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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

Statement of: [REDACTED]

Age if under 18: Over 18

(if over 18 insert 'over 18') Occupation: Unemployed

This statement (consisting of 8 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: [REDACTED]

12th January 2012.
Date: 11/01/2012 AWCheck box if witness evidence is visually recorded ☐ (supply witness details on last page)

I have read and signed the 'Assistance agreement' given to me from the Metropolitan Police Counter Terrorism Command and after discussion with my Legal Team I am happy to assist to provide evidence to the UK Authorities in relation to my knowledge of persons I know as AMIN and YAHYA. This assistance agreement has also been signed by my Legal Team and a US Law Enforcement Officer.

The paragraph at the top of this statement, which I have been advised is a Section 9 declaration, has been fully explained to me and I understand that everything I say must be truthful. The need to obtain my statement has been fully explained by Detective Sergeant [REDACTED]. I have been informed that the information the UK Authorities need is in relation to persons named as Minh Quang PHAM and [REDACTED]. I do not know the names PHAM or [REDACTED]. I only know two males as AMIN and YAHYA. I met AMIN at two different locations in Yemen and spent time with him at those locations; I have only met Yahya on one occasion. The first time I met AMIN was over a period of one day and on the second occasion we met, Yahya was present. On that occasion, my encounters with AMIN and YAHYA were over a period of 4 to 5 days.

They would know me as JAFAR as this is the name I used whilst I was in Yemen in their company. I was in Yemen from January 2010 until April 2011 and one of my purposes for being there was to represent Al-Shabaab in order to purchase weapons from Al Qaeda in the Arabian Peninsula (AQAP). It was during this period of time that I met with AMIN and YAHYA.

I have been asked to provide any information that AMIN and YAHYA gave to me about themselves.

I will begin with AMIN.

I first met Amin in an Al Qaeda 'safe house' in late March 2011, in the Ma'rib area, this was known as 'Ayid Shabwan safe house' named after the person who the property belonged to. AMIN was at the house when I arrived. Also there was a [REDACTED] male named [REDACTED] and [REDACTED] male named ABU BAKAR and some other members of AQAP whose details I cannot recall. YAHYA was not present on this occasion.

We conversed in English. Amin did not speak Arabic. Most of what I am saying below is based on conversations with AMIN.

I was aware they had arrived in Yemen as I had received a message from Samir KHAN stating there were new foreign fighters and gave their names as, Amin, Yahya and [REDACTED]. I understood that
Signature: [REDACTED] Signature witnessed by: [REDACTED]

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Samir KHAN had also told them about me. This message was on my flashdrive (thumbdrive) but I deleted it, however I do recall I received it sometime in March 2011. KHAN did not specify in the message what their roles were to be while in Yemen.

It was during this time that Amin told me about himself and his life in the UK. He also spoke about his camera and his photography.

I saw that he had an Acer laptop, the same make as mine, and he gave me what I call books, some of which were written by an Australian author named [REDACTED]

These were in fact computer files of documents on religious subjects.

I am not certain when he gave me these files but basically I downloaded them from his flashdrive onto my computer and I stored them under a folder named 'AAA NEW'.

I did not get a chance to read any of the articles in these files until after my arrest but I know some of the articles discussed converting to Islam, Jihad and suicide. I have had the opportunity to show DS [REDACTED] exactly where these files are stored on a copy of my computer data that was seized by the US authorities.

AMIN also had bags with his clothing inside; I cannot assist with any description of the bags or the clothing contained within them.

On my arrival, Amin had a Kalashnikov with him and a pouch of ammunition. I am not certain if he had purchased this gun himself but he did say he had been trained by Abu Anas TAIS on how to use it, I can say from my knowledge of firearms that this weapon was capable of automatic and single fire.

Also during this time Amin was working on his Acer laptop on a video.

There is no formal arrangement for paying for training but if you have money you donate it to the cause. Most people buy their own guns.

I do not know how much money Amin had on him whilst in Yemen

That day at the house we just talked until about six pm when I left.

I was only at this house for one day before I moved on.

AMIN told me that he was originally from Vietnam and that he had adopted the name AMIN while in Yemen, he did tell me his real name which was not a Muslim name but I cannot recall what that name was.

I would describe AMIN as a Vietnamese male, he was about 5'6" to 5'7", he had a 2-inch long goatee beard but no other facial hair, his head hair was short and dark, possibly brown in colour, he dressed in sweat pants and t-shirts, he did not wear any head coverings and did not dress in what I would describe as traditional Yemen attire, he told me he was 2 to 3 years older than me, so possibly about 27 years old, but he looked younger. He was what I would describe as athletic build.

I do recall that at one point he had a skin irritation which he told me he got in Yemen, the [REDACTED] [REDACTED] also had the same condition.

