s foreign fighters enjoy,” these postings stressed the idea of utopia—“social
9 justice, economy, religious ‘purity’ and the constant expansion of the caliphate.”⁷⁹ The content was
10 “voluminous” and “truly relentless,” causing Winter to conclude that “the secret of the IS[IL] media
11 strategy” was to “produce, produce, produce . . . overaw[ing] and overwhelm[ing] their adversaries while
12 at the same time luring the curious and vulnerable.”⁸⁰ Civilian life was juxtaposed with military-themed
13 output on a 2:1 ratio: “Photo essays depicting melon agriculture, handicrafts and industry, wildlife,
14 cigarette confiscations, and street cleaning were disseminated on an almost like-for-like basis alongside
15 sets of images showing balaclava-wearing IS[IL] fighters firing mortars into the distance, defiling large
16 piles of dead ‘enemies’ and gloating over booty.”⁸¹ Amid this constant juxtaposition of civilian and military
17

18 ⁷⁸ See *Fishing and Ultraviolence*, *supra*; see also Charlie Winter, *Documenting the Virtual Caliphate*,
19 Quilliam 2015, available at [https://www.quilliamfoundation.org/wp/wp-content/uploads/2015/10/FINAL-](https://www.quilliamfoundation.org/wp/wp-content/uploads/2015/10/FINAL-documenting-the-virtual-caliphate.pdf)
[documenting-the-virtual-caliphate.pdf](https://www.quilliamfoundation.org/wp/wp-content/uploads/2015/10/FINAL-documenting-the-virtual-caliphate.pdf)

20 ⁷⁹ *Fishing and Ultraviolence*, *supra*.

21 ⁸⁰ *Id.*

⁸¹ *Id.*

1 life, the propagandists continuously played upon the victimhood narrative, “routinely parad[ing] dead or
2 maimed children, women and old people before cameras as they sought to maximize the political value of
3 the collateral damage caused by enemy air strikes.”⁸² These images were “used to both legitimize the
4 existence of IS[IL]’s self-proclaimed caliphate and justify the innumerable crimes of its active members.”⁸³

5 Describing ISIL’s caliphate brand as “comprehensive,” with “something for everyone,” Winter
6 observes that the footage he analyzed in mid-2015 diverged from similar footage in 2014: “in stark contrast
7 to the norms that I had noted over the course of the inaugural year of the IS[IL] ‘caliphate’ –very little time
8 was devoted to conveying the ideas of mercy and belonging, both of which had once been a mainstay of
9 IS[IL]’s public diplomacy.”⁸⁴ Mr. Natsheh stated he first became interested in traveling to Syria in 2014 via
10 postings on Instagram. PSR ¶ 11. Thus, the ISIL propaganda being disseminated to Mr. Natsheh in this
11 case, who had cemented his ISIL ambitions before mid-2015, was the content that emphasized mercy,
12 belonging, and camaraderie.

13 1.3.2 The Seductive Power of ISIL’s Message

14 At the core of ISIL’s successful propaganda efforts is a powerful message to pan-Muslim and pan-
15 Arabic youth across the world: ISIL embodies not only the one true vision of Muslim identity—it has the
16 capacity to enshrine it in a sustainable concept of Islamic nationhood. Layered onto this message is one of
17 urgency and obligation. ISIL exhorts all Muslims that battling to restore a caliphate is a religious and an
18 immediate duty. This battle is framed in apocalyptic terms, focused on the boundaries drawn in the Middle

19 ⁸² *Id.*

20 ⁸³ *Id.*

21 ⁸⁴ *ISIS Displaying A Deft Command, supra.*

1 East by Western powers after World War I—partitions that ISIL argues were “a divide-and-conquer
2 strategy intended to prevent Muslims from unifying ‘under one imam carrying the banner of truth.’”⁸⁵
3 Through its capture of territory, its military might, and the lucrative spoils of war, ISIL claims its ability
4 to right these historical grievances, “creating a unified Muslim state that will subsume existing nations.”⁸⁶
5 ISIL’s narrative emphasizes ISIL’s historical justification, military advances, governmental consolidation,
6 and march to inevitable victory.⁸⁷

7 As ISIL puts it in an early article in *Dabiq* in 2014: Raise your head high, for today - by Allah’s
8 grace - you have a state and Khilafah, which will return your dignity, might, rights, and leadership. It is a
9 state where the Arab and non-Arab, the white man and black man, the easterner and westerner are all
10 brothers.⁸⁸

11 In his extensive analysis of ISIL propaganda for the Brookings Institution, Ambassador Fernandez
12 identifies several key themes in ISIL’s media output, echoed in the work of other experts:

- 13 • **Urgency.** This is “one of the few words” that sums up hundreds of hours of ISIS
14 propaganda footage. Sunni Muslims are being slaughtered now, primarily by Shiites, and
15 Syria’s children are being killed by apostates. The call echoes the long-standing grievances
16 perpetrated against “true” Muslims by ousted enemies.⁸⁹

17 ⁸⁵ *ISIS Displaying A Deft Command, supra.*

18 ⁸⁶ *Id.*

19 ⁸⁷ *Id.*

20 ⁸⁸ Haroro J. Ingram, *An Analysis of Islamic State’s Dabiq Magazine*, Australian Journal of Political Science,
21 Mar. 2016, at 13, available at
<http://www.tandfonline.com/doi/abs/10.1080/10361146.2016.1174188?tokenDomain=eprints&tokenAccess=VP5uA5z66kfQHmkETR4v&forwardService=showFullText&doi=10.1080%2F10361146.2016.1174188&doi=10.1080%2F10361146.2016.1174188&journalCode=cajp20>

⁸⁹ Brookings Report at 11.

- 1 • **Agency.** ISIL exhorts the Muslim viewer to do something now to save the Muslims, “it is
2 up to you,” a call that is akin to a “religious duty.” Citing Thomas Hegghammer, the
3 Brookings Report notes “a growing number of micro-level studies of jihadi recruitment
4 downplays the role of doctrine and emphasizes proximate incentives involving emotions:
5 the pleasure of agency, the thrill of adventurism, the joy of camaraderie, and the sense of
6 living an ‘authentic Islamic life.’”⁹⁰ The Muslim individual “is called to ask himself if he is
7 one of the ‘suitable bricks’ for the ‘blessed structure’ which is the Islamic State.”⁹¹
- 8 • **Authenticity.** An individual finds his authenticity in joining ISIL – fulfillment being his
9 “in the authenticity of the organization he is joining,” the extremity and harshness of which
10 “is actually further proof of its sincerity.”⁹² Fernandez goes on to note in the Brookings
11 Report that political critics “often falsely assume that the extreme violence of ISIL is
12 nihilistic, but in fact, it has a very clear stated purpose, which is to bring about something
13 longed for and not seen for many years”—the Islamic State.⁹³
- 14 • **Victory.** ISIL is marching towards victory. It is “here to stay and growing,” expressed both
15 in footage of actual military victories (Fallujah, Mosul, or Sinjar,), but also in “other
16 displays of power and impunity,” including public beheadings, the destruction of idols, and
17 “the display of state-like qualities such as currency and passports.”⁹⁴

18 It is this focus on the universal ideal of belonging and statehood that is at the heart of ISIL’s
19 appeal—particularly, as President Obama has noted, to disaffected and alienated Muslim youth across the
20 world. In his remarks at White House Summit on Countering Violent Extremism on February 19, 2015,
21 the President noted:

22 ⁹⁰ 88 *Id. citing* Thomas Hegghammer, *Seven Assumptions Shaken by the Arab Spring*, Project on Middle
23 East Political Science, Feb. 3, 2014, available at [http://pomeps.org/2014/02/03/jihadism-seven-assumptions-
24 shaken-by-the-arab-spring/](http://pomeps.org/2014/02/03/jihadism-seven-assumptions-shaken-by-the-arab-spring/)

25 ⁹¹ *Id.*

26 ⁹² *Id.*

27 ⁹³ *Id.* at 11-12.

28 ⁹⁴ *Id.* at 12.

1 [W]e must address the grievances that terrorists exploit, including
2 economic grievances. As I said yesterday, poverty alone does not cause a
3 person to become a terrorist, any more than poverty alone causes someone
4 to become a criminal . . .

5 But when people—especially young people—feel entirely trapped in
6 impoverished communities, where there is no order and no path for
7 advancement, where there are no educational opportunities, where there are
8 no ways to support families, and no escape from injustice and the
9 humiliations of corruption—that feeds instability and disorder, and makes
10 those communities ripe for extremist recruitment. And we have seen that
11 across the Middle East and we’ve seen it across North Africa. So if we’re
12 serious about countering violent extremism, we have to get serious about
13 confronting these economic grievances.⁹⁵

14 To young impressionable minds experiencing alienation from the dominant culture around them,
15 ISIL’s message—albeit accompanied by tactics that are disturbing to many other offers—an opportunity
16 of identity. As Peter Neumann, Director of the International Centre for the Study of Radicalization
17 (“ICSR”) in London, argues: “if you are a Brit or a French guy who has no family connection to Syria,
18 you’re not wanting to fight for the Syrian people. . . . The reason you’re going there is because you see Syria
19 as essentially the cent[er] of gravity or the potential birthplace for that Islamic state that you’re hoping to
20 create.”⁹⁶ Notably, in an extensive review of ISIL’s propaganda, the New York Times concluded in August
21 2014, that it contained “strikingly few calls for attacks on the west.”⁹⁷ Rather, nearly all of ISIL’s varied
output “promotes its paramount goal: to secure and expand the Islamic State.”⁹⁸

18 ⁹⁵ See President Obama CVE Remarks.

19 ⁹⁶ See Agence France-Presse, *ISIL chief poised to become world’s most influential militant?*, The National,
20 Jun. 5, 2014, available at <http://www.thenational.ae/world/middle-east/isil-chief-poised-to-become-worlds-most-influential-militant>

21 ⁹⁷ See *ISIS Displaying A Deft Command*, *supra*.

⁹⁸ *Id.*

1.3.3 Failure of Counter-Messaging

Experts are in agreement that efforts to counter ISIL messaging, at least up to the end of 2015, were ineffective. It was not just that these efforts were no match for the sheer volume of ISIL propaganda, they did not convey a coherent and compelling enough counter-narrative.⁹⁹ Ambassador Fernandez, a former head of the U.S. government’s counter-messaging headquarters, the Center for Strategic Counterterrorism Communications (“CSCC”), acknowledged that the counter-messaging efforts of Arab regimes, western European governments, and the United States “have all seemingly failed to substantively blunt ISIS’s efforts to recruit over social media.”¹⁰⁰ In fact, early this year, in the face of “faltering efforts to combat the online propaganda of the Islamic State and other terrorist groups,” the United States revamped CSCC, with one U.S. official noting “[w]e’re not the most effective messenger for the message we want to get out.”¹⁰¹

1.3.4 Impact of Propaganda Campaign

ISIL’s propaganda campaign has proved to be remarkably successful, causing thousands of young foreigners to flock to its borders—“the largest mobilization of foreign fighters in Muslim majority countries since 1945.”¹⁰² The United States estimated in that between 20,000 and 30,000 foreign fighters

⁹⁹ See generally, Charles Winter and Jordan Bach-Lombardo, *Why ISIS Propaganda Works And Why Stopping It Requires that Governments Get Out of the Way*, *The Atlantic Monthly*, Feb. 13, 2016, available at <http://www.theatlantic.com/international/archive/2016/02/isis-propaganda-war/462702/>

¹⁰⁰ Brookings Report at 16.