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AMIN told me this was causing his whole body to itch and he had scratched so much his legs had bled. I did not see this condition as it was confined to his body and not on his face.

He asked to me purchase some cream for him to help soothe the itching; I do not recall the brand of cream except to say it may have been an Egyptian brand of medicine.

From memory I think he told me about this condition during the second time we met.

AMIN told me his father was born in Vietnam but that he, Amin, had grown up in the UK and had only been back to Vietnam once; he also told me that his father had fought against the United States in Vietnam.

Amin said that he had grown up in the UK; I do not know the exact area except that it was London. He studied at a University there where he undertook a course in photography and designing of such images. I do not recall the exact title of the course or the University. I do not recall him saying if he had a job in the UK.

He did say the name of the course which he graduated in but I cannot remember this. Amin told me he had converted to Islam approximately seven years ago having attended a Mosque in London where he met with Yahya. He did tell me the area this Mosque was in but I do not recall it. He also said that some of the people who attended this mosque were [REDACTED]. These are a group that existed before September 9/11 and were controlled by [REDACTED]. He did not name these people.

I know this mosque was in the area that both AMIN and Yahya lived because they told me.

Amin told me that Yahya assisted him in his conversion to Islam and taught the Islamic teachings. They were close neighbours according to Amin.

They both attended the one specific Mosque in London where the [REDACTED] talked to Amin about Jihad. According to Amin their conversations were not followed up with any action.

Amin told me he wanted to Jihad and become a martyr. Yahya also told me he wanted to become a martyr.

Amin told me this was the reason both he and Yahya had come to Yemen to fight in jihad with Al Qaeda. Amin told me that Yahya had told Amin that he was from Yemen and had family there and that he could assist in getting him there and to join AL Qaeda.

Amin had been in Yemen for at approximately two months prior to our first meeting.

Amin had travelled from London to Saana as a tourist. I have been shown a map of Yemen by Detective Sergeant [REDACTED] and I have been informed this is Police exhibit reference MJJ/4. I have identified the areas I know that Amin has travelled whilst he was in Yemen and the areas in relation to the safe houses I am going to talk about.

He told me he had a camera with him and told me that during his tour of Yemen as a tourist had been to various areas taking a number of photographs, particularly of mountains. I did not see any of these photographs.

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During the period he was travelling Amin told me that he had been speaking with Yahya who was making the arrangements. I do not know by what means they were communicating and I did not see AMIN in possession of any mobile phones.

I was very surprised to see Amin in Yemen because of his nationality; I had not seen any other Vietnamese in Yemen during my stay.

My surprise was based firstly on the area he was in was a safe place for AQAP for planning attacks and not somewhere front line fighters would be.

Secondly he had not changed his name to a Muslim name until he arrived in Yemen, and had not legally changed his name on his documents. It is normal to legally change your name when you convert to Islam.

Thirdly he had no military experience and was travelling as a tourist.

Because of the above I thought he could be good for AL Qaeda

I asked him if he wanted to go back to England but he said no he wanted to stay and fight for Al Qaeda and that he had made Hijra which means to immigrate to an Islamic country from a non-Islamic country.

During our first meeting Amin told me that he had taken Bayat (which is to swear an allegiance to Al Qaeda) and this had been done in a house occupied by someone I have been told is a senior AQAP Commander named [REDACTED]. This was in LAWDAR, ABYAN. I do not know if [REDACTED] was present at that time.

This Bayat is unique to AQ in Yemen, when you take this allegiance you are basically undertaking to obey without question the orders you are given.

He told me that an AQ Commander named [REDACTED] was the person he made Bayat to, and this was done at the house of [REDACTED] where AMIN and YAHYA were staying. I believe this may have been sometime around February 2011.

[REDACTED] is one of the AQ Commanders for Southern Yemen.

Amin stated that when he left University he was unable to get a job and was receiving government benefits in the UK. He said that the job situation was getting worse and that he had to go to the job centre. He did not like this and if he did not get a job he would lose his benefits. AMIN said he did not like the UK taxes and the unemployment. I believe he did not like the UK for the reasons I have just mentioned.

He also complained that there were lots of spies in the Mosques in London and that the government of the UK were arresting lots of people for terrorism related offences. He did not mention who these people were or if he knew any of them.

I am unaware of any attacks in the UK Amin or Yahya may have been planning, Amin stated that their intention was to stay in Yemen and fight there.

I have been asked if I have any knowledge of AMIN or YAHYA killing anyone while in Yemen or setting any bombs or handling any explosives, I have no knowledge of anything like this.

Amin told me that when he left the UK he was married to a woman from Bangladesh and that she was due to give birth imminently however he said that Jihad was more important than his family. I do not know what his wife's name was except that he told me he had lived with her while in the UK, I do not know where or in which area.

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I did ask him how he was going to stay in Yemen as he only had a tourist visa but he said he did not want to go back and wished to remain in Yemen.

He told me that when he left the UK he had not told his wife or family that he was going to jihad. Amin said that his parents were not Muslim

Amin said during conversations that Yahya was a very good friend and had helped him convert to Islam and that he was very educated in the religion. He had also listened to a number of Anwar Al AWLAKI's speeches.

Amin did not talk about others in London with similar views; however Yahya told him he had a number of friends in the UK who wished to join them. I do not know the identities of these people.

AMIN told me that YAHYA was the person who arranged for him to come to Yemen and to join AQAP.

AMIN told me that Yahya was from Yemen and Yahya told me that he was from one of the Yemeni tribes in the area of Lawdar; he did not say which one.

Amin did not tell me how he funded his trip to Yemen except to say he had come as a tourist to Saana.

Once Yahya had made the arrangements, Amin then travelled from Aden to Lawdar where Yahya had arranged for Amin to meet AQAP members. At that time the security situation in Yemen was very bad with lots of check points and so Amin and a driver had travelled from Aden to Lawdar in a car with Amin dressed in a full burkha in order that the soldiers would not check his identity. AMIN was passenger in this vehicle; I do not know the identity of the driver.

I was told by AMIN and YAHYA that when Amin arrived they went to a 'safe house' occupied by AQAP Senior Commander [REDACTED]

Amin said that his first contact with AQAP was whilst he was in Lawdar. He had had no contact with them whilst in the UK.

Lawdar is an area controlled by AQAP

AMIN told me that after they had sworn their allegiance to AQAP, in Lawdar [REDACTED] taught them how to use a Kalashnikov in preparation for their journey from Lawdar to Ma'rib in case they were attacked. It was only basic training and done in the house where [REDACTED] was located.

Amin spoke about his wife and his parents to me but not of any other family members.

Amin said that it had not been an issue him converting to Islam though at the time of coming to Yemen he was not living with his parents.

I left the safe house that evening and moved to the home of [REDACTED] father, another AQAP Commander in Ma'rib.

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After a period of less than two weeks, Amin and the [REDACTED] joined me at this house; also present was Anwar AL AWLAKI, Samir KHAN, [REDACTED] Yahya and other AQAP members.

I would describe YAHYA as having a full dark coloured beard and short dark hair, his upper left front tooth was missing and this was very noticeable. He dressed in traditional Yemen clothing including the wearing of a Jembia (Yemen Knife). He told me he was from the LAWDAR region of Yemen and that he had relatives living there. He was about 5'10" skinny build, mid 20's maybe 25 years old. I think I would recognise him again.

Yahya was fluent in both English and Arabic.

Yahya was what I would describe as more security aware and did not speak much to me, by security aware I mean he was a closed person and did not tell me much about his life, in contrast AMIN told me a lot about himself and his life in the UK.

Yahya had said that there were many people in the UK who he knew who wanted to come to Yemen but AL AWLAKI said that he did not need any more fighters just people with specialist skills such as Amin had in graphic design and Yahya had with translating Arabic into the English language.

Yahya had said he was from Lawdar, Yemen, and was from one of the tribes in that area. He had then lived in Kuwait before going to the UK where he was educated. He had undertaken a course at a London University in Science but had failed to complete it. I do not know if this is the same University that Amin went to.

Yahya did not say a lot about his family. He was a very quiet and "closed" person and did not smile a lot whereas Amin and I spoke a lot. I liked AMIN more than YAHYA for this reason.

Yahya has close family in Lawdar and the family home is there.

AL AWLAKI told me he was very pleased to receive Amin as he had been Taskiya (referenced) by Yahya and that his skills with the computer, photography and video would be of great benefit to AQAP particularly the assistance he was providing with the AQAP magazine 'Inspire'

Whilst in Yemen Amin had wanted to send a message to his wife to say that he was safe and in Yemen but because of the security Anwar Al AWLAKI told him he had to write the message and to give [REDACTED] his email details and password and they would send it on his behalf from a secure AQ laptop. From my recollection this was arranged during the time I saw AMIN and YAHYA at the second safe house so it would have been sometime between 1-7th possibly 8th of April 2011. I do not know what AMIN's email or password details were. AMIN told me he supplied [REDACTED] with those details. I do not have any knowledge about the content of the message sent or if it was even sent. Whilst you are with the Al Qaeda in Yemen you are very restricted in the use of telephones and emails this was said to me by Anwar AL AWLAKI and [REDACTED]

I was close to [REDACTED] and had my own laptop whilst in Yemen. [REDACTED] and I had been in the same 'safe house' at one time.