¹⁰¹ Greg Miller and Karen De Young, *Obama Administration Plans Shake-up in Propaganda War Against ISIS*, *Washington Post*, Jan. 8, 2016, available at https://www.washingtonpost.com/world/national-security/obama-administration-plans-shake-up-in-propaganda-war-against-the-islamic-state/2016/01/08/d482255c-b585-11e5-a842-0feb51d1d124_story.html?utm_term=.1a9d01ab0532

¹⁰² Peter Neumann, *Foreign Fighter Total in Syria/Iraq Now Exceeds 20,000; Surpasses Afghanistan Conflict in the 1980s*, *ICSR*, Jan. 26, 2015, available at <http://icsr.info/2015/01/foreign-fighter-total-syriairaq-now-exceeds->

1 have travelled to Syria and Iraq between 2011 and 2014.¹⁰³ In May 2015, a senior state department official
 2 estimated that the group had attracted more than 22,000 foreign recruits from more than 100 countries.¹⁰⁴
 3 A number of these—exact statistics are unavailable—have traveled from the United States.¹⁰⁵

4 The International Centre for the Study of Radicalization and Political Violence (“ICSR”) estimated
 5 in 2015 that more than 25% have returned.¹⁰⁶ Analyses of the perspectives of returned ISIL recruits are still
 6 under way, but the studies that do exist indicate a profound level of disillusionment. A report by the ICSR
 7 interviewed 58 returnees willing to describe their experiences. The New York Times summarized their
 8 testimony as follows:

9 [S]ome of the defectors said they disapproved of the Islamic State’s
 10 hostility to other Sunni rebel groups that opposed President Bashar al-
 11 Assad in Syria, and its indiscriminate killings of civilians and hostages.
 12 Others grew weary of what they saw as favoritism and mistreatment by
 commanders, or were disappointed that the life of a militant was far less
 exciting, or lucrative, than they had imagined. Two left after they found
 out that they had been selected as suicide bombers.¹⁰⁷

13 Peter Neumann, director of the ICSR, explained more of this phenomenon in collecting stories of
 14 defectors.

15 [20000-surpasses-afghanistan-conflict-1980s/](#)

16 ¹⁰³ See United Nations Meetings Coverage and Press Releases, *Action Against Threat of Foreign Terrorist*
 17 *Fighters Must Be Ramped Up, Security Council Urges in High-Level Meeting*, May 29, 2015, available at
<http://www.un.org/press/en/2015/sc11912.doc.htm>.

18 ¹⁰⁴ See State Department *Background Briefing on Iraq*, May 20, 2015, available at
<http://www.state.gov/r/pa/prs/ps/2015/05/242665.htm>

19 ¹⁰⁵ See Anna Altman, *How Many Foreign Fighters Have Joined ISIS?*, New York Times, Sept. 16, 2014,
 available at http://op-talk.blogs.nytimes.com/2014/09/16/how-many-foreign-fighters-have-joined-isis/?_r=0

20 ¹⁰⁶ Kimiko De Freytas-Tamura, *ISIS Defectors Reveal Disillusionment*, New York Times, Sept. 20, 2015,
 available at <http://www.nytimes.com/2015/09/21/world/europe/isis-defectors-reveal-disillusionment.html>

21 ¹⁰⁷ *Id.*

1 The defectors' very existence shatters the image of unity and
2 determination that IS[IL] seeks to convey. Their narratives highlight the
3 group's contradictions and hypocrisies. Their example encourages
4 members to leave the group. And their experience and credibility can help
5 deter others from joining. . . . Our recommendations are for governments
6 and activists to recognize the value and credibility of defector narratives;
7 provide defectors with opportunities to speak out; assist them in
8 resettlement and ensure their safety; and remove legal disincentives that
9 prevent them from going public.¹⁰⁸

10 Not every defector is a saint, and not all of them are ready or willing to stand in the public spotlight. But
11 their voices are strong and clear: "The Islamic State is not protecting Muslims. It is killing them." They
12 need to be heard.¹⁰⁹ And it should have been heard by Mr. Natsheh. Had it, he may have never made plans
13 to travel to Syria and offer himself to ISIL.

14 2. Section 3553(a) Analysis

15 2.1 The Nature and Circumstances of the Offense

16 Mr. Natsheh was charged with and has plead guilty to a violation of 18 U.S.C. § 2339B, attempting
17 to provide material support or resources to a designated foreign terrorist organizations. In this instance,
18 the resource attempted to be provided was himself.

19 On December 28, 2015, Mr. Natsheh was detained after he attempted to board a flight from San
20 Francisco to Amsterdam, Netherlands, with travel onwards to Istanbul, Turkey. PSR ¶ 9. Federal Bureau
21 of Investigation ("FBI") agents were there to meet Mr. Natsheh at the airport after he had passed through

22 ¹⁰⁸ Peter R. Neuman, The International Centre for the Study of Radicalization and Political Violence, *Victims, Perpetrators, Assets: The Narratives of Islamic State Defectors*, 2015, available at <http://icsr.info/wp-content/uploads/2015/09/ICSR-Report-Victims-Perpetrators-Assets-The-Narratives-of-Islamic-State-Defectors.pdf>

¹⁰⁹ Peter R. Neuman. *Defectors: ISIS is killing Muslims, not protecting them*. CNN. Sept. 22, 2015, available at <http://www.cnn.com/2015/09/21/opinions/isis-defectors-neumann-amanpour/>

1 airport security and had scanned his boarding pass at the KLM airlines flight gate. *Id.* The FBI agents
2 approached Mr. Natsheh and prevented him from boarding the flight. *Id.*

3 The FBI agents requested to speak with Mr. Natsheh and he acquiesced. Mr. Natsheh initially
4 stated that he was traveling to Istanbul to visit cousins who were studying there. PSR ¶ 9. He provided
5 information about his cousins and his anticipated travel plans. *Id.* The FBI, had information to the
6 contrary provided by the Spanish Guardia Civil from a Spanish national who had converted to Islam and
7 later became radicalized. PSR ¶ 8. She was intending to travel to Turkey months prior and had been
8 communicating with Mr. Natsheh in the United States. *Id.*

9 Confronting Mr. Natsheh with this information, Mr. Natsheh admitted that his intended
10 destination was Syria via Istanbul. PSR ¶ 9. Mr. Natsheh informed that FBI agents that he intended to
11 travel to Adana, Turkey and then attempt to enter Syria. PSR ¶ 10. Mr. Natsheh informed the FBI agents
12 that he purchased a plane ticket to Istanbul for himself and a minor co-traveler who he had been
13 communicating with who also intended to travel to Syria but lacked the ability to purchase a ticket. PSR ¶
14 10. Ultimately, the minor decided not to travel to Istanbul and informed Mr. Natsheh prior to his trip.
15 PSR ¶ 10. Mr. Natsheh made no effort to recruit, entice, or induce the minor to travel to Syria with him.
16 PSR ¶ 11. Mr. Natsheh informed the minor that he should not attempt to commit any terrorist actions
17 within the United States. *Id.*

18 After permitting the FBI agents to search his phone, Mr. Natsheh provided the agents with a
19 written statement summarizing his intentions. The statement read:
20
21

1 I, Islam Natsheh . . . attended the SFO Airport on December 28th to fly out
2 to Istanbul, Turkey with [the minor co-traveler]. I intended to fly to
3 [T]urkey to find myself a way to get into Syria. I intended to fight with ISIS
4 against Bashar al-Assad with the mindset that I was going to help free
5 oppression. Recent events and constantly seeing Syrians dying from barrel
6 bombs motivated me to make my decisions. **I did not have no intentions
7 to attack the U.S. from within or out.** I was solely dedicated to helping
8 the people of Syria. I do not pose a threat to the National Security of the
9 United States. But the group I intended to join is known for making
10 threats against America. PSR ¶ 10. (emphasis added).

11 Mr. Natsheh stated he first became interested in traveling to Syria in 2014 via postings on
12 Instagram. PSR ¶ 11. He explained that he received instructions on how he should travel to Syria via other
13 individuals on the internet. *Id.* He then met a woman from Spain via Instagram, and they began
14 corresponding in regard to migrating to ISIL. *Id.*

15 Mr. Natsheh was arrested without incident at his family home the next day. PSR ¶ 11. No weapons
16 were found in Mr. Natsheh's home, nor was that any indication that he had received weapons training in
17 advance of his travel. *Id.*

18 Immediately prior to his arrest, Mr. Natsheh informed his cousin of his detention by FBI agents
19 and his intended travel to Syria. His cousin strongly discouraged Mr. Natsheh and expressed gratefulness
20 that he FBI had stopped him prior to leaving.
21

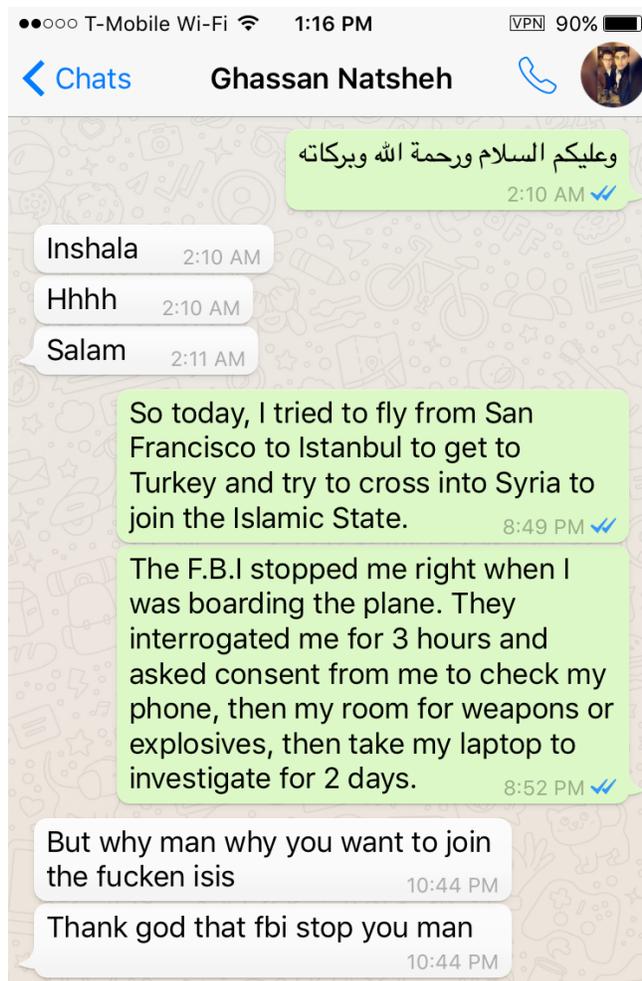


Image 1. Screen shot from Mr. Natsheh's cell phone showing a conversation between himself and his cousin.

2.2 The History and Characteristics of the Defendant

Every time I met with Mr. Natsheh, I always come away with such a strong impression of how so very young he seems. At 21, he would be an adult in the eyes of many people, but his youthful exuberance, the topics of conversation, and his hopes for the future strike me over and over again just how young and unaware of the true consequences of his actions he was.

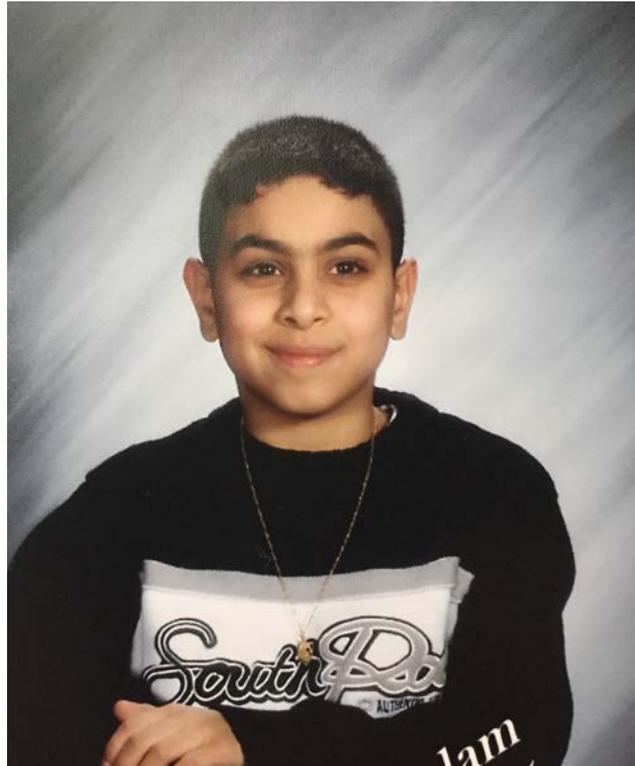
Originally born in upstate New York, Mr. Natsheh's parent met in Jerusalem and then immigrated to the United States a number of years later. While Mr. Natsheh's mother was originally born in the United

1 States, his father was born in Jerusalem. Their families had known each other and prior to his mother's
2 family relocating to the United States and their families lived close to each other. Mr. Natsheh still has
3 multiple aunts and uncles who reside in Jerusalem, and he made frequent trips in his youth to visit them.
4 Growing up, he was surrounded by many people who had strong feelings about the Israeli-Palestinian
5 conflict and were active in their community working for an independent Palestinian state. It influenced
6 him from an early age to be politically active and aware of ways he could help those around him.

7 Growing up, Mr. Natsheh's mother and father would frequently have arguments, in many ways
8 related to the 11 year differences in their ages and the different circumstances that they were raised. These
9 frequent arguments ultimately led to her physically separating from her husband by moving across the
10 country when Mr. Natsheh was in the fourth grade. PSR ¶ 44. At the time she left her husband, Mr.
11 Natsheh's father was in the hospital recovering from an abdominal aneurysm. PSR ¶ 44. Mr. Natsheh had
12 no idea that his mother would be forcibly taking him from his father and was traumatized by the
13 abruptness of his father's absence from his life. Because of his father's medical conditions, he was unable
14 to travel to visit with Mr. Natsheh and he spent the next two years with his mother with little contact with
15 his father.

16 When Mr. Natsheh was in sixth grade he returned to South San Francisco to live with his father.
17 At that time, it had become apparent that his mother was unable to attend to all of Mr. Natsheh's needs
18 and her family, specifically her brothers who were in and out of custody, were not appropriate role models
19 for Mr. Natsheh to grow up around. PSR ¶ 44.
20
21

1 After Mr. Natsheh returned to living with his father. He participated in “Junior Giants, and enjoyed
2 playing baseball and basketball.” PSR ¶ 45. He was active in his mosque and volunteered within the
3 community. PSR ¶ 45.



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13 Image 2. Mr. Natsheh as a child.

14 During this time, Mr. Natsheh was a good friend and active in his community. As described by a
15 friend:

16
17 Islam was not just there for me in this aspect, but for everybody in the
18 school, the positive effect he reverberated throughout the halls was
19 evident. I remember being extremely envious of Mr. Natsheh in high
20 school; I cannot account for a single time someone would walk past him
21 without smiling. He was the guy you could always count on, whether you
needed last minute help on an assignment you waited too late to start, or
an understanding ear to help you through your problems, Islam was
selfless in his endeavors to help his peers.

1 Islam participated on campus in a variety of ways, he was announced
2 “student of the month” many times in high school, displaying his
3 relentless work ethic to complete all assignments and always remain an
4 active class participant. Mr. Natsheh was also a part of the school’s speech
5 team, where he blossomed by taking his passion of talking to people and
6 used it to perform and compete against other schools all across the state of
7 California.

8 Mr. Natsheh was also a devout member of the community. Islam was
9 deeply troubled at the realization that the local mosque was understaffed
10 and too underfunded to hire more teachers, so he took a proactive
11 approach. Islam dedicated virtually all of his free time to volunteer at the
12 mosque; helping the children learn about their religion and the Arabic
13 language. Most admirable to me was that during his months working in
14 the mosque, he never once fretted about gaining volunteer hours,
15 payment, or praise, he just felt morally obligated to help the youth of his
16 community.

17 Exhibit E.

18 Despite his pleasant demeanor, Mr. Natsheh faced a more difficult transition into his teenage years.
19 Mr. Natsheh began smoking marijuana when he was eight-years-old when offered by one of his New York
20 cousins. PSR ¶ 51. Once he returned to California, he continued smoking, eventually working his way up
21 to daily use. As he stated in his presentence report, “[h]e commented that when he was first smoking it, it
was weekly until his father caught him smoking one day freshman year of high school. He ceased smoking
it until the second semester of college, when he took up the habit again. Since 2013 until his arrest, he was
smoking marijuana daily.” PSR ¶ 51. Aside from using marijuana, Mr. Natsheh also developed a habit of
abusing opiate pain pills following being prescribed the medication after surgeries for a torn ACL and
tonsil removal. PSR ¶ 51.

Coupled with the typical growing pains that teenagers suffered, his family struggled to try to
provide some guidance and boundaries for Mr. Natsheh and he was sent to live with his mother once again

1 to get a fresh start. PSR ¶ 44. While there, surrounded once again by his cousins who had advanced to
2 more serious offenses involving guns and drugs it was decided that Mr. Natsheh would be better suited
3 living with his father. PSR ¶ 44.

4 In his letter to the Court, his father describes the difficult time they were all having:

5
6 However, once he graduated from high school he started to change. He
7 became distant from the family, rarely speaking with us. He would stay out
8 late with friends, sometimes not even coming home until morning. This
9 caused tension between us. We argued nonstop about the things he was
10 doing. Like any parent, they want their kids to be responsible and not stray
11 on what's important; in Islam's instance, family and education. We faced
extreme challenges during these last two years. I've even resorted to
kicking him out, which I thought was best for him at the time, but deep
down it hurt me to see Islam go through these rough times. He rebelled
against me in ways that would make any other person give up on him. But
I never stopped trying to help my son.

12 Exhibit B.

13 It was around this time that Mr. Natsheh fell into a depressive state. He described it as “an
14 uncontrollable sadness that he could not get away from.” PSR ¶ 50. A family friend relayed that:

15 Islam's father called my husband and I and said that Islam has been locked
16 in his room for one week now without food and water. He refuses to come
17 out and refuses to speak with anyone. He asked us if we could maybe come
18 down and speak with Islam to see what the problem was. I personally
called Islam myself and we had a long talk. I can still hear him sobbing
over the phone about how depressed and hopeless he was feeling. He
didn't want to feel this way and didn't know what to do.

19 Exhibit C.

20 Unable to cheer himself up, he relied more and more on marijuana to elevate his moods and began
21 searching for a purpose outside himself. It was during this time that he started to become aware of the

1 postings that ISIL had on YouTube and other social media and he began reaching out to others. Feeling
2 that he could contribute and make a difference if he were providing assistance to what he perceived to be
3 persecuted Muslims, Mr. Natsheh started to develop focus once again. Unfortunately that focus was drawn
4 from an echo chamber of propaganda designed to entice similarly minded young Muslims from
5 abandoning their western culture and joining ISIL in Syria.

6 Despite Mr. Natsheh's growing interest in ISIL, he never reached a state of orthodox religious
7 observation. He continued to smoke marijuana, drink and go out with friends, and in general act no
8 differently than any of his friends. Despite his interest, Mr. Natsheh never took the step to acquire any
9 weapons training or combat skills. PSR ¶ 56.

10 Instead, Mr. Natsheh went to work, to the beach with his friends, and hung out with his sister.



19 Image 3. Mr. Natsheh, in shirt, at the beach with friends.



Image 4. Mr. Natsheh and his younger sister.

The letters submitted to the Court from his family members reveal a warm and caring person. As his sister writes,

Islam was a very compassionate person. He absolutely loved helping others in need; always finding ways to learn what those around him wanted and made every effort to help them. Like the time he created T-shirts to sell so he could send the profits to Gaza. He was genuinely concerned about the same issues kids his age are, and unusually devoted to those that meant something extra special to him. . . He is aware of the pain that he has caused, and is just as shocked as the rest of us that he was capable of such horror. He is especially sorry for the pain he has brought upon our father, who tried so hard to help him. He now realizes that his family will always be his number one supporter, not his so-called friends that guided him into the wrong path. I share this because I think it emphasizes the kind of person Islam was and still is. I think it also shows that there really should be no concern for this kind of thing to happen again.

Exhibit A.

1 Mr. Natsheh is well supported in his community. *See* Exhibit A-G. Disappointed in his actions, he
2 has a large group of people who love and care for him and are more than willing to provide support to him
3 as he transitions from a custodial sentence to a post-conviction life. Mr. Natsheh has established clear
4 goals for what he would like to do and how he would like to spend his time, *see* PSR ¶ 47. He sees this as
5 an opportunity to divert from the path he has been on and start to find a new one.

6 2.2.1 Recruitment/Vulnerability

7 Mr. Natsheh was began being enticed by ISIL what he was 18-years-old and searching for a greater
8 purpose in his life to alleviate his depression and aimlessness. His adolescence played a strong role in the
9 ease in which he was recruited to associate himself with the ISIL.

10 Individual reasons for joining terrorism are too varied to categorize and in fact the “outstanding
11 common characteristic of terrorists is their normality.”¹¹⁰ “However, it is generally agreed that becoming
12 radicalized is a multi-step process. Research has shown that “. . . the path to radicalization often involves
13 a search for identity at a moment of crisis.”¹¹¹ “Instead of categorizing terrorists according to personality,
14 then, it makes more sense to step back and look at the events that might prompt individuals to start down
15 the path to radicalization in the first place. Social identity theory can be highly useful when taking this
16 approach.”¹¹²

17
18 ¹¹⁰ Richardson, Matthew. *Al-Shabaab's American Recruits: A Comparative Analysis of Two Radicalization*
19 *Pathways*. MA. Thesis, University of Texas at El Paso, 2012, at. 9. Available at
[http://academics.utep.edu/Portals/4302/Student%20research/Theses/Al%20Shabaab%20s%20American%20Recruits%20\(Richardson\).pdf](http://academics.utep.edu/Portals/4302/Student%20research/Theses/Al%20Shabaab%20s%20American%20Recruits%20(Richardson).pdf)

20 ¹¹¹ Richardson, p. 12. *Citing Tufyal Choudhury, The Role of Muslim Identity Politics in Radicalization: A*
study in Progress (London: Department for Communities and Local Government, April 2007), 21.

21 ¹¹² Richardson, p. 10.

1 According to social identity theory, individuals begin to investigate radical Islamist ideologies after
2 they experience a “cognitive opening,” which opens a young person up to alternative belief systems.¹¹³
3 “Any number of events can spark a cognitive opening, but usually these events are related to individuals’
4 social identity.”¹¹⁴ Individuals who do not identify with any cultural group are particularly vulnerable to
5 radicalization because they are searching for somewhere to belong.”¹¹⁵ An identity crisis “leaves the
6 individual torn between two identities, neither of which they fit into. This gap leaves the young person
7 vulnerable to jihadist recruiters who offer them an identity that transcends these two competing worlds in
8 favor of an exciting and seemingly meaningful identity of jihadist.”¹¹⁶

9 A cognitive opening can also stem from a crisis, including “loss of a job, blocked mobility, a sense
10 of cultural weakness, racism, humiliation, political repression, torture, and political discrimination” plus
11 death in the family or becoming a crime victim.¹¹⁷ If young people do not see “possibilities for individual
12 mobility and do not feel that they can adequately influence the procedures through which decisions are
13 made, they . . . begin to see terrorism as a justified strategy.”¹¹⁸ And as “long as conditions are perceived to
14

15 ¹¹³ Richardson, p. 6.

16 ¹¹⁴ Richardson, p. 10.

17 ¹¹⁵ Richardson, p. 14. *Citing* Mirella L. Stroink, “Processed and Preconditions Underlying Terrorism in
18 Second-Generation Immigrants,” *Peace and Conflict: Journal of Peace Psychology* 13, no. 3 (2007): 301-302

18 ¹¹⁶ Mulligan, Scott. *Radicalization Within the Somali-American Diaspora: Countering the Homegrown
19 Terrorist Threat*. Master’s Thesis at Naval Postgraduate School. Dec., 2009 at 45, available at
20 http://calhoun.nps.edu/bitstream/handle/10945/4479/09Dec_Mulligan.pdf?sequence=1.

19 ¹¹⁷ Richardson, p. 11.

20 ¹¹⁸ Moghaddam, Fathali. The Staircase to Terrorism: A Psychological Exploration. *American Psychologist*.
21 (February-March, 2005), at 162, available at <http://fathalimoghaddam.com/wp-content/uploads/2013/10/1256627851.pdf>.

1 be unjust and hopeless” they can be influenced to participate in terrorism.¹¹⁹ In this case, Mr. Natshehh’s
2 depression provided that opening. When young people fail to find support from either their own ethnic
3 or the mainstream culture, it is suggested that “peers may exercise such a dangerously large influence that
4 they may even turn to” treacherous groups as substitute families.¹²⁰ Through outreach efforts, recruiters
5 socialize with young activists in an attempt to ‘break down calcified preconceptions about the role of Islam
6 so that individuals become amenable to discussing the possibility of new interpretations.”¹²¹ Peers who are
7 “further along the path to violence or who are willing to explore it with them, can help them cross the line
8 from venting their anger to becoming terrorists.”¹²² “Ethno-nationalist terrorist organizations target
9 diaspora communities, knowing that individuals in these communities are struggling to find their identity.
10 These organizations present vulnerable individuals with an alternative identity, one that will make them
11 feel important and give them a purpose in life.”¹²³

12 The young man facing sentencing in this case struggled with identity issues created by cultural
13 conflict and a desire to be a good Muslim who failed to excel in either of his cultures. Disappointing his
14 father with his consumption of marijuana and aimlessness, Mr. Natsheh sought discipline and a purpose
15 to give him a goal. As a young man seeking guidance, boundaries, and a sense of purpose and belonging
16

17 ¹¹⁹ Moghaddam, p. 167.

18 ¹²⁰ Kapteijns, Lidwien and Arman, Abukar (2008) Educating Immigrant Youth in the United States: An
19 Exploration of the Somali Case. *Bildhaan: An International Journal of Somali Studies*: Vol. 4, Article 6. (2008) at
20 24, available at <http://digitalcommons.macalester.edu/cgi/viewcontent.cgi?article=1030&context=bildhaan>.

19 ¹²¹ Richardson, pp. 11-12.

20 ¹²² Richardson, p. 16 (citing Sageman, Marc. *Leaderless Jihad: Terror Networks in the Twenty-First Century*.
Philadelphia, PA: University of Pennsylvania Press, 2008 (pp. 84-88)

21 ¹²³ Richardson, p. 76.

1 to a movement bigger than himself—Mr. Natsheh mistakenly believed that he had found that life with
2 ISIL. Not seeking to harm others, his attempt at joining was based off of a sense of trying to do something
3 purposeful—not destructive—with his life.

4 **2.2.2 Vulnerability Of Adolescents**

5 Over 71 Americans have faced charges crimes related to supporting ISIL.¹²⁴ The average age of
6 an American Islamic State recruit is 26.¹²⁵ Over a third are under the age of 21.¹²⁶ These recruits cite a
7 variety of motivations for their activities.¹²⁷ But in reaching out to them, ISIL strives to appeal to a young
8 western audience. As stated above, ISIL is notorious for its sophisticated understanding of propaganda.
9 ISIL’s propaganda machine includes an entire production company (al Hayat “Life”) dedicated to western
10 audiences. The group publishes an English language magazine exploring topics such as the religious duty
11 to travel to Iraq and Syria.¹²⁸

12 ISIL recruitment is not limited to social media but in many cases includes face-to-face
13 interaction.¹²⁹ These techniques were all done to pry on the malleability on an adolescent mind. The
14
15

16 ¹²⁴ *ISIS In America: From Retweets to Raqqa*, ISIS In America Reports (George Washington
17 University/Program on Extremism, Washington D.C.), Dec. 2015 at 5 (“GWU report”) available at
<https://cchs.gwu.edu/sites/cchs.gwu.edu/files/downloads/ISIS%20in%20America%20-%20Full%20Report.pdf>

18 ¹²⁵ *GWU report*, at 5.

19 ¹²⁶ *Id.* at 7.

20 ¹²⁷ *Id.* at 11.

21 ¹²⁸ *The Islamic State’s (ISIS, ISIL) Magazine*, The Clarion Project, Sept. 2014, available at
<http://www.clarionproject.org/news/islamic-state-isis-isil-propaganda-magazine-dabiq>

¹²⁹ *Id.*

1 radicalization process is something that happens more frequently with youth and young adults, which
2 means that a de-radicalization process is likely to be more successful at this age as well.

3 Adolescent brains are undeveloped and therefore more open to change. Adolescents have reduced
4 culpability because they are naturally predisposed to impulsive decision making, negative peer influence,
5 and have a greater capacity to change their behavior later in life. These are all traits ISIL targets when
6 recruiting. The Court should consider these factors when sentencing Mr. Natsheh, barely out of his
7 adolescence, for ISIS related offenses. At the time he began getting entranced by ISIL, he was only 19-
8 years-old.

9 2.2.3 Culpability of an Adolescent

10 The Supreme Court has distinguished an adolescents' culpability from that of an adult. *Miller v.*
11 *Alabama*, 132 S. Ct. 2455, 2464 (2012); *Graham v. Florida*, 560 U.S. 48, 76 (2010); *Roper v. Simmons*, 543
12 U.S. 551, 569 (2005). None of the factors distinguishing adolescent culpability are crime specific. *Miller*,
13 132 S. Ct. at 2465. The same concerns noted by the Court over juvenile death and life-without-parole
14 sentences, are also present, to the same degree over other lengthy sentences.¹³⁰ Mr. Natsheh turned 21
15 while he was in custody, however, he was young when he was recruited, and as such, the following analysis
16 is important when understanding his motivations.

17
18 ¹³⁰ See e.g. David O. Brink, *Immaturity, Normative Competence, and Juvenile Transfer: How (Not) to Punish*
19 *Minors for Major Crimes*, 82 Tex. L. Rev. 1555 (2004), available at
20 <http://davidobrink.com/sites/default/files/publications/ImmaturityNormativeCompetenceJuvenileTransfer.pdf>;
21 Barry C. Feld et. al., *Adolescent Competence and Culpability: Implications of Neuroscience for Juvenile Justice*
Administration, in Stephen Morse & Adina Roskies, eds., *A Primer on Criminal Law and Neuroscience* (New York:
Oxford University Press, 2013), at 183 (“Feld, *Adolescent Culpability*”) available at
[http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199859177.001.0001/acprof-9780199859177-](http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199859177.001.0001/acprof-9780199859177-chapter-7)
[chapter-7](http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199859177.001.0001/acprof-9780199859177-chapter-7)

1 The Supreme Court recognizes three factors reducing adolescents' culpability, (1) a lack of
 2 maturity and underdeveloped sense of responsibility often resulting in impetuous decision-making; (2)
 3 adolescents are more susceptible to negative influence through peer pressure; and, (3) adolescents'
 4 character is more transitory than that of an adult. *Roper*, 543 U.S. at 569-70. These factors are supported
 5 by both neuroscience and developmental psychology.¹³¹ Developmental psychologists agree with the
 6 Court that differences between adult and adolescent decision-making should translate into differences in
 7 sentencing.¹³²

8 **2.2.4 Impulsive Decision Making**

9 The Supreme Court notes that "children have a 'lack of maturity and an underdeveloped sense of
 10 responsibility, leading to recklessness, impulsivity, and heedless risk-taking.'" *Miller*, 132 S. Ct. at 2465
 11 (quoting *Roper*, 543 U.S. at 569). A plethora of developmental psychology studies have noted adolescents'
 12 deficiency in rational decision making.¹³³ These studies confirm adolescents have a strong tendency to
 13 over-value rewards and under-value risk when making decisions.¹³⁴ Differences in adolescent decision-
 14 making and risk assessment are partially attributable to discrepancies in the brain itself.¹³⁵

15 ¹³¹ See e.g. Feld, *Adolescent Culpability*; Elizabeth S. Scott & Laurence Steinberg, *Blaming Youth*, 81 Tex. L.
 16 Rev. 799, 811-19 (2003) ("Scott & Steinberg, *Blaming Youth*").

17 ¹³² Scott & Steinberg, *Blaming Youth* at 839--40.

18 ¹³³ Elizabeth Cauffman & Laurence Steinberg, *(Im)maturity of Judgment in Adolescents: Why Adolescents*
 19 *May Be Less Culpable Than Adults*, 18 Behav. Sci. & the L. 741, 744 (2000); Beatriz Luna & Charles Geier, *The*
 20 *Maturation of Incentive Processing and Cognitive Control* 93 *Pharmacology, Biochemistry & Behavior* 212, 218
 21 (2009); Bernard Finger et. al., *Affective and Deliberative Processes in Risky Choice: Age Differences in Risk Taking in*
the Columbia Card Task, 35 *J. of Experimental Psycho: Learning, Memory and Cognition* 709, 728.

¹³⁴ Feld, *Adolescent Culpability* at 192.

¹³⁵ Feld, *Adolescent Culpability* at 188-194; Laurence Steinberg, *A Behavioral Scientist Looks at the Science*
of Adolescent Brain Development, 72 *Brain & Cognition* 160, 160 (2010).

1 Data generated from MRI scans has tracked the growth and eventual pruning of gray matter (cell
2 dense material associated with cognition) in the human brain, as well as the amount of white matter (nerve
3 dense material connecting brain regions).¹³⁶ Changes in the ratio of gray and white matter begins at
4 puberty and is used by scientists as a measure for neural maturity.¹³⁷ This maturation process is not
5 uniform across the brain, it begins in the parietal region, and ends at the frontal region during early
6 adulthood.¹³⁸ Since the prefrontal cortex is the region of the brain most associated with reasoning and
7 decision-making, its late development explains some of the delay between adult cognitive ability and
8 mature decision-making.¹³⁹

9 The development of the MRI scan allows scientists to map neural activity across the brain's regions
10 and reveal functional differences between adults and adolescents when making decisions. In both
11 adolescents and adults, the ventral striatum is strongly associated with considering reward, while the
12 prefrontal cortex has a strong association with the cognitive control associated with decision
13 optimization.¹⁴⁰ Neuroimaging has revealed that when faced with a risky decision, adolescent's ventral
14

15 ¹³⁶ Miya R. Asato et. al., *White Matter Development in Adolescence: A DTI Study*, 20 *Cerebral Cortex* 2122,
16 2122 (2010); Elizabeth Sowell et. al., *Mapping Changes in the Human Cortex Throughout the Span of Life*, 10 *The*
17 *Neuroscientist* 372, 374-75 (2004).

17 ¹³⁷ *Id.*

18 ¹³⁸ Peter R. Hurtenlocher & Arun S. Dabholkar, *Regional Differences in Synaptogenesis in Human Cerebral*
Cortex, 387 *J. of Comp. Neurology* 167, 177-78.

19 ¹³⁹ Feld, *Adolescent Culpability* at 189-90; Laurence Steinburg, *Risk Taking in Adolescence: New*
Perspectives from Brain and Behavioral Science, 16 *Current Directions in Psychol. Sci.* 55, 57-58 (2007).

20 ¹⁴⁰ Feld, *Adolescent Culpability* at 191. Sarah Durston et. al., *A Shift From Diffuse to Focal Cortical Activity*
With Development, 9 *Devel. Sci.* 1, 5 (2006); Vinod Venkatraman et. al., *Separate Neural Mechanisms Underlie*
21 *Choices and Strategic Preferences in Risky Decision Making*, 62 *Neuron* 593, 597-599 (2009).

1 striatum shows greater activity than an adult's.¹⁴¹ Conversely, adolescents show a more diffused response
2 in the prefrontal cortex than adults.¹⁴² Showing that at a neurobiological level adolescents present a greater
3 response to reward, and a lessened capacity for decision optimization.¹⁴³ The decision to travel to Syria is
4 by any measure fraught with risk. Many western recruits are killed or captured. ISIL does not try to hide
5 this, instead they emphasize that the journey offers western recruits the opportunity to martyr
6 themselves.¹⁴⁴

7 Young people, especially young westerners, choose to affiliate with ISIL for varied and intensely
8 personal reasons.¹⁴⁵ An adolescent mind is more prone to see the serious risks involved in this affiliation
9 as outweighed by the perception of personal fulfillment the group offers. An ongoing University of
10 Chicago Study has recognized this and is conducting MRI scans on ISIS recruits to understand what part
11 of ISIL's message entices them.¹⁴⁶ Contributing to a motivation to express their own identity, a third of
12
13
14

15 ¹⁴¹ Feld, *Adolescent Culpability* at 191-192; Venkatraman et. al., *supra*, at 599.

16 ¹⁴² Durston et. al. at 5.

17 ¹⁴³ Feld, *Adolescent Culpability* at 191-192; Venkatraman et. al., *supra*; Durston et. al., *supra*, at 5.

18 ¹⁴⁴ Peter Van Buren, *Islamic State's rules of Attraction and why US. Countermeasures are Doomed*, Reuters,
19 Oct. 25, 2014, available at <http://blogs.reuters.com/great-debate/2014/10/21/islamic-states-rules-of-attraction-and-why-u-s-countermeasures-are-doomed/>.

20 ¹⁴⁵ *Understanding Jihadists, In Their Own Words*, The White Papers (Quantum Communications,
21 Harrisburg PA) Apr. 2015, at 8 (hereinafter *Understanding Jihadists*).

¹⁴⁶ Robert L. Basick, *U Chicago Study Explores How ISIS Lights up the Brains of Recruits*, U. Chicago, Social
Sciences Division, available at <https://socialsciences.uchicago.edu/story/uchicago-study-explores-how-isis-lights-brains-recruits>.

1 ISIL recruits in the United States still lived with their parents prior to their activities.¹⁴⁷ In the eyes of these
 2 recruits, joining ISIL offers an opportunity to forge their own identity.¹⁴⁸

3 Here, Mr. Natsheh's impetuosity was apparent with his lack of advanced planning and well
 4 thought out execution of a plan to travel to Turkey and then on to Syria. Travelling with a lack of funds,
 5 training, or equipment he was ill-equipped for the true realities of what life would be like with ISIL.

6 2.2.5 Increased Risk of Negative Peer Influence

7 The Supreme Court has noted "that juveniles are more vulnerable or susceptible to negative
 8 influences and outside pressures, including peer pressure." *Roper*, 543 U.S. at 569 (citing *Eddings v.*
 9 *Oklahoma*, 455 U.S. 104, 116 (1982)). What the Supreme Court saw as a common-sense notion, is robustly
 10 supported by developmental psychology.¹⁴⁹ Adolescents are much more likely than adults, to commit
 11 crimes in groups.¹⁵⁰ Studies confirm that the mere presence of peers causes adolescents to engage in riskier
 12 behavior.¹⁵¹ Older peers play an especially insidious role in leading adolescents to criminal activity.¹⁵²

13 ¹⁴⁷ *Case by Case* at 22.

14 ¹⁴⁸ See e.g. *Understanding Jihadists; Case by Case* at 22; see Arie W. Kruglanski et. al., *The Psychology of*
Radicalization: How Significance Quest Impact Violent Extremism, 35 *Advances in Poli. Psychol.* 69, 73 (2014).

15 ¹⁴⁹ Laurence Steinburg & Kathryn C. Monahan, *Age Differences in Resistance to Peer Influence*, 43 *Devel.*
Psychol. 1531, 1541 (2007); Nat'l Research Council, Comm. On Assessing Juv. Just. Reform, *Reforming Juvenile*
 16 *Justice: A Developmental Approach* 94 (Richard J. Bonnie et. al., eds. 2013) at (hereinafter, *A Developmental*
Approach).

17 ¹⁵⁰ *A Developmental Approach* at 94.

18 ¹⁵¹ Margo Gardner & Laurence Steinberg, *Peer Influence on Risk Taking, Risk Preference, and Risky*
Decision Making in Adolescence and Adulthood: An Experimental Study, 41 *Developmental Psychol.* 626, 626-630
 19 (2005).

20 ¹⁵² David J. Harding, *Violence, Older Peers, and the Socialization of Adolescent Boys in Disadvantaged*
Neighborhoods, 74 *Am. Sociol. Rev.* 445, 458 (2009); Jonathan Goldner et. al., *Exposure to Community Violence*
 21 *and Protective and Risky Contexts Among Low Income Urban African American Adolescents: A Prospective Study*,
 40 *J. Youth and Adolescence* 174, 178 (2011).

1 As with risk taking, adolescent vulnerability to peer influence has also been confirmed by neuro-
2 science.¹⁵³ In both adults and adolescents, the amygdala is involved in deciphering the emotional
3 significance of social cues, while the ventromedial prefrontal cortex is involved in social processing.¹⁵⁴
4 Neural imaging studies have shown that, in comparison to adults, adolescents have a higher amygdala
5 recruitment and under-recruitment of the ventromedial prefrontal cortex.¹⁵⁵ In other words, the
6 adolescent brain overreacts to social stimuli while it has a reduced mechanism for processing these same
7 stimuli.

8 ISIL has contrived a recruitment strategy aimed at exploiting this particular attribute of
9 adolescents.¹⁵⁶ ISIL uses online propaganda to identify those believed susceptible to recruitment. ISIS then
10 tries to lure these westerners to Iraq and Syria, primarily through establishing personal connections online
11 and in person.¹⁵⁷ The U.S. Military has relied on similar tactics to lure new recruits.¹⁵⁸ And educators, and

12
13 ¹⁵³ Feld, *Adolescent Culpability* at 193; Amanda E. Guyer et. al. *Amygdala and Ventrolateral Prefrontal Cortex Function During Anticipated Peer Evaluation in Pediatric Social Anxiety*, 65 *Arch. Gen. Psychiatry* 1303, 1307 (2008).

14 ¹⁵⁴ *Id.*

15 ¹⁵⁵ Feld, *Adolescent Culpability* at 193; Todd A. Hare et. al., *Biological Substrates of Emotional Reactivity and Regulation in Adolescence During an Emotional Go-Noga Task*, 63 *Biological Psychiatry* 927, 932 (2008); Guyer et. al., *supra*.

16 ¹⁵⁶ Galloway, *supra*, at 5.

17 ¹⁵⁷ *Foreign Fighters, An Updated Assessment of the Flow of Foreign Fighters into Iraq and Syria*, Intel. Brief. (The Soufan Group, Washington D.C.), Dec. 2015, at 10; *See ISIS In America; From Retweets to Raqqa*, ISIS In America Reports (George Washington University/Program on Extremism, Washington D.C.), Dec. 2015 at 5 (hereinafter, *GWU report*).

18
19 ¹⁵⁸ Paul Crompton, *Grand Theft Auto: ISIS? Militants reveal video game*, Al Arabiya English, Sept. 2014 (accessed at <http://english.alarabiya.net/en/variety/2014/09/20/Grand-Theft-Auto-ISIS-Militants-reveal-video-game.html>); Hama Shazban, *Playing War: How the Military Uses Video Games*, The Atlantic, Oct. 10, 2013, accessed at <http://www.theatlantic.com/technology/archive/2013/10/playing-war-how-the-military-uses-video-games/280486/>.

1 public health officials, have criticized similar tactics used by the United States military in schools, as being
2 unfairly effective.¹⁵⁹

3 Here, Mr. Natsheh was feeling pressure from the network of individuals he had found on the
4 internet in addition to the attention he was receiving from the young woman that he had met in Spain.

5 2.2.6 Identity

6 The Supreme Court recognizes that the most important distinction between adolescents and
7 adults, is the ability to grow; “[t]he relevance of youth as a mitigating factor derives from the fact that the
8 signature qualities of youth are transient; as individuals mature, the impetuosity and recklessness that
9 may dominate in younger years can subside.” *Roper*, 543 U.S. 551, 570 (2005) (quoting *Johnson v. Texas*,
10 509 U.S. 350, 368 (1993)). Developing one’s own separate identity through experimentation and novelty-
11 seeking behavior is a key feature of adolescence.¹⁶⁰ Research shows that the vast majority of adolescent
12 offenders will not reoffend in adulthood.¹⁶¹ This trend holds true with serious and violent adolescent
13 offenses.¹⁶² This demonstrates that adolescents are both receptive to intervention and may simply grow
14 out of their criminal careers.

16 ¹⁵⁹ John Merrow, *US. Army Recruiters “Counseling” High Schoolers to Death*, 70 *Education Digest* 4 (2005);
17 *Cessation of Military Recruiting in Public Elementary and Secondary Schools*, Pol’y Statement. 20123. (American
18 Public Health Association, Washington D.C.), Oct. 30 2012, (hereinafter *APHA Policy Statement*).

18 ¹⁶⁰ *A Developmental Approach* at 90.

19 ¹⁶¹ *A Developmental Approach* at 90; See e.g. Terry E. Moffit, *Adolescence-Limited and Life-Course-*
20 *Persistent Antisocial Behavior*, 100 *Psych. Rev.* 674 (1993); Howard N. Snyder, *Appendix Serious, Violent and*
21 *Chronic-An Assessment of the Extent of and Trends in Officially Recognized Serious Criminal Behavior in a*
Delinquent Population, in Rolf Loeber & David F. Farrington eds. *Serious & Violent Juvenile Offenders*, (SAGE
Publications, Thousand Oaks CA, 1998) at 442-43 (“Snyder, *Appendix*”).

¹⁶² Snyder, *Appendix*, at 442.

1 ISIL offers a pre-packaged identity to young recruits. This pull can be especially strong for second-
2 generation adolescents who feel marginalized in the west. Many second-generation Muslim immigrants
3 are already looking for ways to express Islam free from ethnic ties, which expresses solidarity with Muslims
4 in the west from varied ethnic backgrounds.¹⁶³ Consistent with data on adolescent criminal behavior,
5 young jihadi recruits are amenable to de-radicalization programs and religious intervention.¹⁶⁴ This shows
6 that adolescent affiliation with extreme groups is more a passing symptom of youth than a strong
7 conviction of adulthood.

8 The Supreme Court, developmental psychologists, and increasingly neuroscientists, recognize (1)
9 impulsivity in decision-making, (2) vulnerability to peer pressure, and (3) transience of identity,
10 distinguish adolescents in terms of sentencing. These traits are taken full advantage of in adolescent
11 recruits by ISIL and were all exploited in Mr. Natsheh's case.

12 **2.3 The Need for the Sentence Imposed.**

13 **2.3.1 To Reflect the Seriousness of the Offense, to Promote Respect for the Law, and to** 14 **Provide Just Punishment for the Offense; To Afford Adequate Deterrence;**

15 Mr. Natsheh's limited conduct constitutes strong reason for this Court to impose a sentence below
16 the guideline range found by the Probation Department, particularly when one considers sentences
17 imposed in other terrorism-related cases.

18 ¹⁶³ David Voas & Fenella Fleischmann, *Islam Moves West: Religious Change in the First and Second*
19 *Generations*, 38 Annu. Socio. Rev. 525, 534 (2012).

20 ¹⁶⁴ John Horgan, *What makes a Terrorist Stop Being a Terrorist?*, J. for De-radicalization 1, 2 (2014);
21 Mubin Shaikh, *Countering Violent Extremism Online: An Anecdotal Case Study Related to Engaging ISIS Members*
 and Sympathizers on Twitter, 98 Soundings 478, 485-86 (2015).

1 In his case, there are a number a factors that were apparent in other cases that distinguish his from
2 others and provide just grounds for a variance from the guidelines. In Mr. Natsheh's case, unlike these
3 below, he had no weapons, no training, sent no funds to ISIL, and had no allegations of violence. He had
4 yet to make a trip to meet those that had recruited him and he made no effort to recruit or entice others
5 to travel with him.

6 In 2003 *John Walker Lindh* was sentenced to 20-years in prison after pleading guilty in the Eastern
7 District of Virginia, 02cr00037-ALL, to providing material support to terrorists and carrying an explosive
8 during the commission of a felony. The allegations included claims that he had attended an al-Qaeda
9 training camp, agreed to conduct operations against the United States and Israel, and participated in a
10 violent prison uprising which resulted in the death of a CIA agent.

11 In 2012, *Rezwan Ferdous* was sentenced to 204 months of imprisonment after pleading
12 guilty in the District of Massachusetts, 11cr10331-RGS to attempting to provide material support to
13 terrorists and attempting to damage and destroy a federal building by means of an explosive. The charges
14 included allegations that he constructed and delivered to undercover agents mobile phone detonation
15 devices to use with explosive devices that were intended to kill military personnel. He also made a training
16 video on how to construct the devices and took substantial steps towards bombing the Pentagon and
17 United States Capital Building.

18 In 2012, *Douglas Wright* was sentenced to 11 ½ years after pleading guilty in the Northern District
19 of Alabama, 12cr00238-PAG, to conspiracy to use weapons of mass destruction. The charges were based
20 on the theory that the defendant had agreed and attempted to detonate a bomb on a bridge in a national
21

1 park. Mr. Wright and his co-defendants reportedly planted the explosives and sought to detonate them
2 remotely.

3 In 2013, *Abdifatah Isse*, and *Salah Ahmed*, 09cr50-MJD-FLN, were both sentenced to 36
4 months of imprisonment on May 29, 2013 for Providing Material Support to Designated Foreign
5 Terrorist Organization in violation of 18 U.S.C. §2339A(a). Their behavior involved actual
6 travel—the two went to Somalia, joined al Shabaab, participated in a training camp for two and a
7 half months, and then returned to the United States.

8 In 2015 in the Western District of Texas, *Michael Todd Wolfe*, 14-CR-213 was sentenced
9 to 82 months of imprisonment on June 9, 2015, for Providing Material Support to Designated
10 Foreign Terrorist Organization in violation of 18 U.S.C. §2339A(a). Mr. Wolfe attempted to travel
11 to Syria and was stopped at the airport by the FBI. The government recommended 84 months in
12 prison based on a 5K, on Mr. Wolfe’s “very thoughtful letters,” and because the prosecutor thought
13 “highly” of him.
14

15 In 2016 in the Central District of Colorado, *Adam Dandach*, 14-CR-109, was sentenced to
16 180 months’ imprisonment on July 26, 2016, for Providing Material Support to Designated
17 Foreign Terrorist Organization in violation of 18 U.S.C. §2339A(a). Mr. Dandach was also
18 sentenced concurrently to 120 months imprisonment for providing a False Statement in
19 Application and Use of Passport, in violation of 18 U.S.C. §1542. Shortly before he began planning
20 to travel to Syria to fight for ISIL, he weighed over 500 pounds and had gastric bypass surgery to
21

1 bring his weight down to about 250 pounds to ensure he would be ready for combat. His frequent,
2 disturbingly violent, posts, letters, and comments were attributed to PTSD from his childhood,
3 but he did not present with any mental illness. He tried twice to leave for Syria. The first time his
4 family took his passport, so he used false information to apply for a new one. When he received
5 it, he went to the airport to fly to Turkey, but was stopped by the FBI. He contacted family
6 members from jail to get them to delete incrimination information off his computer—which they
7 did. At the time of sentencing, he continued to blatantly support the violent ISIL ideology.

8
9 In 2016 in the Northern District of Mississippi, *Muhammad Oda Dakhalla*, 15-CR-98, was
10 sentenced to 96 months of imprisonment on August 30, 2016, for Providing Material Support to
11 Designated Foreign Terrorist Organization in violation of 18 U.S.C. §2339A(a). Mr. Dakhalla
12 began his conduct by teaching his girlfriend about Islam, but she ultimately pushed the radical
13 extremist ideology by posting information about ISIL on social media. He and his girlfriend were
14 arrested at the airport in Columbus, Mississippi, as they attempted to leave for Istanbul, Turkey.

15 In 2015, *Ali Shuki Amin*, 15-CR-164, in the Eastern District of Virginia was sentenced to
16 136 months of imprisonment on August 18, 2015, for Conspiracy to Provide Material Support to
17 Designated Foreign Terrorist Organization in violation of 18 U.S.C. §2339B. Mr. Amin was active
18 on social media with his pro-ISIL messages and assisted in the travel of his co-conspirator.

19 In 2016, *Avis Brown*, 14-CR-58, in the Eastern District of North Carolina was sentenced to
20 92 months of imprisonment on July 5, 2016, for Conspiracy to Provide Material Support to
21

1 Designated Foreign Terrorist Organization in violation of 18 U.S.C. §2339A. There are no
2 additional details, as the documents were sealed.

3 In 2016, *Akba Jihad Jordan*, 14-CR-58, in the Eastern District of North Carolina was
4 sentenced to 108 months of imprisonment on July 5, 2016, for Conspiracy to Provide Material
5 Support to Designated Foreign Terrorist Organization in violation of 18 U.S.C. §2339A. Mr.
6 Jordon was a physical fitness trainer and a tactics instructor to his co-defendant. He was arrested
7 with an AK-47 and a Mini-14 assault rifle.

8 In 2016, *Joseph Farrokh*, 16-CR-20, in the Eastern District of Virginia was sentenced to 102
9 months of imprisonment on July 5, 2016, for Conspiracy to Provide Material Support to
10 Designated Foreign Terrorist Organization in violation of 18 U.S.C. §2339B. Mr. Farrokh used
11 many tactics to cover his steps before attempting to leave the United States to join ISIL. He
12 received his sentence after he cooperated with the government. The other facts and documents
13 are related to the case are sealed.

14 Daniel Boyd was sentenced to 18 years of imprisonment upon pleading guilty in the Eastern
15 District of North Carolina, 09cr00216-FL, to conspiring to provide material support to terrorists and
16 plotting to murder United States military personnel at Quantico, Virginia.

17 Lastly, and in a case close to the present situation, *Shannon Maureen Conley*, 14-CR-163 (*District*
18 *of Colorado*) was sentenced to 48-months of imprisonment on July 5, 2016, for Conspiracy to Provide
19 Material Support to Designated Foreign Terrorist Organization in violation of 18 U.S.C. §2339B and 371.
20

1 The FBI interviewed Ms. Conley where she stated she supported Jihad. She was placed under surveillance.
2 She was told to obtain training before going the Syria and she joined the U.S. Army Explorers to obtain
3 training in firearms and U.S. Military tactics. She was arrested as she attempted to travel to Turkey.

4 The aforementioned list is meant as a mere sampling of representative cases, and certainly not
5 meant to be exhaustive. Although some of these cases involved guilty pleas, and some involved slightly
6 different combinations of charges than involved here, they nevertheless demonstrate that defendants
7 accused of conspiring to commit terrorist acts with or without explosive devices, often receive sentences
8 far less than 360 months to life.¹⁶⁵ If anything, it appears that maximum sentences are the exception, rather
9 than the rule. Furthermore, it would appear that both the recommendations of Probation and the
10 Government would create “unwarranted sentencing disparities among defendants with similar records
11 who have been found guilty of similar crimes” when the non-violent circumstances of Mr. Natsheh’s case
12 are taken under consideration as his facts would make him less violent than many of the other cases listed.

13 Both sentences recommended by the Government and Probation should be considered only with
14 the facts surrounding the case urge it, such as when a defendant uses violence or plans actual violent acts.
15 No death or harm resulted from Mr. Natsheh’s purchase of a plane ticket. He was halted before he even
16 left the United States. He did so without any training or plans to bring any weapons with him to Syria.
17 Here, the most benign circumstances calls for the most benign sentence applicable to the facts of the case.

18
19
20 ¹⁶⁵ U.S. Attorney Office, *New York Man Sentenced to a 15 Year Term in Federal Prison Following His*
21 *Convictions for Money Laundering, Conspiracy, and Attempting to Provide Material Support and Resource to a*
Terrorist Organization, U.S. DoJ Press Release, available a
http://www.investigativeproject.org/documents/case_docs/1495.pdf.

1 **2.3.2 To Provide the Defendant with Needed Educational or Vocational Training, Medical**
2 **Care, or Other Correctional Treatment in the Most Effective Manner.**

3 Mr. Natsheh has readily expressed interest in continuing his education while in custody. PSR ¶ 49.
4 He has expressed interest in continuing to receive mental health and drug counseling while in custody and
5 after released. PSR ¶¶ 50-51.

6 In Minnesota, where a number of material support cases have arisen in the Somali population
7 there, the Courts and Government have retained the services of Daniel Koehler, the founder of the German
8 Institute for Radicalization and Deradicalization Studies.¹⁶⁶ Mr. Koehler was similarly brought into other
9 districts to work with individuals there where there was concerns about their ability to deradicalize.¹⁶⁷ He
10 has now trained various Probation, Pretrial, and other government employees to assess and counsel those
11 that need deradicalization.

12 No such assessment or intervention was sought for Mr. Natsheh. It's simply not needed. While he
13 remains motivated to help people in Syria, he has never been, nor is now planning, to do so through violent
14 means. Additional time in custody would not provide him with any necessary services to deradicalize him.

15 **2.4 The Kinds of Sentences Available**

16 This Court has the authority to sentence Mr. Natsheh up to 20 years of imprisonment, lifetime
17 years supervised release, a \$250,000 fine, and a \$100 special assessment.

18 ¹⁶⁶ Brendan I. Koerner, *A US Judge May Sentence Wannabe Terrorists To 'Deradicalization'*, Wired, Nov.
19 13, 2016, available at <https://www.wired.com/2016/11/u-s-judge-may-sentence-wannabe-terrorists-deradicalization/>.

20 ¹⁶⁷ Sarah Gilkes, *The Birth of Terrorist Deradicalization Programming in the U.S.? Georgetown Securities*
21 *Studies Review*, Oct. 3, 2016, available at <http://georgetownsecuritystudiesreview.org/2016/10/03/the-birth-of-terrorist-deradicalization-programming-in-the-u-s/>.

2.5 The Sentencing Range Established for the Applicable Category of Offense Committed by the Applicable Category of Defendant as Set Forth in the Guidelines

The guideline calculations are set forth in the Pre-Sentence Report. PSR ¶ 16-25.

Base Offense Level, U.S.S.G. § 2M5.3(a)	26
Material Support, U.S.S.G. § 2M5.3(b)(1).....	+2
Involved in Terrorism, U.S.S.G. § 3A1.4(a)	+12
Acceptance of Responsibility, U.S.S.G. § 3E1.1(b).....	-3
Total Offense Level	37
Criminal History Category	VI

At criminal history category VI and total offense level 37 Mr. Natheh’s adjusted guideline range is 360-life. The Probation Officer recommends a sentence of 240 months, 10 years supervised release and a special assessment of \$100. PSR Sentencing Recommendation at 1.

Mr. Natsheh has never has a criminal conviction before in his life, *see* PSR ¶ 28-31, thus while USSG §3A1.4(b), mandates that his criminal history category be VI, Mr. Natsheh is more accurately represented at criminal history category I, with zero criminal history points. At that guideline range, Mr. Natsheh’s sentencing recommendation would be 210-262 months. While appreciably lower than the 360-life range, neither ranges accurately reflect the significant restriction on freedom that any period of a custodial sentence would have on Mr. Natsheh’s. Furthermore, neither of the guideline ranges also take in sufficient account the minimal nature of Mr. Natsheh’s actions.

Indeed, it is worth noting that the guideline range is so high only because of the application of the “terrorism enhancement” (U.S.S.G. §3A1.4(b)) which both dramatically increases the offense level and criminal history category. Mr. Natsheh would object to application of this enhancement, as this guideline essentially double counts the conduct taken into account in U.S.S.G. § 2M5.3(a). But in the event that this Court disagrees, this Court may and should deviate from the guideline, either by granting a substantial

1 departure or simply imposing a sentence below the guidelines. *See generally*, U.S.S.G. § 4A1.3(b)(1);
2 *United States v Benkahala*, 501 F.Supp.2d 748, 759 (E.D.VA. 2007), *affirmed*, 530 F.3d 300 (4th Cir. 2008);
3 *Czernicki v United States*, 270 F.Supp.2d 391, 393 (S.D.N.Y. 2003).

4 **2.6 Restitution**

5 The Court should not order restitution in this case as the facts of the case do not support it.

7 **3. Objections to Special Conditions of Supervised Release**

8 Mr. Natsheh objects to suggested special condition number six as it has no ties to the charged
9 offense nor provides any rehabilitative purpose.:

10 The defendant shall provide the probation officer with access to any
11 financial information, including tax returns, and shall authorize the
12 probation officer to conduct credit checks and obtain copies of income tax
13 returns.

14 Mr. Natsheh objects to the following emphasized language in special condition number nine as
15 there is, to his knowledge, any means of determining if any of the listed organizations have any colors or
16 clothing associated with them.

17 The defendant shall not associate with any member of the Islamic State of
18 Iraq and al- Sham (ISIS), the Islamic State of Iraq and Syria, ad-Dawla al-
19 Islamiyya fi al- Iraq wa-sh- Sham, Daesh, Dawla al Islamiya, and Al-
20 Furqan Establishment for Media Production. The defendant shall have no
21 connection whatsoever with these terrorist groups or any other terrorist
group/gang. **If he is found to be in the company of such individuals or
wearing the clothing, colors, or insignia of the-above noted terrorist
groups, the court will presume that the association was for the purpose
of participating in gang activities.**

1 **4. Conclusion and Request for Judicial Recommendation**

2 For the foregoing reasons, Mr. Natsheh respectfully asks the Court to sentence him to 48-months'
3 imprisonment, followed by 5-years supervised release. When the Court imposes sentence, Mr. Natsheh
4 hopes the Court will recommend that he be imprisoned at a facility near his family in California.

5 Mr. Natsheh offers the following as a summary of reasons why the sentence should be imposed:

6 1. Mr. Natsheh was eighteen years old when he was recruited and, based
7 on scientific data and accepted Court precedent, his brain was not fully
8 developed at the time and highly susceptible to the well-produced and
9 overwhelming propaganda produced by ISIL.

10 2. Mr. Natsheh has strong family support to encourage him after his
11 release as is evidenced in the PSR, letters to the Court, and by his family's
12 willingness to speak to out about his illegal actions.

13 3. Mr. Natsheh is such a low risk that despite the availability of the
14 resource, neither Probation nor the Government has selected him for any
15 evaluation or counseling for radicalization.

16 4. Mr. Natsheh was open and cooperative with agents immediately after
17 arrest and continuing after he was in custody.

18 5. Mr. Natsheh displayed an impetuous plan to join ISIL and did not take
19 any steps to engage in violent acts, acquire skills to engage in violent acts,
20 nor bring weapons to ISIL

21 6. Mr. Natsheh's actions were undertaken following an extended period of
untreated depression where he was searching for a purpose and sense of
belonging greater than himself.

Respectfully submitted,
STEVEN G. KALAR
Federal Public Defender

Dated: December 6, 2016

/s/ Candis Mitchell
CANDIS MITCHELL
Attorney for Defendant

exhibit A

Honorable Judge Seeborg
United States District Judge
% Candis Mitchell
Office of the Federal Public Defender
Room 19-6884, Box 36106
San Francisco, CA 94012

Dear Judge Seeborg,

My name is A [REDACTED] Natsheh and I am writing on behalf of my brother, Islam Natsheh. I am a 17-year-old senior at Westmoor high school and I plan on attending Skyline College next fall to begin studying to become a Radiologic Technologist.

I am still shaken about the whole situation, but what keeps me believing in my brother and loving him is the fact that he is a good person. I feel weird writing that, because it seems so contradictory, looking at what actually took place. However, these past few months I have gotten to see a side of my brother that i've never seen before. I wish more than anything that you, the man who decides his fate, could know him like I do.

Growing up with him was very average. I was the typical little sister, always wanting to tag along with my brother and hang out with him. He was the typical big brother, watching over me making sure I was always okay. Like all siblings, we argued and yelled at each other over the smallest things, but we had such a fun and comfortable relationship that we were able to forget why we were mad in the first place.

Islam was a very compassionate person. He absolutely loved helping others in need; always finding ways to learn what those around him wanted and made every effort to help them. Like the time he created T-shirts to sell so he could send the profits to Gaza. He was genuinely concerned about the same issues kids his age are, and unusually devoted to those that meant something extra special to him.

When asked about his interests and opinions, he was able to logically explain his ideas about them in ways far beyond those which someone his age would be capable of. With Islam being so intelligent and mature for his age, there was so much pressure and expectations on me to be like him. At the time I was stressed out about that, but there is nothing wrong with wanting to be like my older brother. He was very likeable and had a great sense of humor. He loved to make people laugh and did it well. Islam had a lot of potential, and to see that die would absolutely crush me.

That is who I remember Islam to be. He's extremely bright, and the potential I mentioned before is still there, buried inside. He is hurting more than any of us can imagine, and yet is adapting to an extremely unpleasant situation better than most ever could. He is polite and considerate to

those that have contact with him. He is realistic about his situation, yet remains hopeful that he will find something positive in it.

He does have plans for the future and has discussed with me his ideas of getting into business, particularly stocks. All of his hopes and dreams have to do with getting an education and using it to become a productive member of society. I believe what he needs is the hope that he has a chance of achieving these goals.

We regularly send letters to each other, talking about the situation he is in and other things such as future plans, grief for what he has done, and him accepting what he did was wrong. He is aware of the pain that he has caused, and is just as shocked as the rest of us that he was capable of such horror. He is especially sorry for the pain he has brought upon our father, who tried so hard to help him. He now realizes that his family will always be his number one supporter, not his so-called friends that guided him into the wrong path. I share this because I think it emphasizes the kind of person Islam was and still is. I think it also shows that there really should be no concern for this kind of thing to happen again.

I love my brother more than I ever thought possible. It is a difficult concept for an outsider to understand, but it comes from what is inside us. I truly see the signs of someone who was in desperate need of help, different help than any of us knew how to give. He needs support and love from the people who truly want the best for him. But most of all right now, he needs hope.

Thank you for your time in reading this. I wanted to speak from my heart and hope you will forgive the informality of this letter. I realize you have a huge amount of things to consider in this case, and I hope I haven't sounded like a nagging sister. Thanks again for your attention.

Respectfully yours,

A [REDACTED] Natsheh

exhibit B

Honorable Judge Seeborg
United States District Judge
% Candis Mitchell
Office of the Federal Public Defender
Room 19-6884, Box 36106
San Francisco, CA 94012

Dear Judge Seeborg,

My name is Said Natsheh and I am Islam Natsheh's father. I am writing this in hopes it sheds some light on who my son truly is. I would like to start off by talking about Islam's early childhood and my experience with it all. Although Islam was fairly young when his mother and I began having marital problems, he was still old enough to have some type of memory of it. In 2004, I had an aneurysm which left me in the hospital for several years. The day after my first surgery, I woke up to find out Islam's mother had took my son and daughter without my consent to New York. I can only imagine what kind of impact this had on Islam. I believe this affected my son's behavior because so early on in his life he was forced to grow up. With Islam being too young to speak up for himself, he kept everything inside, suppressing his emotions, which contributed to him being in this situation.

After two years, Islam's mother asked me to take Islam and let him live with me because she couldn't handle the situation. Still recovering from my major surgeries, I raised Islam on my own. It was extremely difficult raising my son as a single dad with the health issues I was going through. However, I was grateful that Islam came back to California. I tried my best to give him the normal life he deserved. I was and still am devoted to creating a better life for my children. I even stayed single for almost ten years, choosing not to remarry in order to focus on my kids.

As Islam got older, I saw him blossom into an amazing young man. He always had a talent with managing and leading others. I was proud when he got his first job working at the concierge in a hotel. He has a fun and welcoming personality that always made everyone feel comfortable. However, once he graduated from high school he started to change. He became distant from the family, rarely speaking with us. He would stay out late with friends, sometimes not even coming home until morning. This caused tension between us. We argued nonstop about the things he was doing. Like any parent, they want their kids to be responsible and not stray on what's important; in Islam's instance, family and education. We faced extreme challenges during these last two years. I've even resorted to kicking him out, which I thought was best for him at the time, but deep down it hurt me to see Islam go through these rough times. He rebelled against me in ways that would make any other person give up on him. But I never stopped trying to help my son.

I had to be tough with Islam because there was no other way. I never agreed with his bad behavior, but I knew all of it was coming from stress. Drugs and marijuana played a major factor

in his behavior. He became dependent on drugs in order to escape the pain of reality. When he decided to move back with his mom in New York, I believed that maybe this could be a way for Islam to start new. However, no sooner then 5 months Islam was back and worst than ever. I sought help from my longtime friend Hamza Ghosheh, who considers Islam to be one of his own, after the bad impact of Islam's trip to Syracuse, New York. Hamza offered Islam a job at his restaurant, Falafel House. Islam started to repair his life and was committed to to going back to school. He started becoming more responsible, paying off his many parking tickets to fix his driving record, looking at colleges to attend, and becoming more social with the people around him.

I have seen how Islam sincerely regrets having committed this crime. He knows in himself that he has done something wrong and must be accountable for the consequences of his actions. Although I want to save my son, I don't want to lose him in the process. I do believe he deserved to be arrested because this was the wake up call that Islam needed. He has passed the lowest point in his life and will only be going up from here on out. I am absolutely positive that my son has learned his lesson, especially after seeing what he put his loved ones through.

Your Honor, I ask for mercy on my son. We all know he made a huge mistake, but he has realized what he did was wrong and just wants a second chance to show you and his family that he can change his life for the better. He has no prior criminal history and has never been violent to the people close to him. With my current health issues, I don't think I can live without him. He means the world to me and I just hope this letter can help him, even in the slightest way possible. Thank you for your time and consideration.

Respectfully yours,

Said Natsheh

exhibit c

Dear Judge Seeborg,

11/13/2016

My name is Helen Ghosheh a mother of three children and two stepchildren. I own a little Middle Eastern restaurant in Sonoma County.

I have known Islam Natsheh for 7 years now both on a personal and business level. Islam Natsheh has grown on my family and I over the years. Sitting here trying to write this letter for Islam's conviction court date is very shocking and difficult for me. I am still in complete shock that he's in this situation all together.

Islam had a very rough childhood. He didn't have it easy growing up. His mother left him and took his little sister and went to live in NY. Islam was left with his father, all alone without his mother and sister. This separation took a huge toll on Islam's well-being. He was separated from his mother at such a young and critical age. I say this with the up most confidence because I went through the same exact hardship.

The past couple of months before Islam was arrested, I didn't recognize the person I saw anymore. He was depressed, not eating, very unhappy, not going out, zero socialization and was very down on himself. Islam was going through a very deep depression and needed help but he didn't think that therapy would be of any help.

One day, out of nowhere, Islam decided to move to NY to be with his mother that he longed to be with for years. Without going into details, but the beautiful picture and dream of him reuniting with her wasn't what he found. His mother and her family called the police on Islam several times and kicked him out and wanted nothing to do with him knowing the depression he was going through.

Islam then returned to San Francisco to be with his father after having nowhere to go. This was absolutely heart shattering for Islam. To dream about something your whole life. To think about that day that you reunite with your mother, with your family, and be turned away, was not something Islam was ready for.

I remember on a fall afternoon, Said Natsheh, Islam's father called my husband and I and said that Islam has been locked in his room for one week now without food and water. He refuses to come out and refuses to speak with anyone. He asked us if we could maybe come down and speak with Islam to see what the problem was. I personally called Islam myself and we had a long talk. I can still hear him sobbing over the phone about how depressed and hopeless he was feeling. He didn't want to feel this way and didn't know what to do.

My husband and I offered him a job at our restaurant, a place to stay but there was a condition. He needed to go back to school and finish his degree. He agreed and started working for us 2 days later.

It was such a joy to have him in our restaurant and our home. He brought life into our children's lives as we don't have any family here in Petaluma. Our children started calling him uncle Islam and got very attached to him. He was thriving in the work place! Customers loved him, he brought more business with his smile, positive attitude and charming personality. Customers would solely ask for Islam to make their orders. He started coming out of that funk he's been in for months. He started losing weight, working out again, socializing, developing new and healthy relationships and most importantly, he felt worthy again.

Around that time, I needed to have major surgery and didn't have any family around to help. At that point, Islam was staying at our house a lot. I still remember till this day how sweet and helpful he was with me and the kids. He was running the restaurant as well as helping around the house and kids. Anytime I had a follow up, he would be the first one to volunteer to watch the kids and or drive me to my appointment. He cooked, cleaned, babysat and ran the restaurant. We would have 2-4 movie nights a week and we always had a blast with him. My two toddlers would wake him up as early as 6am on the weekends and he would make sure they had breakfast and played with them until we woke up. Dinners all together were a time Islam and my family treasured together. I felt as though we filled a gap that Islam had been looking for his whole life. I have to say though, he also filled a gap in our lives as well. His bubbly personality and warm heart brought joy into our family that I will forever be thankful for.

Islam Natsheh is smart, witty, courageous, adventurous, affectionate, compassionate, empathetic, generous and a reliable human being. I know Islam made his mistakes, I know he should have taken the high road and walked away but, because of one mistake, should this young man's life come to an end? Should he not have a future ahead of him because he messed up? His is still full youth and has so much to give back to his community and his family. Said Natsheh has been there for Islam trying to raise him all in his own. If not for Islam's sake, then for his fathers.

I beg the court to look at all aspects of this case. I beg that Islam is given another chance. Another opportunity to restart his journey and restart on the right path. I beg that the court have mercy on Islam as well as his father that has raised him and invested in his well-being. I ask the court to consider A [REDACTED], Islam's sister that has left her mother, her family, her friends and unrooted her entire life to reconnect with her only brother and made the move all the way from NY.

If and when Islam is given another chance, he has my home open to him. I will have a full time position at our restaurant and my husband, his dad and I will make sure that he goes back to school like he originally had planned. We will also make sure he goes into counseling to deal with his depression as this goes hand in hand in him succeeding and working towards his future.

Respectfully yours,

Helen Ghosheh

[REDACTED]

exhibit D

Honorable Judge Seeborg
United States District Judge
c/o Candis Mitchell
Office of the Federal Public Defender
Room 19-6884,/Box 36106
San Francisco, CA 94102

10/25/2016

re: Islam Natsheh

Dear Judge Seeborg,

My name is Suhad Halaka. I am a 73 year old retired woman. I worked with Islam from mid 2011 till mid 2014 at the Gift Shop / Concierge inside the Holiday Inn GoldenGateway in San Francisco. Islam worked on the week-ends while going to High School. He functioned at a much higher level than the other two young part- time employees that I worked with. Islam got my attention immediately by his honesty and hard work. He learned fast and helped the other employees to do a better job. He had excellent customer service and was well liked by the guests of the hotel that he helped. Islam related to me as a mother or a grandmother that he never had. His parents were divorced and he was raised by his father. I expected Islam to do well in college and build a solid future for himself. I kept in contact with him after the Gift Shop closed in June, 2014 and I found out that he tried to re-connect with his mother and Grandmother in New York but was extremely disappointed in his mother's life style which made him come back in less than a week. Islam seemed to have lost hope in making his and his family's lives better and as a result he seemed depressed most of the time and dropped out of college. I never ever expected Islam who was a fine young man to be capable of committing a crime and end up in Jail. I am angry at him but yet very sad for his present situation. I have no explanation or an excuse for his actions but I appeal to you to look at the Islam I knew and loved and extend leniency and mercy to him because he most certainly would not fail if given another chance.

Respectfully Yours,

Suhad

Halaka

exhibit E

Honorable Judge Seeborg
United States District Judge
c/o Candis Mitchell
Office of the Federal Public Defender
Room 19-6884, Box 36106
San Francisco, CA 94102

Dear Judge Seeborg,

My name is Ibrahim Aboudamous, I am 21 years old and currently working at Apple as a specialist. I am also a student at Skyline College in San Bruno, California, finishing my general education studies to attend San Francisco State University in the Spring of 2017, in pursuit of my Bachelor Degree in Computer Science.

It was the end of 7th grade when I first met Islam Natsheh, Islam started out as just a friend to me, but it was not long before our friendship morphed to be more of a brotherhood. For the rest of middle school, throughout high school, and eventually into college, Islam acted as my motivation to pursue my education, even when the prospects of me attending college, or even graduating, seemed dismal. Islam tutored me in the subjects I was falling behind in, reminded me of impending deadlines, and provided both academic and emotional support in a multitude of other ways.

Respectively, Islam was not just there for me in this aspect, but for everybody in the school, the positive effect he reverberated throughout the halls was evident. I remember being extremely envious of Mr. Natsheh in high school; I cannot account for a single time someone would walk past him without smiling. He was the guy you could always count on, whether you needed last minute help on an assignment you waited too late to start, or an understanding ear to help you through your problems, Islam was selfless in his endeavors to help his peers. Islam participated on campus in a variety of ways, he was announced "student of the month" many times in high school, displaying his relentless work ethic to complete all assignments and always remain an active class participant. Mr. Natsheh was also a part of the school's speech team, where he blossomed by taking his passion of talking to people and used it to perform and compete against other schools all across the state of California.

Mr. Natsheh was also a devout member of the community. Islam was deeply troubled at the realization that the local mosque was understaffed and too underfunded to hire more teachers, so he took a proactive approach. Islam dedicated virtually all of his free time to volunteer at the mosque; helping the children learn about their religion and the Arabic language. Most admirable to me was that during his months working in the mosque, he never once fretted about gaining volunteer hours, payment, or praise, he just felt morally obligated to help the youth of his community.

At one point in my life I was having trouble finding a job and it was Islam who helped me find employment. He approached me, asking me to join him in a job interview with a local gift shop and concierge position he was working with. Working together, observing Islam in a professional sphere, is where some of his best qualities came to light. Every customer that walked into the gift shop would receive such genuine customer service and care from Islam. A lot of tourists would come in without a clue as to how to navigate the city, or even how to communicate with the locals, but Islam repeatedly went out of his way to make ensure the

customers, regardless of race, religion, or orientation, felt comfortable and cared for while in his presence.

It comes with utter shock learning that Mr. Natsheh, a young man who would go out of his own way to make sure he could make you smile on your worst days, is being convicted of such a heinous crime. Islam struggled with mental health and drug addiction issues in the months preceding his conviction. It brings me great disturbance that his vulnerability as a product of said issues put him in a position to be radicalized. However, with the full acknowledgement of Islam's wrongdoings, it is with my deepest sincerity that I claim Islam wanted to be a successful, active member of the community, and I strongly believe it was depression that drove him to resort to the extreme measures he did. After speaking to Islam on the phone from jail and visiting him, it is uncomplicated to see that Mr. Natsheh is aware of his wrong doings and is in complete regret.

As humans we must not forget that we are not always perfect but that we must accept our mistakes and learn from them, even the greatest have once in their lives failed, but it was those mistakes that helped them learn and fix their decisions. I strongly hope that Mr. Natsheh is treated leniently and with mercy as this should be an opportunity to get his life back on track to achieve the positives that once were his main goal, instead of receiving a punishment to completely put said positive goals to rest. Thank you for your time, your Honor Judge Seeborg.

Respectfully,

Ibrahim Aboudamous

Phone: [REDACTED]

Email: iaboudam@my.smccd.edu

exhibit F

Honorable Judge Seeborg
United States District Judge
c/o Candis Mitchell
Office of the Federal Public Defender
Room 19-6884, Box 36106
San Francisco, CA 94102

Dear Judge Seeborg,

My name is Zakariya Jamali from Brisbane, CA writing this letter on behalf of a brother of mine named Islam Natsheh. I am 19 years old and currently a full-time student at Skyline college and College of San Mateo. I work a part time job at Best Buy in Colma and help my father out with our small business of an Auto Repair Shop in South San Francisco. Islam is one of the greatest friends I have and will ever have. He has always been there for me and I have never looked down on him less than a brother. He is a smart, loving, generous and an exquisite human being. I have known Islam since the ending of his high school education and beginning of his college, so around when he was 17-18 years old. I met him through another good brother of ours named Ibrahim. I am fully aware that he has made a mistake and was unfortunately misled but we cannot judge a person based off his or her mistakes. Yes, a punishment must be applied but treating him like a dangerous person is wrong. Knowing, Islam for so long he wouldn't hurt a fly. When we would go out with the boys he would always be the first person to offer to pay or he would be the first person to offer to drive. He was always ready to pitch in. He was also ready to pitch in to his community by continuously donating to the needy and to his local mosques. Islam has always been at a battle with himself especially after going through the divorce with his parents at such a young age, trying to get his education as a business major, trying to make money and save up, and most importantly proving himself to his dad and the world. he was working hard to make his father and family proud. This side of him was never shown and I was so surprised about what happen when I first heard about it. The worst part is he will not be able to live his life like us, and his life is going to get thrown away and I think that's what hurts the most. I truly hope you will see Islam passed his mistakes and as a blessing to this society rather than a threat. Even though I may have not talked to Islam since the

beginning of the incident, I am sure he has learned from his mistake and understands what he has done. Thank you for taking the time to read my letter and understanding him from my point of view.

Respectfully,

Zakariya Jamali

exhibit G

Honorable Judge Seeborg
United States District Judge
c/o Candis Mitchell
Office of the Federal Public Defender
Room 19-6884, Box 36106
San Francisco, CA 94102

Dear Judge Seeborg,

My name is Sadullah Hamidi. I was the former Imam (priest) of Fiji Jamaat Ul Islam of America (FJIA) in South San Francisco. I was an Imam for seven and half years in FJIA.

Mr. Islam Natsheh use to come to our Friday prayers with his father Saeed Natsheh who introduced me to him. Islam would also come and visit some of his friends in my class where I use to teach Quran reading in Arabic. I had a total of 25 kids. The kids that attended the class ranged from the 5 to 15 years old.

As typical young boys, they would get loud so Islam offered to help me teach the boys Islamic studies, like how to pray. So I accepted his offer.

He taught the kids for a period of 4 to 5 months every Thursday from 6pm to 7pm. The kids really enjoyed his company and we're very happy to see him. I didn't see any type of bad behavior from Islam during this period of 4 to 5 months.

After those months, I didn't see Islam for several months. Then his father came and told me that Islam had move to New York to live with his mother.

I can testify that during the period, which I knew Islam he was a very good and loving person to everyone.

Respectfully yours,

Sadullah Hamidi
Imam

exhibit H

22 October 2016

Honorable Judge Seeborg
United States District Office
% Candis Mitchell
Office of the Federal Public Defender
Room 19-6884, Box 36106
San Francisco, CA 94102

Re: Islam Natsheh

Dear Judge Seeborg,

My name is Sami Alayan and my wife's name is Noor Alayan and we are Islam Natsheh's aunt and uncle. I have a diploma in computer science and my wife has a bachelor's degree in geography and she is currently studying human services to get her master's in social work. We have three kids ranging from age five to twelve.

We know Islam Natsheh about as well as his immediate family would. We know him to be trustworthy, caring, and a man who loves to give back to his community. Ever since he was a little boy he was active and full of energy, always willing to help. Once Islam moved from New York to the Bay Area in 2006, that's when he was able to get to know our kids and create an incredible relationship with them. He would constantly visit us, buy presents for the kids, take them out to eat, playing games with them, and with that we were able to trust him like one of our own. Islam was always willing to lend a hand, never hesitating when we asked for him to babysit his cousins. As Islam got older, we realized he was the type of person that will help anyone who asked for it. We found him to be an extraordinary young man with a passion to assist ones in need. We were thrilled to find out he created t-shirts to sell so he can send the profits to the families in Gaza.

We were extremely heartbroken and shocked to hear Islam was arrested. Especially since this is Islam's first time being arrested. With his clean record, as well as his close relationship with his community and family, we strongly believe that a lesser sentence would be good for Islam so he can turn his life around, and prove to you and his family what amazing things he can do. Your Honor, we ask for your mercy. We hope you are able to see the potential in Islam and give him a second chance to turn his life around.

Respectfully yours,
Sami Alayan