Sometimes I would translate between [REDACTED] and Amin.

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In AQAP if you are a foreigner and spoke English you worked with Anwar AL AWLAKI and Samir KHAN. In order to communicate AL AWLAKI would send written messages to you. AL-AWLAKI was the AQ person in charge of Northern Yemen at that time. Any English speakers were usually under his control.

I believe from my conversations with AMIN he was not very knowledgeable on Islamic teachings and he was easier to influence.

Amin was working with Samir KHAN on the Inspire magazine. KHAN told me that Amin was very good at this work and was better than him at graphic designs.

I have seen Amin working on a video with Samir KHAN to promote Jihad for recruitment. KHAN and AMIN also told me they were going to make English 'rap music' It was their intention to post this video on 'YouTube' and would be in small clips which did not last more than 15 minutes.

When Amin arrived at the [REDACTED] safe house' he came with [REDACTED] Yahya was already at the house. This would have been at the beginning of April as I was with them at this location for 4-5 days before I left on the 8th April 2011.

We spoke about what they, AMIN and [REDACTED] had been doing since I last saw them and Amin said that he had been working on the introduction to the video.

Yahya told me he had been working with Samir KHAN translating Arabic documents into English for publication in the Inspire magazine.

Amin commented that he was happy we were all back together as we could all speak English.

Whilst at [REDACTED] house I saw Amin on a number of occasions having private conversations with AL AWLAKI though I do not know the contents of those. Personal meetings with AL AWLAKI were always on a one to one basis this is what I observed.

Amin used his Acer laptop and also AL AWLAKI's Sony laptop computer to do his work on the Inspire magazine, the video and his photography.

I saw Samir KHAN in possession of a black camera which he said was AMIN's. In my judgement and what I had been told by KHAN about the cost and quality of the camera I believe it could have been a Sony camera.

Whilst at [REDACTED] safe house Samir KHAN showed me a picture of four men who had their faces covered and were carrying Kalashnikovs. This picture was contained on Samir KHAN's laptop in PDF format and was one of the pages from the Inspire magazine.

KHAN told me that this was to be used in the Inspire magazine. I recall speaking with YAHYA and laughing about this picture as his shirt was a mess in the picture, and YAHYA just laughed. I have been shown a copy of issue 5 of INSPIRE where this picture is featured on page 62, I am told this is police exhibit MJJ/5. I can confirm this is the same picture I am talking about. As you look at the picture from left to right, KHAN told me that the persons in the picture are Samir Khan, the [REDACTED] Yahya (kneeling), and Amin (far right).

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I do not know who took this picture but Samir KHAN told me that AMIN's camera was used to take it. KHAN also told me that the picture was taken at [REDACTED] safe house before he came to [REDACTED] house.

I do not know when the image was loaded onto the INSPIRE issue but I do know the issue was finished before I left as Samir KHAN gave a copy to me on a flashdrive which I downloaded onto my laptop. This may still be on one of the harddrives that were taken from me when I was detained by the US Authorities.

This is the only picture of them I have seen together.

Whilst at [REDACTED] Anwar Al AWLAKI showed each of us due respect not favouring one from the other. Amin spent most of his time working with Samir KHAN.

Around the time I was leaving the house I overheard AL AWLAKI discussing with ASHRAF that he was planning to move to a further house when one became available with the others.

I have never seen any training taken by either AMIN or YAHYA and I am not aware of any tasking or orders they may have been given while in Yemen aside from that described above. I have been asked if I have ever seen their passports or other identity documents, I can confirm I have not seen anything like this. I simply knew them by their aliases.

I never told them my true name. They only knew me as [REDACTED]

[REDACTED] [REDACTED]

URN

Ermita 804 M
Bermuda

a) Is the witness willing and likely to attend court? If 'No', include reason(s) on form MG6. ☐ Yes ☐ No

b) What can be done to ensure attendance?

Home address:

(include Postcode)

c) Does the witness require Special Measures Assessment as a vulnerable or intimidated witness? If 'Yes' submit **MG2** with file.

☐ Yes ☐ No

Home telephone no.: _____ Work telephone no.: _____

c) Does the witness have any particular needs?

☐ Yes ☐ No

If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness consent (for witness completion)

a) The Victim Personal Statement scheme (victims only) has been explained to me:

☐ Yes ☐ No

b) I have been given the Victim/Personal Statement leaflet:

☐ Yes ☐ No

c) I have been given the leaflet 'Giving a witness statement to the police – what happens next?: ☐ Yes ☐ No

☐ Yes ☐ No

d) I consent to police having access to my medical record(s) in relation to this matter:

☒ Yes ☐ No ☐ N/A

(obtained in accordance with)
2006/07 (1)

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~~e) I consent to the following:~~

f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable: