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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

-----  
REYNALDO GONZALEZ; THE ESTATE OF  
NOHEMI GONZALEZ; BEATRIZ GONZALEZ,  
Individually and as the Representative of the Estate  
of Nohemi Gonzalez; JOSE HERNANDEZ; REY  
GONZALEZ; and  
PAUL GONZALEZ,

Plaintiffs,

-against-

GOOGLE, INC.,

Defendant.

Case No:  
4:16-CV-3282(DMR)

**THIRD AMENDED  
COMPLAINT**

**JURY TRIAL DEMANDED**

Hon. Donna M. Ryu

1 Plaintiffs, by and through their attorneys, allege the following against Defendant Google,  
2 Inc. (“Google” or “Defendant”):

3 **NATURE OF ACTION**

4 1. This is an action for damages against Google pursuant to the Antiterrorism Act  
5 (“ATA”), 18 U.S.C. § 2333, as amended by the Justice Against Sponsors of Terrorism Act  
6 (“JASTA”), Pub. L. No. 114-222 (2016), for aiding, abetting, conspiring, and knowingly  
7 providing material support and resources to ISIS, the notorious designated foreign terrorist  
8 organization that carried out the November 13, 2015 terrorist attacks in Paris, France that  
9 murdered Ms. Nohemi Gonzalez and 129 other innocent civilians.

10  
11 2. The ATA’s civil remedies have served as an important means for enforcing the  
12 federal criminal antiterrorism provisions since the early 1990s.

13 3. Congress enacted the ATA in October 1992 as a legal complement to criminal  
14 penalties against terrorists that kill or injure Americans abroad, specifically intending that the civil  
15 provisions would not only provide a mechanism for compensating victims of terror, but also serve  
16 as an important means of depriving terrorists of financial resources to carry out attacks.

17  
18 4. Following the bombing of the World Trade Center in New York by *al-Qaeda* in  
19 1993, Congress targeted terrorist resources again by enacting 18 U.S.C. § 2339A in September  
20 1994, making it a crime to provide material support or resources knowing or intending that they  
21 will be used in preparing or carrying out terrorist acts.

22  
23 5. In April 1996, Congress further expanded the effort to cut off resources to terrorists  
24 by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide material support or  
25 resources to a designated foreign terrorist organization.

26 6. In the wake of the terror attacks on the United States by *al-Qaeda* of September 11,  
27 2001 killing nearly 3,000 Americans, Congress amended the “material support” statutes, 18  
28

1 U.S.C. §§ 2339A-B, via the USA PATRIOT Act in October 2001 and the Intelligence Reform and  
2 Terrorism Prevention Act of 2004, to impose greater criminal penalties for violating these statutes  
3 and to expand the definition of “material support or resources” prohibited thereby.

4 7. In September 2016, Congress amended the ATA’s civil provisions to recognize  
5 causes of action for aiding and abetting and conspiring with foreign terrorist organizations who  
6 plan, prepare, or carry out acts of international terrorism.

7 8. The terror attacks in this case were carried out by ISIS, a terrorist organization for  
8 years closely affiliated with *al-Qaeda*, but from which *al-Qaeda* separated as being too brutal and  
9 extreme.

10 9. Known at various times as “The al-Zarqawi Network,” “*al-Qaida* in Iraq,” “The  
11 Islamic State in Iraq,” “ISIL,” and other official and unofficial names, ISIS has been a designated  
12 Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act  
13 (“INI”), 8 U.S.C. § 1189, since October 2004.

14 10. By the time of the terror attacks in this case, ISIS had become one of the largest  
15 and most widely-recognized and feared terrorist organizations in the world.

16 11. The expansion and success of ISIS is in large part due to its use of the internet and  
17 social media platforms to promote and carry out its terrorist activities.

18 12. ISIS in particular embraced and used Google’s YouTube platform and services as a  
19 powerful tool for terrorism.

20 13. Google’s YouTube media platform and services provide tremendous utility and  
21 value to ISIS as a tool to connect its members and to facilitate the terrorist group’s ability to  
22 communicate, recruit members, plan and carry out attacks, and strike fear in its enemies.  
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1 14. Google's services have played a uniquely essential role in the development of  
2 ISIS's image, its success in recruiting members from around the world, and its ability to carry out  
3 attacks and intimidate its enemies.

4 15. For example, ISIS uses Google's YouTube platform and services to distribute high-  
5 production-quality videos, images, and recordings that make it appear more sophisticated,  
6 established, and invincible.

7 16. ISIS has used YouTube to cultivate and maintain an image of brutality, to instill  
8 greater fear and intimidation, and to appear unstoppable, by disseminating videos and images of  
9 numerous beheadings and other brutal killings, including setting captives on fire, blowing them up  
10 with explosives, slowly lowering them in a cage underwater to drown, and more.

11 17. In this case, ISIS used YouTube to specifically threaten France that it would be  
12 attacked for participating in a coalition of nations against ISIS, to celebrate smaller attacks leading  
13 up to these major attacks, and to transform the operational leader of the Paris attack into a  
14 "celebrity" among jihadi terrorists in the year leading up to the Paris attack via videos featuring his  
15 ISIS exploits in Syria, France and Belgium.

16 18. ISIS also used YouTube to celebrate the Paris attacks, to intensify the intimidation  
17 of the attacks, and to claim credit for the attacks.

18 19. ISIS also used YouTube to distribute a video made in anticipation of the attack  
19 showing each of the ISIS terrorists who carried out the attacks telling of their intentions and then  
20 executing a captive for the camera either by shooting or beheading.

21 20. For years, ISIS and its affiliated media production and distribution networks openly  
22 maintained and used official YouTube accounts with little or no interference. Despite extensive  
23 media coverage, complaints, legal warnings, petitions, congressional hearings, and other attention  
24 for providing its online social media platform and communications services to ISIS, prior to the  
25

1 Paris attacks Google continued to provide these resources and services to ISIS and its affiliates,  
2 refusing to actively identify ISIS YouTube accounts, and only reviewing accounts reported by  
3 other YouTube users.

4 21. Google knowingly provided material support and resources to ISIS in the form of  
5 Google's YouTube platform and other services, as well as by making personnel available to ISIS.

6 22. ISIS used and relied on YouTube as among its most important tools to facilitate  
7 and carry out its terrorist activity, including the terrorist attacks in which ISIS murdered Nohemi  
8 Gonzalez.  
9

10 23. By providing its YouTube platform and other online services and personnel to ISIS,  
11 Google: violated the federal prohibitions on providing material support or resources for acts of  
12 international terrorism (18 U.S.C. § 2339A) and providing material support or resources to  
13 designated foreign terrorist organizations (18 U.S.C. § 2339B); aided and abetted and conspired  
14 with a designated FTO in the commission of acts of international terrorism as defined by 18  
15 U.S.C. § 2331; and committed acts of international terrorism as defined by 18 U.S.C. § 2331.  
16 Accordingly, Google is liable pursuant to 18 U.S.C. § 2333 to the plaintiffs, who were injured by  
17 reason of acts of international terrorism.  
18

## 19 THE PARTIES

### 20 A. The Plaintiffs

21 24. Plaintiff Reynaldo Gonzalez is the father of Nohemi Gonzalez.

22 25. The Decedent, Nohemi Gonzalez, was a citizen of the United States at the time of  
23 her death.  
24

25 26. Plaintiff Beatriz Gonzalez is a citizen of the United States and is domiciled in the  
26 United States. She brings claims individually and as the representative of the estate of her  
27 daughter, Nohemi Gonzalez.  
28

1 27. Plaintiff José Hernandez is the step-father of Nohemi Gonzalez, and is a citizen of  
2 the United States who is domiciled in the United States.

3 28. Plaintiffs Rey Gonzalez and Paul Gonzalez are the brothers of Nohemi Gonzalez.  
4 Plaintiff Ray Gonzalez is a United States legal resident, and Plaintiff Paul Gonzalez is a United  
5 States citizen.

6 **B. The Defendant**

7 29. Google, Inc. (“Google” or “Defendant”) is a corporation organized under the laws  
8 of Delaware, with its principal place of business at 1600 Amphitheatre Parkway, Mountain View,  
9 California, 94043. Google owns and operates YouTube.

10 **JURISDICTION AND VENUE**

11 30. Google is subject to the jurisdiction of this Court. Google is at home in the United  
12 States because it is a Delaware corporation with its principal place of business in California.  
13 Google may be found in this District and has an agent in this District.

14 31. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §  
15 1331 and 18 U.S.C. §§ 2333 and 2334, as this is a civil action brought by nationals of the United  
16 States who have been killed or injured by reason of acts of international terrorism, and/or their  
17 estates, survivors, and heirs.

18 32. Venue is proper in this district pursuant to 18 U.S.C. § 2334(a).

19 **FACTUAL ALLEGATIONS**

20 **I. BACKGROUND: U.S. ANTITERRORISM ENFORCEMENT LEGISLATION**

21 **A. Criminal Punishment of International Terrorism**

22 33. In the 1980’s, terrorist groups carried out a number of major terror attacks around  
23 the world, killing and injuring many Americans abroad.

24 34. Among these terror attacks were:

- 1 a. The April 1983 suicide bombing of the U.S. Embassy in Beirut, Lebanon, killing  
2 63 people, including 17 Americans;
- 3 b. The October 1983 suicide bombing of U.S. Marine barracks in Beirut, Lebanon,  
4 killing 241 U.S. Marines, 58 French peacekeepers, and 6 civilians, and injuring  
5 more than 100 others;
- 6 c. The December 1983 terrorist bombings of the U.S. Embassy and the residential  
7 quarters of American company Raytheon in Kuwait;
- 8 d. The September 1984 terrorist bombing of a U.S. Embassy annex northeast of  
9 Beirut, Lebanon, killing 14 people, including 2 Americans, and injuring dozens;
- 10 e. The June 1985 hijacking of TWA flight 847, in which an American Navy diver was  
11 killed;
- 12 f. The October 1985 hijacking of the Achille Lauro cruise ship and murder of  
13 wheelchair-bound American Leon Klinghoffer; and
- 14 g. The December 1985 terrorist attacks using assault rifles and hand grenades at the  
15 Rome and Vienna airports, killing 19, including 4 Americans, and injuring about  
16 140 others.

17  
18  
19 35. In response to these and other attacks, Congress enacted the “Omnibus Diplomatic  
20 Security and Antiterrorism Act of 1986” (“Antiterrorism Act of 1986”).<sup>1</sup>

21 36. Title XII of the Antiterrorism Act of 1986, titled “Criminal Punishment of  
22 International Terrorism,” amended Title 18 of the U.S. Code (“Crimes and Criminal Procedure”),  
23

24  
25  
26  
27 <sup>1</sup> Pub. L. 99-399 (Aug. 27, 1986), 100 Stat. 853-901.

1 Part I (“Crimes”), to add a new chapter, then-designated as Chapter 113A and titled,  
2 “Extraterritorial Jurisdiction Over Terrorist Acts Abroad Against United States Nationals.”<sup>2</sup>

3 37. This new chapter provided criminal penalties for killing, conspiring, or attempting  
4 to kill a national of the United States outside the United States, or engaging in physical violence  
5 outside the United States with the intent to cause serious bodily injury to a national of the United  
6 States or that results in serious bodily injury to a national of the United States.<sup>3</sup>

7  
8 **B. Private Enforcement: The Antiterrorism Act of 1992 (“ATA”)**

9 38. As acts of terror unfortunately continued, the United States continued to seek new  
10 methods of combating international terrorism.

11 39. In October 1992, Congress enacted the Antiterrorism Act of 1992 (“ATA”),<sup>4</sup> which  
12 amended the chapter of the Criminal Code dealing with terrorism to include a private right of  
13 action for U.S. nationals injured by acts of international terrorism as a legal complement to the  
14 criminal penalties against terrorists that kill or injure Americans abroad. *See* 18 U.S.C. § 2333.

15 40. ATA claims necessarily involve criminal law, because the ATA’s definition of  
16 “international terrorism” is limited to activities that, *inter alia*, “involve violent acts or acts  
17 dangerous to human life that are a violation of the criminal laws of the United States or of any  
18 State, or that would be a criminal violation if committed within the jurisdiction of the United  
19 States or of any State.” *See* 18 U.S.C. § 2331.

20  
21  
22  
23 <sup>2</sup> Pub. L. 99-399, title XII, § 1202(a), 100 Stat. 896. Chapter 113A was subsequently re-  
24 designated as Chapter 113B and renamed “Terrorism.”

25 <sup>3</sup> *Id.* This section, originally enacted as 18 U.S.C. § 2331, is now found (as amended) at 18  
26 U.S.C. § 2332 (titled “Criminal penalties”).

27 <sup>4</sup> The ATA was enacted as part of the “Federal Courts Administration Act of 1992.” *See*  
28 Pub. L. 102-572, title X, § 1003 (October 29, 1992); 106 Stat. 4521.



1           41.     Thus, in enacting the ATA, Congress sought not only to provide victims of terror  
2 with a remedy to seek compensation, but also specifically intended that the private cause of action  
3 would serve as an important tool for enforcing the federal criminal antiterrorism statutes by  
4 creating a method of depriving terrorists of financial resources to carry out attacks.

5           42.     Indeed, as the ATA was being considered in Congress, the U.S. State Department’s  
6 Deputy Legal Advisor, Alan J. Kreczko, testified before the Senate Judiciary Committee’s  
7 Subcommittee on Courts and Administrative Practice that this proposed bill “will add to the  
8 arsenal of legal tools that can be used against those who commit acts of terrorism against United  
9 States citizens abroad.”<sup>5</sup>

10           43.     The Deputy Legal Advisor also testified:

11                   “[T]his bill will provide general jurisdiction to our federal courts and a  
12 cause of action for cases in which an American has been injured by an act  
13 of terrorism overseas.

14                   We view this bill as a welcome addition to the growing web of law we are  
15 weaving against terrorists. . . . The existence of such a cause of action . . .  
16 may deter terrorist groups from maintaining assets in the United States,  
17 from benefiting from investments in the U.S. and from soliciting funds  
18 within the U.S. In addition, other countries may follow our lead and  
19 implement complimentary national measures, thereby increasing obstacles  
20 to terrorist operations.

21                   Moreover, the bill may be useful in situations in which the rules of  
22 evidence or standards of proof preclude the U.S. government from  
23 effectively prosecuting a criminal case in U.S. Courts. Because a different  
24 evidentiary standard is involved in a civil suit, the bill may provide  
25 another vehicle for ensuring that terrorists do not escape justice.”<sup>6</sup>

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26           <sup>5</sup> “Statement of Alan J. Kreczko, Deputy Legal Adviser, On S. 2465: A bill to provide a  
27 new civil cause of action in federal court for terrorist acts abroad against United States nationals,”  
28 *Before the Subcommittee on Courts and Administrative Practice of the Senate Judiciary*  
*Committee* (July 25, 1990) (emphasis added), <https://www.state.gov/documents/organization/28458.pdf>.

<sup>6</sup> *Id.* (emphasis added).

1           44. Likewise, Senator Grassley, one of the sponsors of the bill, explained a purpose of  
2 the ATA’s civil cause of action as follows:

3           “The United States must take a strong stand against terrorism. The  
4 Department of State testified that this bill would add to the arsenal of legal  
5 tools that can be used against those who commit acts of terrorism against  
6 U.S. citizens abroad.

7           ...  
8 Now is the time for action. Now is the time to strengthen our ability to  
9 both deter and punish acts of terrorism.

10           We must make it clear that terrorists’ assets are not welcome in our  
11 country. And if they are found, terrorists will be held accountable where it  
12 hurts them most: at their lifeline, their funds.”<sup>7</sup>

13           45. In July 1992, a Senate committee report further explained: “By its provisions for  
14 compensatory damages, treble damages, and the imposition of liability at any point along the  
15 causal chain of terrorism, [the civil provisions of the ATA] would interrupt, or at least imperil, the  
16 flow of money [to terrorist organizations.]”<sup>8</sup>

17           46. The committee report also stated that 18 U.S.C. § 2333 “extends the same  
18 jurisdictional structure that undergirds the reach of American criminal law to the civil remedies  
19 that it defines.”<sup>9</sup>

### 18 **C. Enactment of the “Material Support” Criminal Statutes**

19           47. On February 26, 1993, a group of *al-Qaeda* terrorists detonated a truck bomb under  
20 the North Tower of the World Trade Center in New York City, attempting to cause the collapse of  
21 both towers and the death of thousands of Americans.

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24           <sup>7</sup> 136 Cong. Rec. 26716-26717 (Oct. 1, 1990) (emphasis added), <https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1990-pt19/pdf/GPO-CRECB-1990-pt19-1.pdf>.

25           <sup>8</sup> S. Rep. No. 102-342, 22 (1992).

26           <sup>9</sup> *Id.* at 45.

1           48.     Although the damage from the 1993 World Trade Center bombing was limited, it  
2 nevertheless killed 6 people and injured more than 1,000 others.

3           49.     In response to the 1993 World Trade Center bombing among other things,  
4 Congress enacted new legislation again aimed at depriving terrorists of the resources needed to  
5 carry out attacks.

6           50.     Thus, in September 1994, Congress enacted the “Violent Crime Control and Law  
7 Enforcement Act of 1994,”<sup>10</sup> which included a new criminal statute, 18 U.S.C. § 2339A  
8 (“Providing material support to terrorists”), making it a crime to provide material support or  
9 resources, or to conceal or disguise the nature, location, source, or ownership of material support  
10 or resources, knowing or intending that they are to be used in preparation for, or in carrying out  
11 illegal terrorist acts.  
12

13           51.     As originally enacted, 18 U.S.C. § 2339A(a) defined “material support or  
14 resources” to mean: “currency or other financial securities, financial services, lodging, training,  
15 safehouses, false documentation or identification, communications equipment, facilities, weapons,  
16 lethal substances, explosives, personnel, transportation, and other physical assets, but does not  
17 include humanitarian assistance to persons not directly involved in such violations.”  
18

19           52.     In April 1996, Congress enacted the “Antiterrorism and Effective Death Penalty  
20 Act of 1996” (“AEDPA”).<sup>11</sup>

21           53.     Among other things, the AEDPA amended 18 U.S.C. § 2339A to move the  
22 definition of “material support or resources” from subsection (a) to subsection (b) of § 2339A, to  
23 delete the phrase “but does not include humanitarian assistance to persons not directly involved in  
24

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25  
26           <sup>10</sup> Pub. L. 103-322 (Sept. 13, 1994), 108 Stat. 1796-2151.

27           <sup>11</sup> Pub. L. 104-132 (Apr. 24, 1996), 110 Stat. 1214-1319.

1 such violations” from that definition, and to insert the phrase “except medicine or religious  
2 materials” in its place.

3 54. In addition, the AEDPA enacted 18 U.S.C. § 2339B (“Providing material support  
4 or resources to designated foreign terrorist organizations”), making it a crime to knowingly  
5 provide material support or resources to a designated foreign terrorist organization (“FTO”),  
6 without regard to how such support or resources will be used.

7  
8 55. Title 18 U.S.C. § 2339B incorporates and adopts by reference the definition for  
9 “material support or resources” set out in § 2339A.

10 56. Regarding the new § 2333B, the House Judiciary Committee report explained:

11 “This section recognizes the fungibility of financial resources and other  
12 types of material support. Allowing an individual to supply funds, goods,  
13 or services to an organization, or to any of its subgroups that draw  
14 significant funding from the main organization’s treasury, helps defray the  
15 cost to the terrorist organization of running the ostensibly legitimate  
16 activities. This in turn frees an equal sum that can then be spent on  
17 terrorist activities.”<sup>12</sup>

18 57. In section 301 of the AEDPA, Congress enacted specific findings and a purpose of  
19 the AEDPA’s Title III (“International Terrorism Prohibitions”), Subtitle A (“Prohibition on  
20 International Terrorism Fundraising”), including the following:

21 “(a) FINDINGS.—The Congress finds that—

- 22 (1) International terrorism is a serious and deadly problem that  
23 threatens the vital interests of the United States;  
24 (2) the Constitution confers upon Congress the power to punish  
25 crimes against the law of nations and to carry out the treaty  
26 obligations of the United States, and therefore Congress may by law  
27 impose penalties relating to the provision of material support to  
28 foreign terrorist organizations engaged in terrorist activity;

...

- (4) international terrorism affects the interstate and foreign  
commerce of the United States by harming international trade and

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<sup>12</sup> H. Rept. 104-383, 81 (1995).

1 market stability, and limiting international travel by United States  
citizens as well as foreign visitors to the United States;

2 ...  
3 (7) some foreign terrorist organizations that engage in terrorist  
activity are so tainted by their criminal conduct that any contribution  
4 to such an organization facilitates that conduct.

5 (b) PURPOSE.—The purpose of this subtitle is to provide the Federal  
Government the fullest possible basis, consistent with the Constitution, to  
6 prevent persons within the United States, or subject to the jurisdiction of  
the United States, from providing material support or resources to foreign  
7 organizations that engage in terrorist activities.”<sup>13</sup>

8 **D. Executive Order No. 13224: Global Terrorism Sanctions**

9 58. On the morning of September 11, 2001, several teams of *al-Qaeda* operatives  
10 carried out terrorist hijackings of civilian passenger aircraft in the United States with the purpose  
11 of crashing them into various targets, causing enormous damage and mass murder (the “9/11  
12 Attacks”).

13 59. In the course of the 9/11 Attacks, *al-Qaeda* terrorists crashed two aircraft into the  
14 World Trade Center towers in New York, causing the fiery collapse of both towers, a third aircraft  
15 was crashed into the U.S. military headquarters (the “Pentagon”) in Washington, D.C., and a  
16 fourth aircraft was crashed into a field in Pennsylvania.

17 60. The 9/11 Attacks killed nearly 3,000 people and injured more than 6,000 others,  
18 and caused more than \$10 billion in damage to property.

19 61. On September 23, 2001, in response to the 9/11 Attacks, President George W. Bush  
20 issued Executive Order No. 13224 (“EO 13224”) pursuant to the International Emergency  
21 Economic Powers Act, 50 U.S.C. §§ 1701 *et seq.* (“IEEPA”), and other authorities.

22 62. In EO 13224, President Bush found that “grave acts of terrorism and threats of  
23 terrorism committed by foreign terrorists . . . and the continuing and immediate threat of further  
24 terrorism committed by foreign terrorists . . . and the continuing and immediate threat of further  
25 terrorism committed by foreign terrorists . . . and the continuing and immediate threat of further

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26 <sup>13</sup> Pub. L. 104-132, § 301, 110 Stat. 1247 (emphasis added).  
27

1 attacks on United States nationals or the United States constitute an unusual and extraordinary  
2 threat to the national security, foreign policy, and economy of the United States,” and he declared  
3 a national emergency to deal with such threats.

4 63. EO 13224 legally blocked all property and interests in property of “Specially  
5 Designated Global Terrorists” (“SDGTs”), prohibited the provision of funds, goods, or services  
6 for the benefit of SDGTs, and authorized the U.S. Treasury to block the assets of individuals and  
7 entities that provide support, services, or assistance to, or otherwise associate with, SDGTs, as  
8 well as their subsidiaries, front organizations, agents, and associates.  
9

10 64. The prohibitions of EO 13224 remain in effect.

11 65. Pursuant to EO 13224, subsequent Presidential Executive Orders, the IEEPA, and  
12 other statutory authorities, the U.S. Department of the Treasury has enacted federal regulations  
13 setting out legal sanctions imposed against SDGTs. *See* 31 C.F.R. Part 594 (“Global Terrorism  
14 Sanctions Regulations”).

15 66. Title 31 C.F.R. § 594.204 prohibits “engag[ing] in any transaction or dealing in  
16 property or interests in property of [SDGTs], including but not limited to the following  
17 transactions: (a) The making of any contribution or provision of funds, goods, or services by, to,  
18 or for the benefit of any [SDGT]; and (b) The receipt of any contribution of provision of funds,  
19 goods, or services from any [SDGT].”  
20

21 67. Title 31 C.F.R. § 594.205 prohibits “any transaction ... that evades, avoids, has the  
22 purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in [31  
23 C.F.R. Part 594],” as well as “any conspiracy formed for the purpose of engaging in a transaction  
24 prohibited by [31 C.F.R. Part 594].”  
25

26 68. Title 31 C.F.R. § 594.309 provides the following expansive definition of property  
27 and property interest:  
28

1           “The terms *property* and *property interest* include, but are not limited to,  
 2 money, checks, drafts, bullion, bank deposits, savings accounts, debts,  
 3 indebtedness, obligations, notes, guarantees, debentures, stocks, bonds,  
 4 coupons, any other financial instruments, bankers acceptances, mortgages,  
 5 pledges, liens or other rights in the nature of security, warehouse receipts,  
 6 bills of lading, trust receipts, bills of sale, any other evidences of title,  
 7 ownership or indebtedness, letters of credit and any documents relating to  
 8 any rights or obligations thereunder, powers of attorney, goods, wares,  
 9 merchandise, chattels, stocks on hand, ships, goods on ships, real estate  
 10 mortgages, deeds of trust, vendors’ sales agreements, land contracts,  
 11 leaseholds, ground rents, real estate and any other interest therein, options,  
 12 negotiable instruments, trade acceptances, royalties, book accounts,  
 13 accounts payable, judgments, patents, trademarks or copyrights, insurance  
 14 policies, safe deposit boxes and their contents, annuities, pooling  
 15 agreements, services of any nature whatsoever, contracts of any nature  
 16 whatsoever, and any other property, real, personal, or mixed, tangible or  
 17 intangible, or interest or interests therein, present, future or contingent.”  
 18 (italics in original; underline added).

19           69. In addition, 31 C.F.R. § 594.306 provides: “Except as otherwise provided in this  
 20 part, the term *interest* when used with respect to property (e.g., “an interest in property”) means an  
 21 interest of any nature whatsoever, direct or indirect.” (italics in original).

22           70. Willful violations of Executive Order No. 13224 and 31 C.F.R. Part 594 are subject  
 23 to federal criminal penalties pursuant to the IEEPA. *See* 50 U.S.C. § 1705.

24 **E. Post-9/11 Amendments to 18 U.S.C. §§ 2339A-B**

25           71. In the wake of the 9/11 Attacks, Congress passed the “USA PATRIOT Act” in  
 26 October 2001.<sup>14</sup>

27           72. Among other things, the USA PATRIOT Act increased the penalties for violation  
 28 of 18 U.S.C. §§ 2339A-B.

          73. The USA PATRIOT Act also added “expert advice or assistance” to the definition  
 of “material support or resources” applicable to §§ 2339A-B.

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<sup>14</sup> Pub. L. 107-56 (Oct. 26, 2001), 115 Stat. 272-402.

1           74. In December 2004, as part of the “Intelligence Reform and Terrorism Prevention  
2 Act of 2004,”<sup>15</sup> Congress enacted the “Material Support to Terrorism Prohibition Enhancement  
3 Act of 2004,”<sup>16</sup> designed to further extend the reach of U.S. antiterrorism statutes.

4           75. The 2004 amendments to the U.S. antiterrorism statutes included an expansion and  
5 clarification of the definition of “material support or resources” applicable to 18 U.S.C. §§ 2339A-  
6 B, by substituting the following language in 18 U.S.C. § 2339A(b):

7                   “(b) DEFINITIONS.—As used in this section—

8                   (1) the term ‘material support or resources’ means any property,  
9                   tangible or intangible, or service, including currency or monetary  
10                   instruments or financial securities, financial services, lodging, training,  
11                   expert advice or assistance, safehouses, false documentation or  
12                   identification, communications equipment, facilities, weapons, lethal  
13                   substances, explosives, personnel (1 or more individuals who may be  
14                   or include oneself), and transportation, except medicine or religious  
15                   materials;

16                   (2) the term ‘training’ means instruction or teaching designed to impart  
17                   a specific skill, as opposed to general knowledge; and

18                   (3) the term ‘expert advice or assistance’ means advice or assistance  
19                   derived from scientific, technical or other specialized knowledge.”

20           76. In addition, the 2004 amendments to 18 U.S.C. § 2339B, among other things,  
21 clarified the “knowledge” required to violate § 2339B, by adding the following sentence to the end  
22 of § 2339B(a)(1):

23                   “...To violate this paragraph, a person must have knowledge that the  
24                   organization is a designated terrorist organization (as defined in subsection  
25                   (g)(6)), that the organization has engaged or engages in terrorist activity  
26                   (as defined in section 212(a)(3)(B) of the Immigration and Nationality  
27                   Act), or that the organization has engaged or engages in terrorism (as  
28                   defined in section 140(d)(2) of the Foreign Relations Authorization Act,  
Fiscal Years 1988 and 1989).”

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25           <sup>15</sup> Pub. L. 108-458 (Dec. 17, 2004), 118 Stat. 3638-3872.

26           <sup>16</sup> *Id.* at Title VI (“Terrorism Prevention”), Subtitle G (“Providing Material Support to  
27 Terrorism”), 118 Stat. 3761-3764.



1           77.     On April 20, 2005, the U.S. Department of Justice presented testimony to the U.S.  
2 Senate Judiciary Committee’s Subcommittee on Terrorism, Technology and Homeland Security  
3 concerning the effectiveness of the material support statutes as amended in 2004.<sup>17</sup>

4           78.     The Department of Justice testimony included the following:

5                   “The material support statutes, as enhanced and clarified by the USA  
6 PATRIOT Act in 2001, and the Intelligence Reform and Terrorism  
7 Prevention Act just a few months ago, are critical features of the law  
8 enforcement approach to counterterrorism. Rather than criminalizing the  
9 violent acts used by terrorists, these statutes recognize that there are  
10 important components of the terrorist infrastructure that stop short of  
11 actual attacks. We know from experience that terrorists need funding and  
12 logistical support to operate. They need to raise funds, open and use bank  
13 accounts to transfer money, and to communicate by phone and the  
14 Internet. They need travel documents. They need to train and recruit new  
15 operatives, and procure equipment for their attacks. People who occupy  
16 this position in the terrorism division of responsibility might not  
17 themselves be bomb-throwers. The front-line terrorists cannot operate  
18 without specialists. The material support statutes are designed to reach the  
19 non-violent specialists and the logistical support networks.

20                   ...

21                   The operation of the material support statutes is also illustrated by a  
22 number of pending prosecutions...

23                   ...

24                   [One] § 2339A case involves Babar Ahmad and Azzam Publications,  
25 charged in Connecticut in October of 2004. Ahmad, a resident of the  
26 United Kingdom, allegedly operated and directed Azzam Publications and  
27 its family of Internet websites to recruit and assist the Chechen  
28 mujahideen and the Taliban and to raise funds for violent jihad in  
Afghanistan, Chechnya and other locations. These websites existed and  
operated throughout the world, including in the United States. Along with  
other Internet media allegedly created and operated by Ahrnad, these sites  
gave instructions for travel to Pakistan and Afghanistan to fight with these  
groups and for surreptitious transfer of funds to the Taliban; they also  
solicited military items for these groups, including gas masks and night  
vision goggles. The websites also advertised videotapes – allegedly

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29           <sup>17</sup> “Statement of Daniel Meron, Principal Deputy Assistant Attorney General, Civil  
30 Division, and Barry Sabin, Chief, Counterterrorism Section, Criminal Division, Before the  
31 Subcommittee on Terrorism, Technology and Home Security, Committee on the Judiciary, United  
32 States Senate, Concerning the Federal Material Support Statutes,” *U.S. Department of Justice*  
33 (Apr. 20, 2005).

1 produced by Ahmad and others – depicting violent jihad in Chechnya,  
2 Bosnia, and Afghanistan, and the torture and killing of captured Russian  
3 troops.

4 Ahmad has been charged with crimes that include providing material  
5 support to terrorists under 18 U.S.C. 2339A. We describe this indictment  
6 to you – in part – to highlight the use of the Internet by those who support  
7 their violent goals through communications, recruiting and propaganda.  
8 This is criminal conduct, not rights protected by the First Amendment.  
9 The government must meet the challenges posed by the technology of the  
10 twenty-first century through the use of all our tools, including criminal  
11 investigation and prosecution.

12 ...  
13 Significantly, the definition of ‘material support or resources’ was  
14 expanded to encompass all property – whether tangible or intangible – and  
15 all services, except for medicine and religious materials. The definition  
16 formerly was limited to specified types of material support and ‘other  
17 physical assets.’ Congress’s action to clarify this definition assures that no  
18 form of terrorist assistance or activity will escape the reach of the  
19 statute.’<sup>18</sup>

## 20 **F. The Justice Against Sponsors of Terrorism Act (“JASTA”)**

21 79. In September 2016, Congress enacted JASTA,<sup>19</sup> which amended the ATA’s civil  
22 provisions to recognize causes of action for aiding and abetting and conspiring with foreign  
23 terrorist organizations who plan, prepare, or carry out acts of international terrorism.

24 80. In enacting JASTA, Congress made a number of specific findings, including the  
25 following:

26 “(a) FINDINGS.—Congress finds the following:

- 27 (1) International terrorism is a serious and deadly problem that  
28 threatens the vital interests of the United States.
- (2) International terrorism affects the interstate and foreign commerce  
of the United States by harming international trade and market  
stability, and limiting international travel by United States citizens as  
well as foreign visitors to the United States.
- (3) Some foreign terrorist organizations, acting through affiliated  
groups or individuals, raise significant funds outside of the United  
States for conduct directed and targeted at the United States.

<sup>18</sup> *Id.* (emphasis in original).

<sup>19</sup> Pub. L. 114-222 (Sept. 28, 2016); 130 Stat. 852.

1 (4) It is necessary to recognize the substantive causes of action for  
2 aiding and abetting and conspiracy liability under chapter 113B of title  
3 18, United States Code.

4 (5) The decision of the United States Court of Appeals for the District  
5 of Columbia in *Halberstam v. Welch*, 705 F.2d 472 (D.C. Cir. 1983),  
6 which has been widely recognized as the leading case regarding  
7 Federal civil aiding and abetting and conspiracy liability, including by  
8 the Supreme Court of the United States, provides the proper legal  
9 framework for how such liability should function in the context of  
10 chapter 113B of title 18, United States Code.

11 (6) Persons, entities, or countries that knowingly or recklessly  
12 contribute material support or resources, directly or indirectly, to  
13 persons or organizations that pose a significant risk of committing acts  
14 of terrorism that threaten the security of nationals of the United States  
15 or the national security, foreign policy, or economy of the United  
16 States, necessarily direct their conduct at the United States, and should  
17 reasonably anticipate being brought to court in the United States to  
18 answer for such activities.

19 (7) The United States has a vital interest in providing persons and  
20 entities injured as a result of terrorist attacks committed within the  
21 United States with full access to the court system in order to pursue  
22 civil claims against persons, entities, or countries that have knowingly  
23 or recklessly provided material support or resources, directly or  
24 indirectly, to the persons or organizations responsible for their  
25 injuries.”<sup>20</sup>

26 81. Congress also specifically stated that the purpose of JASTA was as follows:

27 “(b) PURPOSE.—The purpose of this Act is to provide civil litigants with  
28 the broadest possible basis, consistent with the Constitution of the United  
29 States, to seek relief against persons, entities, and foreign countries,  
30 wherever acting and wherever they may be found, that have provided  
31 material support, directly or indirectly, to foreign organizations or persons  
32 that engage in terrorist activities against the United States.”<sup>21</sup>

## 33 **II. ISIS: A DESIGNATED FOREIGN TERRORIST ORGANIZATION**

### 34 **A. Al-Zarqawi and the internet as a new weapon in the global terrorist’s arsenal**

35 82. In the late 1980’s, Abu Musab al-Zarqawi (“al-Zarqawi”) left his native Jordan and  
36 traveled briefly to Afghanistan to join radical Islamists fighting against Soviet forces at that time.

37 <sup>20</sup> JASTA § 2(a) (emphasis added).

38 <sup>21</sup> JASTA § 2(b) (emphasis added).

1 83. When he returned to Jordan, al-Zarqawi adopted a goal of overthrowing the  
2 Jordanian monarchy and establishing an Islamic state in Jordan, and formed a local radical  
3 Islamist group called *Jund al-Sham*.

4 84. In 1992, when a cache of guns and explosives were discovered in his home, al-  
5 Zarqawi was arrested and imprisoned in Jordan.

6 85. After his release from prison in 1999, al-Zarqawi returned to Afghanistan, where he  
7 met with *al-Qaeda* leader Osama Bin-Laden (“Bin-Laden”) and reportedly received \$200,000 in  
8 “seed money” from Bin-Laden to establish a *jihadi* training camp near the border of Iran.  
9

10 86. Al-Zarqawi soon formed a new radical Islamist terrorist group called “*Jam’at al*  
11 *Tawhid wa’al-Jihad*” (“The Monotheism and Jihad Group”), popularly known as “*al-Tawhid*” or  
12 “The Zarqawi Network.”

13 87. The following is a picture of al-Zarqawi and the *al-Tawhid* flag:



19 88. On September 23, 2003, the U.S. Treasury designated al-Zarqawi as a Specially  
20 Designated Global Terrorist (“SDGT”) pursuant to Executive Order No. 13224.

21 89. Al-Zarqawi’s *al-Tawhid* was based upon a vision of Sunni Islamist eschatology in  
22 which violent attacks on non-believers, heretics, and apostates are not only justified, but  
23 religiously mandated.  
24

25 90. Al-Zarqawi taught that these attacks would lead to the establishment of an Islamic  
26 state and accelerate a global apocalyptic battle in which Islam would ultimately triumph and  
27 govern the world.  
28

1           91. Al-Zarqawi’s successors, including the “Islamic State” today, maintain al-  
2 Zarqawi’s vision of Islam, teaching that true Muslims have an obligation to engage in *jihad* (“holy  
3 war”), using intimidation, violence, and killing to establish Sunni Islamic dominance.

4           92. At the beginning of 2004, Osama bin-Laden’s terrorist organization *al-Qaeda*—  
5 having carried out the 9/11 Attacks on the United States—was still the dominant symbol of global  
6 terrorism.

7           93. In January 2004, al-Zarqawi reportedly sought to be officially recognized by bin-  
8 Laden as part of *al-Qaeda*’s global *jihadi* movement, but without success.

9           94. Over the course of 2004, al-Zarqawi began to use the internet to promote his  
10 particularly savage form of *jihad* and gain widespread notoriety.

11           95. While al-Zarqawi was not the first to use the internet to promote and engage in  
12 *jihad*, he is known as a figure who embraced internet technology and communication to promote  
13 terrorism, taking terror on the internet to a new level.

14           96. Al-Zarqawi combined shocking images of graphic violence and cruelty with the  
15 internet to fashion a new psychological weapon in the service of terrorism.

16           97. Terrorism analyst Rita Katz, director of the SITE Intelligence Group, explained:  
17 “While Osama bin Laden traditionally relied on Al Jazeera [satellite television] and the media to  
18 disseminate his propaganda, Zarqawi went straight to the internet, which enabled him to produce  
19 graphic videos that would never have been shown on the mainstream media.”<sup>22</sup>

20           98. For example, on May 11, 2004, al-Zarqawi’s group posted a link on the *jihadi*  
21 internet website forum “*Muntada al-Ansar al-Islami*” (“Forum of the Islamic Supporters”) (“*al-*  
22  
23  
24

25 \_\_\_\_\_  
26           <sup>22</sup> Scott Shane, “Web Used As Tool of Terror,” *Sun Sentinel* (June 9, 2006), [http://articles.  
27 sun-sentinel.com/2006-06-09/news/0606081728\\_1\\_al-zarqawi-al-jazeera-rita-katz](http://articles.sun-sentinel.com/2006-06-09/news/0606081728_1_al-zarqawi-al-jazeera-rita-katz).

1 *Ansar*”) to a grainy five-and-a-half-minute video titled, “Sheikh Abu Musab Al-Zarqawi  
2 slaughters an American infidel with his own hands” (the “Berg Video”).

3 99. The Berg Video showed five hooded terrorists dressed in black standing behind  
4 abducted Jewish-American businessman Nicholas Berg, who was sitting and dressed in an orange  
5 jumpsuit (reminiscent of the orange prison uniforms worn by captured terrorists held by the U.S.  
6 at Guantanamo Bay).

7  
8 100. The following is a screen-clip from the Berg Video:



14 101. The Berg Video next showed one of the hooded men (presumed to be al-Zarqawi)  
15 read a statement condemning reported abuse of security prisoners at the Iraqi Abu Ghraib prison,  
16 after which he pulled a knife from his shirt, stepped forward, and sawed off Berg’s head.

17 102. The *al-Ansar* internet forum quickly crashed due to the volume of traffic and  
18 attempted downloads of the Berg Video from the site.

19 103. Nevertheless, before the website crashed, forum members copied the Berg Video  
20 from the *al-Ansar* forum to other sites and it was thus downloaded thousands of times and still  
21 circulates on the internet today.

22 104. Despite the relatively low quality of the Berg Video and the technical difficulties  
23 involved in its distribution, The Atlantic magazine later reported: “With the slash of a knife, al-  
24 Zarqawi had pulled off the most successful online terrorist PR campaign ever . . . Al-Zarqawi’s  
25

1 success was possible because he had anticipated the importance of the Internet—an increasingly  
2 important weapon in the global terrorist arsenal.”<sup>23</sup>

3 105. Following the Berg Video, in June 2004 al-Zarqawi released the first part of a full  
4 hour-long propaganda video titled, “The Winds of Victory.”

5 106. The “Winds of Victory” video opened with nighttime bombing of the city of  
6 Baghdad by U.S. forces, while mocking captions flashed the words “Democracy” and “Freedom”  
7 in Arabic across the screen.

8 107. The nighttime bombing was then contrasted with graphic scenes in full daylight of  
9 mutilated Iraqi children ostensibly injured by the attacks, and pictures showing abuse of Iraqi  
10 captives held by American soldiers at Abu Ghraib prison.

11 108. The “Winds of Victory” also featured foreign *jihadi* members from Kuwait, Saudi  
12 Arabia, Libya, and other places, reading their wills in preparation for suicide missions, followed  
13 by footage of their bombing attacks, often from multiple angles.

14 109. As the release of “The Winds of Victory” preceded the development of YouTube,  
15 al-Zarqawi’s group did not have the internet capability to mass-distribute a single 90-megabyte  
16 video file, so the hour-long video had to be broken into chapters and released on internet *jihadi*  
17 forums piecemeal over the course of several weeks.

18 110. In the months to come, al-Zarqawi and his followers continued to carry out and  
19 record more beheadings of foreign captives and post videos of these murderous atrocities on *jihadi*  
20 internet forums.  
21  
22  
23  
24  
25

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26 <sup>23</sup> Nadya Labi, “Jihad 2.0,” *The Atlantic* (July/August 2006), [http://www.theatlantic.com/](http://www.theatlantic.com/magazine/archive/2006/07/jihad-20/304980/)  
27 [magazine/archive/2006/07/jihad-20/304980/](http://www.theatlantic.com/magazine/archive/2006/07/jihad-20/304980/).



1           111. Among the videos posted on *jihadi* internet forums of al-Zarqawi and his followers  
2 beheading foreign captives in 2004 were the following:

- 3           a. Kim Sun-il, a South Korean interpreter and Christian missionary, beheaded in June  
4           2004;
- 5           b. Georgi Lazov, a Bulgarian truck driver, beheaded in July 2004;
- 6           c. Mohammed Mutawalli, an Egyptian citizen, beheaded in August 2004;
- 7           d. Twelve Nepali citizens murdered on video, one was beheaded and the others were  
8           shot, in August 2004;
- 9           e. Eugene Armstrong, a U.S. construction contractor, beheaded in September 2004;
- 10           f. Jack Hensley, a U.S. construction contractor, beheaded in September 2004;
- 11           g. Kenneth Bigly, a British civil engineer, beheaded in October 2004; and
- 12           h. Shosei Koda, a Japanese tourist, beheaded in October 2004.

13           112. On October 15, 2004, the U.S. Government designated al-Zarqawi's terrorist group  
14 *al-Tawid* as a "specially designated global terrorist" ("SDGT") pursuant to Executive Order  
15 13224, and as a designated "foreign terrorist organization" ("FTO") pursuant to § 219 of the INA,  
16 8 U.S.C. § 1189.

17           113. These SDGT and FTO designations have been updated from time to time to include  
18 ISIS's various names and aliases including, among others, "*al-Qaeda* in Iraq," "The Islamic State  
19 of Iraq," "The Islamic State of Iraq and Syria," and "The Islamic State," and remain in effect  
20 today.

21           114. Al-Zarqawi's innovative—yet relatively low-tech—use of the internet to broadcast  
22 his *jihadi* message together with graphic videos of beheadings and suicide bombings catapulted  
23 him to a new prominence.



1           115. According to BBC Security Correspondent Gordon Corera, “[o]ver the summer of  
2 2004 with Osama bin Laden yet to appear and Zarqawi carrying out increasingly bloody and high  
3 profile attacks, some began to question whether Zarqawi was beginning to rival or even succeed  
4 bin Laden.”<sup>24</sup>

5           116. Corera explained that, even though al-Zarqawi’s terrorist group was estimated to  
6 have only between 50 to 500 members at this time, “they exercise[d] an exaggerated degree of  
7 influence due to their coupling of extreme violence with an acute understanding of the power of  
8 the media.”<sup>25</sup>

9           117. Al-Zarqawi become a figure *al-Qaeda* could not ignore: according to terrorism  
10 analyst Aaron Y. Zelin, founder of *Jihadology.net*, not only did bin-Laden not want to be  
11 “outdone” by al-Zarqawi, “bin-Laden himself wanted to ‘own’ the Iraq jihad as well as remain  
12 relevant while hiding from the United States.”<sup>26</sup>

13           118. In late 2004, al-Zarqawi finally received the official recognition he sought: on  
14 October 17, 2004, al-Zarqawi declared allegiance to bin-Laden in an official online statement, and  
15 *al-Qaeda* accepted and publicized al-Zarqawi’s oath to bin-Laden in its online magazine *Mu’askar*  
16 *al-Battar* on October 25, 2004.

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22           <sup>24</sup> Gordon Corera, “Unraveling Zarqawi’s al-Qaeda Connection,” *Terrorism Monitor*, Vol.  
23 2, Issue 24 (The Jamestown Foundation, Dec. 15, 2004), [http://www.jamestown.org/programs/  
24 tm/single/?tx\\_ttnews%5Btt\\_news%5D=27306&tx\\_ttnews%5BbackPid%5D=179&no\\_cache=1#.  
V49QsjXdlrZ](http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=27306&tx_ttnews%5BbackPid%5D=179&no_cache=1#.V49QsjXdlrZ).

25           <sup>25</sup> *Id.*

26           <sup>26</sup> Aaron Y. Zelin, “The War between ISIS and al-Qaeda for Supremacy of the Global  
27 Jihadist Movement,” *The Washington Institute for Near East Policy* (June 2014), [http://www.  
28 washingtoninstitute.org/uploads/Documents/pubs/ResearchNote\\_20\\_Zelin.pdf](http://www.washingtoninstitute.org/uploads/Documents/pubs/ResearchNote_20_Zelin.pdf).

1 119. On December 27, 2004, Al Jazeera television broadcast an audiotape of bin-Laden  
2 calling al-Zarqawi “the prince of al Qaeda in Iraq” and asking “all our organization brethren to  
3 listen to him and obey him in his good deeds.”<sup>27</sup>

4 120. Al-Zarqawi changed his group’s name to “*Tanzim Qa’idat al-Jihad fi Bilad al-*  
5 *Rafidayn*” (“Organization of Jihad’s Base in the Land of Two Rivers [Iraq]”), and it became  
6 commonly known as “*al-Qaeda* in Iraq” (“AQI”).

7 121. The following is a picture of the AQI flag:



13 122. The official connection with *al-Qaeda* not only provided al-Zarqawi with greater  
14 legitimacy among *jihadi* terrorists, it also gave him essential tangible resources, including access  
15 to *al-Qaeda*’s important private donors and recruitment, logistics, and facilitation networks.  
16

17 123. By mid-2005, Lt. General David Petraeus assessed that al-Zarqawi had indeed  
18 attained “an international name ‘of enormous symbolic importance’ . . . on a par with bin-Laden,  
19 largely because of his group’s proficiency at publicizing him on the Internet.”<sup>28</sup>

20 124. However, al-Zarqawi’s notoriety was not without cost: on June 7, 2006, Al-  
21 Zarqawi was targeted and killed by a U.S. airstrike.

22 **B. AQI rebrands itself as the Islamic State of Iraq**

23  
24 <sup>27</sup> “Purported bin Laden tape endorses al-Zarqawi,” *CNN* (Dec. 27, 2004), <http://edition.cnn.com/2004/WORLD/meast/12/27/binladen.tape/>.

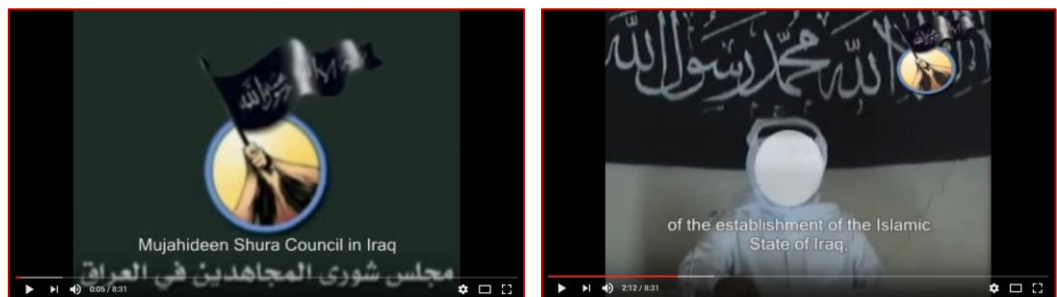
25  
26 <sup>28</sup> Susan B. Glasser and Steve Coll, “The Web as Weapon,” *The Washington Post* (Aug. 9,  
27 2005), <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/08/AR2005080801018.html>.

1 125. Prior to Al-Zarqawi's death, AQI and allied groups in Iraq joined together to create  
2 a "Mujahideen Shura Council."

3 126. In October 2006, after al-Zarqawi's death, the Mujahideen Shura Council released  
4 a video declaring the establishment of what it called "The Islamic State of Iraq" ("*ad-Dawlah al-*  
5 *Iraq al-Islamiyah*") ("ISI").

6 127. Although the video of the announcement of ISI was originally posted on *jihadi*  
7 website forums, in December 2006 ISI supporters posted the video on YouTube.

8 128. The following are screen clips from the video posted on YouTube with English  
9 subtitles:  
10



16 129. The United States and its allies, nevertheless, generally continued to call the group  
17 "*al-Qaeda* in Iraq" or AQI.

18 130. Although ISI's reach was still limited, its goal was to take control of the western  
19 and central areas of Iraq and turn it into a Sunni Islamic religious state.  
20

21 131. The following is a picture of the ISI flag (which also remains the flag of ISIS):



26 **C. ISI expands into Syria to become ISIS**  
27

1           132. On May 16, 2010, ISI announced Abu Bakr al-Baghdadi (“Abu Bakr”) as its new  
2 leader.

3           133. On October 4, 2011, the United States Government named Abu Bakr al-Baghdadi  
4 personally as a Specially Designated Global Terrorist (“SDGT”).

5           134. On April 8, 2013, Abu Bakr announced that ISI had been responsible for secretly  
6 establishing and supporting an Islamist militant group known as “*al-Nusra*” in neighboring Syria  
7 since August 2011.

8           135. In his announcement, Abu Bakr declared that ISI and *al-Nusra* were now officially  
9 merged under the name “*ad-Dawlah al-Islamiyah fil-‘Iraq wash-Sham*” (“The Islamic State of  
10 Iraq and Syria” or “ISIS”<sup>29</sup>).

11           136. The Syrian leader of *al-Nusra* rejected Abu Bakr’s merger announcement, but  
12 many *al-Nusra* members, particularly those who were foreign-born, shifted their allegiance to  
13 ISIS.  
14

15           137. ISIS took advantage of this shift to establish a substantial official presence in Syria  
16 almost overnight, and to take control of additional Syrian areas in the following months, including  
17 the northeastern Syrian city of Raqqa, which ISIS declared as its capital.  
18

19           138. ISIS imposed its own strict *sharia* (Islamic law) on Raqqa’s 220,000 inhabitants,  
20 and declared members of other Muslim sects in the city to be infidels.

21           139. ISIS jailed, maimed, or killed its opponents in the city of Raqqa, or those whom  
22 ISIS accused of engaging in activities ISIS considered anti-Islamic.  
23

24 \_\_\_\_\_  
25           <sup>29</sup> The Arabic “*al-Sham*” can be understood as either Syria or the Levant, the latter being  
26 an historically broader term. The English acronyms “ISIS” and “ISIL” have thus both been used to  
27 identify the same terrorist organization depending upon translation. ISIS is also known (primarily  
28 by its detractors) as “DAESH,” an acronym based upon its Arabic name.

1 140. ISIS subjugated the city of Raqqa through terror and fear, with its members  
2 patrolling the city wearing explosive suicide vests, killing, beheading, and crucifying some of its  
3 victims and leaving their remains in the public square.

4 141. Ultimately, ISIS’s extreme brutality and ruthlessness even led *al-Qaeda’s* leader  
5 Ayman al-Zawahiri (who succeeded Osama bin-Laden) to disavow ISIS.

6 142. On February 3, 2014, al-Zawahiri declared that *al-Qaeda* had cut all ties with ISIS.

7  
8 **D. ISIS proclaims an Islamic Caliphate on YouTube and expands its reach of terror**

9 143. On June 29, 2014, ISIS used YouTube to post a video titled “The End of Sykes-  
10 Picot,” in which ISIS announced that it would annul the Sykes-Picot Agreement that had served as  
11 the basis for the nation-states of the Middle East, and shatter all the borders to form a single  
12 Islamic state.

13 144. The following is a screen clip from the ISIS video “The End of Sykes-Picot”:



19 145. Also on June 29, 2014, ISIS used YouTube to post an audio message titled “This is  
20 the Promise of Allah,” in which ISIS spokesman Abu Muhammad al-Adnani declared the  
21 establishment of ISIS as a worldwide “Islamic Caliphate”<sup>30</sup>—an Islamic religious state to which  
22 all Muslims must submit and pledge fealty—with Abu Bakr as its “Caliph” (ruler).  
23

24  
25  
26 <sup>30</sup> At this time, ISIS shortened its name to *ad-Dawlah al-Islamiyah* (“The Islamic State”  
27 or “IS”). For the sake of simplicity, the more commonly used name ISIS is used in this Complaint.

1 146. The following is an ISIS graphic promoting the video “This is the Promise of  
2 Allah”:



3  
4  
5  
6  
7 147. ISIS has claimed that it is destined to establish its rule worldwide.

8 148. Several smaller Islamist terrorist groups have taken control of territory within other  
9 countries and areas, including Libya, Yemen, and the Sinai Peninsula, and have claimed such  
10 territories to be “provinces” of the ISIS Caliphate.

11 **E. Official terrorist designations of ISIS**

12 149. Not only have ISIS’s claims of statehood and sovereignty been rejected by  
13 countries worldwide, ISIS has been officially designated as a terrorist organization by the United  
14 Nations, the European Union, and numerous governments around the world, including the United  
15 States, Britain, Australia, Canada, Turkey, Saudi Arabia, Indonesia, the United Arab Emirates,  
16 Malaysia, Egypt, India, Russia, Kyrgyzstan, Syria, Jordan, and Pakistan.

17  
18 150. Since October 15, 2004 and still today, ISIS is a designated foreign terrorist  
19 organization (“FTO”) pursuant to § 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

20 151. Knowingly providing material support or resources to ISIS, a designated FTO, is a  
21 federal criminal offense under 18 U.S.C. § 2339B.

22  
23 152. Since October 15, 2004 and still today, ISIS is a specially designated global  
24 terrorist (“SDGT”) under Executive Order No. 13224.

25 153. Federal law prohibits “making of any contribution or provision of funds, goods, or  
26 services by, to, or for the benefit of any [SDGT],” including ISIS, and a violation of these  
27 prohibitions is a federal criminal offense. 31 C.F.R. § 594.204; 50 U.S.C. § 1705.

1 **III. ISIS'S EXTENSIVE USE OF GOOGLE'S SERVICES**

2 **A. Google's Services**

3 154. Google provides sophisticated yet easy-to-use online products and services  
4 (collectively, "Services"), including the online video platform known as "YouTube."

5 155. Google's Services include use of Google's computer infrastructure, network,  
6 applications, tools and features, communications services, and more.

7 156. Google's sophisticated platform ("Platform") is comprised of highly advanced  
8 software, algorithms, computer servers and storage, communication devices, computer  
9 applications and more.

10 157. Google's Platform is created, based upon, and derived from scientific, technical or  
11 other specialized knowledge.

12 158. Google also provides additional specialized tools and features as part of its Services  
13 and Platform, including: "Social Plugins" for integrating Facebook with external websites;  
14 "Badges" for sharing information on external websites; various smartphone applications; other  
15 tools for monitoring, scheduling, and creating alerts; and more.

16 159. Google's Services and Platform thus extend beyond providing or performing  
17 traditional services of a publisher.

18 160. Unlike traditional internet websites and "bulletin board"-type services (such as  
19 "Craig's List" or "Backpage"), which receive and publish advertisements or notices submitted by  
20 users or the public, Google's Platform functions as a technological tool in the hands of its users  
21 that enables users to establish their own YouTube "channels" or "accounts," and to serve as self-  
22 publishers of content on their own "channels" or "accounts."  
23

24 161. Google does not hold itself out as an editor, publisher, or speaker of the content its  
25 users publish on their own "channels" or "accounts."  
26

1 162. Certain uses or features of Google’s Services and Platform are only available to its  
2 registered users, who register and establish an account with Google by inputting identifying  
3 information and clicking on a “sign up” button.

4 163. For example, only registered users may establish a YouTube “channel,” post videos  
5 on Google’s Platform, or post comments on the page of a YouTube channel or video.

6 164. Google publicizes on the YouTube website a statement of “Terms of Service” for  
7 the use of the YouTube platform and services.

8 165. Google represents that these Terms of Service “form a legally binding agreement  
9 between [the user] and YouTube in relation to [the user’s] use of the Service.”  
10

11 166. Regarding content submitted to YouTube by users, the Terms of Service state in  
12 part: “You retain all of your ownership rights in your Content, but you are required to grant  
13 limited license rights to YouTube and other users of the Service.”

14 167. Google requires users to provide certain identifying information in order to register  
15 and obtain a Google account, which normally includes the user’s name, a working telephone  
16 number and a valid email address.  
17

18 168. Among Google’s purposes of requiring identifying information for registration is to  
19 enable Google to use verification processes to determine the identity of the user, reduce the  
20 occurrence of fraudulent Google accounts, identity theft, and similar deceptive practices.

21 169. Google does not publish the user’s identifying information provided for  
22 registration.  
23

24 170. Unless a user employs technological masking or deceptive means to disguise the  
25 user’s physical location when registering for a Google account, Google normally can and does  
26 determine and record the approximate geographic location of the user at the time of registration  
27



1 based upon the Internet Protocol (“IP”) address and similar data automatically available to Google  
2 about the user.

3 171. Thus, for example, unless a user in Syria or Iraq employs a technological masking  
4 or deceptive means to disguise the user’s physical location when registering for a Google account,  
5 Google normally can and does determine and record that the user is located in Syria or Iraq.

6 172. The identifying information, IP address, geographical information, and other data  
7 collected by Google for determining the identity of the user can also be used by Google to  
8 determine whether the user has or has had other Google accounts as well.

9 173. Is it not necessary to view the “Terms of Service” or other policies or conditions of  
10 Google’s Services to proceed with registration.  
11

12 174. Google does not require users to specify the content they intend to publish using  
13 Google’s Services and Platform when they register, nor does Google pre-screen user registrations  
14 based upon such anticipated content.

15 175. Google users themselves publish content on their own YouTube channels or  
16 accounts using Google’s Services and Platform.  
17

18 176. Google does not preview or edit content published by users to their own YouTube  
19 channels or accounts.

20 177. When a user publishes content to the user’s YouTube channel or account, the  
21 content is published in “real-time” or nearly “real-time.”  
22

23 178. When a Google user publishes content on his own YouTube channel or account,  
24 other Google users or viewers do not attribute such content to Defendant Google, nor do they  
25 consider Google to be the speaker or publisher of such content.  
26  
27  
28

1 179. Google has expended and continues to expend enormous sums of money to  
2 develop, operate, and update its Platform and Services, which it provides to registered users free of  
3 charge.

4 180. The Platform and Services that Google provides to its users free of charge are very  
5 valuable to users, who could not replicate all the benefits received from Google without enormous  
6 financial investment.

7 181. Google's free provision of its Platform and Services to users thus enables users to  
8 obtain these benefits while freeing-up money and other resources to spend on other items or  
9 activities.  
10

11 182. Google's Platform and Services can be used to post and distribute videos publicly,  
12 or privacy settings are available to enable users to communicate, share, or distribute videos or  
13 messages privately.

14 183. Google enables registered users to "subscribe" to YouTube "channels" in order to  
15 receive notifications of new videos or messages posted on those channels.  
16

17 184. Google permits users to create multiple YouTube channels accounts and to  
18 subscribe to hundreds (if not an unlimited number) of YouTube channels.

19 **B. ISIS and YouTube**

20 185. Google's YouTube platform has played an essential role in the rise of ISIS to  
21 become the most feared terrorist organization in the world.

22 186. ISIS's use of violence and threats of violence is calculated and intended to have an  
23 impact far beyond the harm inflicted upon the individual victims of an attack.  
24

25 187. ISIS's use of violence and threats of violence is part of its program of terrorism,  
26 designed inter alia to gain attention, instill fear and "terror" in others, send a message, and obtain  
27 results.  
28

1 188. In other words, the physical attack itself and the harm to the individual victims of  
2 the attack are not the only goal or “end” of ISIS’s terror attacks; rather, ISIS uses terror attacks as  
3 a “means” to communicate and accomplish its broader objectives.

4 189. ISIS uses terrorism as a psychological weapon.

5 190. Thus, the messages communicated before, during, and after an ISIS terror attack, as  
6 well as the attack itself, are essential components of generating the physical, emotional, and  
7 psychological impact ISIS desire to achieve via the terrorist attack.

8 191. The impact and effectiveness of ISIS terrorism, and its motivation to carry out  
9 more terrorist attacks, are dependent upon ISIS’s ability to communicate its messages and reach its  
10 intended audiences, without intermediaries and without interference.

11 192. YouTube provides ISIS with a unique and powerful tool of communication that  
12 enables ISIS to achieve these goals, and it has become an essential and integral part of ISIS’s  
13 program of terrorism.

14 193. YouTube enables ISIS to communicate its messages directly to intended audiences  
15 without having to go through the filter of commercial media, and it enables ISIS to have greater  
16 access to the commercial media to further its goals as well.

17 194. ISIS not only uses YouTube for recruiting, planning, inciting, and giving  
18 instructions for terror attacks, ISIS also uses YouTube to issue terroristic threats, attract attention  
19 to its terror attacks and atrocities, instill and intensify fear from terror attacks, intimidate and  
20 coerce civilian populations, take credit for terror attacks, communicate its desired messages about  
21 the terror attacks, reach its desired audiences, demand and attempt to obtain results from the terror  
22 attacks, and influence and affect government policies and conduct.

23 195. ISIS thus uses YouTube to actually carry out essential communication components  
24 of ISIS’s terror attacks.  
25



1 material support or resources, knowing that they are used in preparation for, or in carrying out,  
2 criminal terrorist activity.

3 203. The value of Google’s Platform and Services to ISIS is demonstrated by the many  
4 YouTube channels and accounts maintained and used by ISIS, its members, and affiliates to  
5 promote and carry out activities of ISIS, and the many ISIS videos these users post on YouTube.

6 204. These ISIS-affiliated YouTube channels, accounts, and videos openly display the  
7 emblems and symbols of ISIS and its affiliated entities.

8 205. The members and affiliated entities of ISIS are so identified with and controlled by  
9 ISIS that one who provides material support or resources to any of them is in fact providing  
10 material support and resources to ISIS.

11 206. ISIS has used YouTube as an extremely effective means of announcing and  
12 releasing its propaganda materials, which include music, speeches, graphic acts of violence, full-  
13 length videos and more, presenting an image of technical sophistication and advanced media  
14 capabilities.

15 207. In November 2006, following the development of YouTube, ISIS (then known as  
16 AQI/ISI) announced the establishment of its “*al-Furqan* Institute for Media Production” (“*al-*  
17 *Furqan* Media”), which was to produce more professional and stylized video and other materials  
18 to be disseminated through online platforms.

19 208. *Al-Furqan* Media’s logo appears as follows:



1           209. In a press release announcing *Al-Furqan* Media, ISIS stated: “This Institute is a  
2 milestone on the path of Jihad; a distinguished media that takes the great care in the management  
3 of the conflict with the Crusaders [Western nations] and their tails [sic] and to expose the lies in  
4 the Crusaders’ media.”<sup>31</sup>

5           210. Following a raid on one of ISIS’s *al-Furqan* Media offices in Samarra, Iraq in June  
6 2007, Brigadier General Kevin Bergner, a spokesman for the Multinational Forces Iraq, described  
7 the extensive scope of the office’s operations as follows:  
8

9                   “[The Samarra office] produced CDs, DVDs, posters, pamphlets, and  
10 web-related propaganda products and contained documents clearly  
11 identifying al Qaeda in Iraq[/ISI]’s intent to use media as a weapon.

12                   . . .

13                   The building contained 65 hard drives, 18 thumb drives, over 500 CDs and  
14 12 stand-alone computers . . . In all, this media center had the capacity of  
15 reproducing 156 CDs in an eight-hour period and had a fully functioning  
16 film studio.

17                   . . .

18                   [U.S. forces also found] a sampling of other propaganda documents: a  
19 letter that gives instructions on how to use the media to get out the al  
20 Qaeda [in Iraq/ISI] message most effectively; an al Qaeda [in Iraq/ISI]  
21 activity report highlighting car bomb, suicide, missile, mortar, sniping and  
22 IED [improvised explosive device] attacks; a propaganda poster that  
23 encourages filming and distributing videos, showing al Qaeda [in Iraq/ISI]  
24 attacks on coalition forces; and a pamphlet and a CD cover of their sniper  
25 school.”<sup>32</sup>

26           211. ISIS’s *al-Furqan* Media has used YouTube extensively to distribute its video  
27 propaganda online.

28           212. In 2013, ISIS began a dramatic new expansion of its media production capabilities  
and exploitation of YouTube and other social media.

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29           <sup>31</sup> See Bill Roggio, “US targets al Qaeda’s al Furqan media wing in Iraq,” *The Long War*  
30 *Journal* (Oct. 28, 2007), [http://www.longwarjournal.org/archives/2007/10/us\\_targets\\_al\\_qedas.php](http://www.longwarjournal.org/archives/2007/10/us_targets_al_qedas.php).

31           <sup>32</sup> *Id.*

1           213. In March 2013, ISI announced the formation of a second ISI media production arm  
2 known as “*al-I’tisam Media Foundation*” (“*al-I’tisam Media*”), in addition to its already well-  
3 established *al-Furqan Media*.

4           214. *Al-I’tisam Media*’s logo appears as follows:



10           215. In August 2013, ISIS announced the formation of a third media production arm, the  
11 “*Ajnad Foundation for Media Production*” (the “*Ajnad Foundation*”), specializing in audio content  
12 that would also be distributed via YouTube as music videos, Islamic inspirational songs  
13 (“*nashids*”) that accompany ISIS videos, as well as sermons, Quran readings, and other  
14 indoctrination to be posted on YouTube.

15           216. The *Ajnad Foundation*’s logo appears as follows:



21           217. The ISIS *nashids* are emotionally powerful musical chants, and ISIS terrorists have  
22 reportedly used recordings of these *nashids* that are posted on YouTube to pump up their emotions  
23 and excitement prior to carrying out an attack.  
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1           218. The ISIS *nashids* have become an increasingly vital part of ISIS’s identity and  
2 propaganda, appearing in practically every form of ISIS YouTube video, including training  
3 videos, videos of executions, and recruiting videos.<sup>33</sup>

4           219. YouTube videos of ISIS *nashids* have generated hundreds of thousands of views.<sup>34</sup>

5           220. At the end of 2014, *New Republic* magazine declared ISIS’s “Dawlat al-Islam  
6 Qamat” *nasheed* to be “The Most Influential Song of the Year.”<sup>35</sup>

7           221. In May 2014, ISIS launched a fourth media production department named “*al-*  
8 *Hayat* Media Center” (“*al-Hayat* Media”) specifically to target Western and non-Arabic-speaking  
9 audiences, producing and distributing material in many languages, including English, French,  
10 Dutch, German, Turkish, Russian, and more, to be distributed via YouTube in conjunction with  
11 other internet platforms.  
12

13           222. *Al-Hayat* Media’s logo appears as follows:



19           223. With its highly developed media production departments and various branded  
20 media outlets, ISIS has been able to create and distribute via YouTube video propaganda,  
21

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22  
23           <sup>33</sup> See Bryan Schatz, “Inside the World of ISIS Propaganda Music,” *Mother Jones* (Feb. 9,  
24 2015), <http://www.motherjones.com/politics/2015/02/isis-islamic-state-baghdadi-music-jihad-nash-eeds/>.

25           <sup>34</sup> *Id.*

26           <sup>35</sup> Simon R. Gardner, “The Islamic State Produced the Most Influential Song of the Year,”  
27 *New Republic* (Dec. 31, 2014), <https://newrepublic.com/article/120665/islamic-states-dawlat-al-islam-qamat-most-influential-song-2014>.



1 recruitment, and operational campaigns that are exceptionally professional, sophisticated, and  
2 effective.

3 224. Amb. Alberto Fernandez, Vice-President of the Middle East Media Research  
4 Institute (“MEMRI”) and former Coordinator for Strategic Counter-Terrorism Communications at  
5 the U.S. Department of State, has called ISIS’s media materials, “the gold standard for propaganda  
6 in terms of its quality and quantity.”<sup>36</sup>

7  
8 225. Essential to the success of its media and terror campaigns—and to the success of  
9 ISIS—has been ISIS’s use of YouTube to disseminate its videos and messages and execute its  
10 propaganda, recruitment, and operational campaigns; indeed, all of ISIS’s media production  
11 departments described above have used YouTube for this purpose.

12 226. ISIS has used YouTube to disseminate videos of its brutality and conquests as a  
13 psychological weapon to strike fear in its enemies.

14 227. For example, in October 2013, ISIS used YouTube to post a video of a prison break  
15 at the Abu Ghraib prison in Iraq, and its subsequent execution of Iraqi army officers, which served  
16 to intimidate soldiers in the Iraqi army.

17 228. The following is an ISIS graphic promoting ISIS’s October 2013 Abu Ghraib  
18 video:  
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26 <sup>36</sup> Dr. Erin Marie Saltman & Charlie Winter, “Islamic State: The Changing Face of  
27 Modern Jihadism,” *Quilliam* (Nov. 2014), [https://www.quilliamfoundation.org/wp/wp-content/  
28 uploads/publications/free/islamic-state-the-changing-face-of-modern-jihadism.pdf](https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/islamic-state-the-changing-face-of-modern-jihadism.pdf).



229. In contrast to the days before the development of YouTube, when al-Zarqawi was limited to releasing short, low-quality videos, on websites that could only handle limited traffic, Google’s YouTube platform and services provide ISIS with the ability to produce and disseminate professional-quality feature films of any length to an unlimited audience.

230. For example, on March 17, 2014, ISIS’s *al-I’tisam* Media used YouTube to release an hour-long highly-graphic video titled, “The Clanging of the Swords 4,” produced by ISIS’s *al-Furqan* Media.

231. The terrorism analysis website Jihadica.com reported that within 24 hours of the video’s publication on YouTube, “The Clanging of the Swords 4” had been viewed 56,998 times.<sup>37</sup>

232. ISIS has used YouTube to raise its profile among terror groups and even overtake older jihadist competitors like *al-Qaeda*.

233. ISIS uses YouTube to disseminate its propaganda in video to both Muslims and non-Muslims, with the effect of instilling fear and terror in the “non-believers” while encouraging others to join in ISIS’s cause.

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<sup>37</sup> Nica Prucha, “Is this the most successful release of a jihadist video ever?” *Jihadica.com* (May 19, 2014), <http://www.jihadica.com/is-this-the-most-successful-release-of-a-jihadist-video-ever/>.

1           234.    ISIS also uses YouTube to communicate with ISIS “sympathizers” and to provide  
2 them with directions as well.

3           235.    ISIS has engaged, and continues to engage, in horrific terrorist atrocities against  
4 civilians/non-combatants in every area it has operated, and has posted videos of such activity on  
5 YouTube to spread even more fear.

6           236.    ISIS has kidnapped innocent civilians and made various demands for their release,  
7 and it has carried out numerous beheadings, crucifixions, public executions, and mass-murders of  
8 its enemies and people it considers “apostates” or “infidels,” all in front of the cameras for the  
9 purpose of posting videos of these atrocities on YouTube.  
10

11           237.    ISIS has directed and overseen the systematic rape and enslavement of captive  
12 women and girls, and has conducted a program of genocide against religious and ethnic groups,  
13 even promoting the sale of women as slaves on YouTube.

14           238.    ISIS has enforced its own strict interpretations of Islamic law in the areas it has  
15 captured, meting out punishments including whipping, amputation, and death to those who fail or  
16 refuse to comply, again using YouTube to post videos praising these punishments.  
17

18           239.    ISIS has paraded captives before cameras and forced them to give statements for  
19 ISIS propaganda, and it has become infamous for its use of YouTube to broadcast worldwide its  
20 cruel and ever-unusual executions of captives for their shocking and terror-inducing effect.

21           240.    Using YouTube and other social media, ISIS has recruited, and continues to recruit,  
22 individuals from all over the world to travel to Syria and Iraq for the purpose of joining its ranks  
23 and participating in its terrorist activities and atrocities.  
24

25           241.    Tens of thousands of people from around the world have viewed ISIS’s propaganda  
26 on YouTube and have been persuaded to travel to Syria and Iraq to join ISIS and engage in its  
27 jihad.  
28

1 242. ISIS’s use of YouTube has enabled the terrorist organization to produce and  
2 distribute high-quality videos by dedicated professional ISIS media personnel.

3 243. For example, in June 2014, ISIS’s *al-Hayat* Media used YouTube to launch and  
4 propagate a series of videos called the “MujaTweets,” claiming to show “snippets of day-to-day  
5 life in the ‘Islamic State’” to portray life under ISIS as peaceful and normal.

6 244. The Huffington Post described the quality of ISIS’s propaganda videos as  
7 follows:<sup>38</sup>

8  
9 “When it comes to producing recruitment and propaganda  
10 videos...unaffiliated supporters leave room to a much smaller group of  
11 official ISIS members. This mainly consists of professional filmmakers  
12 working directly for the Islamic State. Their use of high definition video  
13 cameras, slick graphics and refined editing techniques has elevated the  
14 quality of the videos produced to Hollywood standards. One series of  
15 video clips called Mujatweets, released by ISIS’ media arm on YouTube,  
16 portrays a number of ISIS militants as they engage in noble activities such  
17 as visiting an injured fighter at the hospital or distributing candies to some  
18 children. Episodes are filmed in HD, contain sophisticated graphics and  
19 logos, and include English subtitles—a sign of how the message is  
20 explicitly intended for second generation immigrants, especially the  
21 young.”

22 245. In September 2014, ISIS used YouTube to release an animated recruitment video  
23 set to the entrancing sounds of ISIS’s militant Islamist *nasheed* chant and titled “Grand Theft  
24 Auto: *Salil al-Sawarem* [‘Clanging of the Swords’],” ostensibly announcing the release of an ISIS  
25 videogame modeled after a famous PlayStation interactive videogame titled “Grand Theft Auto”  
26 that sold 27.5 million copies.

27 246. The following are screen clips from the ISIS YouTube video “Grand Theft Auto:  
28 *Salil al-Sawarem*:

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29 <sup>38</sup> Alessandro Bonzio, “ISIS’ Use of Social Media Is Not Surprising; Its Sophisticated  
30 Digital Strategy Is,” *The Huffington Post* (Nov. 14, 2014), [http://www.huffingtonpost.co.uk/  
31 alessandrobonzio/isisuseofsocialmedia\\_b\\_5818720.html](http://www.huffingtonpost.co.uk/alessandrobonzio/isisuseofsocialmedia_b_5818720.html).



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6 247. In releasing its video-version of “Grand Theft Auto” on YouTube, which depicted  
7 an ISIS terrorist shooting a policeman and attacking a convoy of army trucks and jeeps, ISIS  
8 announced that its purpose was to “raise the morale of the mujahedin [“holy warriors”] and to train  
9 children and youth how to battle the West and to strike terror into the hearts of those who oppose  
10 the Islamic State.”<sup>39</sup>

11  
12 248. Through its use of YouTube and other social media, ISIS has recruited more than  
13 30,000 foreign recruits since 2014, including some 4,500 Westerners and 250 Americans.

14 249. ISIS has used YouTube to indoctrinate and radicalize potential recruits and  
15 followers, providing a constant stream of religious teachings, mantras, and images showing the  
16 “truth” of ISIS’s doctrines and the “heresy” of other groups, particularly Christians, Jews, and  
17 non-Sunni Muslims

18  
19 250. ISIS has used YouTube to indoctrinate and provided training to these recruits, and  
20 has sent many of them to return to their home countries to carry out terrorist attacks there.

21 251. ISIS has also used, and continues to use, YouTube to solicit and recruit individuals  
22 to remain in their home countries to carry out terrorist attacks there.

23  
24  
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26 <sup>39</sup> Paul Crompton, “Grand Theft Auto: ISIS? Militants reveal video game,” *Al Arabiya*  
27 *News* (Sept. 20, 2014), <http://english.alarabiya.net/en/variety/2014/09/20/Grand-Theft-Auto-ISIS-Militants-reveal-video-game.html>.

1           252. These efforts have been particularly directed at citizens of countries participating in  
2 efforts to suppress and defeat ISIS in Syria and Iraq, including the United States, England, France,  
3 Belgium, and Russia, and ISIS has also used YouTube to provide indoctrination, training and  
4 inspiration to these recruits to carry out terrorist attacks.

5           253. ISIS's use of violence against civilians is politically motivated, and intended to  
6 intimidate and coerce the civilian populations where it carries out such violence, to influence the  
7 policies of governments, and to affect the policy of governments through kidnapping,  
8 assassination, and mass destruction.

9           254. ISIS has used YouTube to indoctrinate and radicalize potential recruits and  
10 followers, providing a constant stream of religious teachings, mantras, music videos, and other  
11 images showing the "truth" of ISIS's doctrines and the "heresy" of other groups, particularly  
12 Christians, Jews, and non-Sunni Muslims.

13           255. ISIS has used YouTube to exaggerate its expansion territorially by disseminating  
14 videos with maps showing areas ISIS claims to control as well as other regions where other groups  
15 have allegedly pledged allegiance to ISIS.

16           256. ISIS has used YouTube to generate sympathy by showing images of women and  
17 children allegedly injured or killed by the enemies of ISIS.

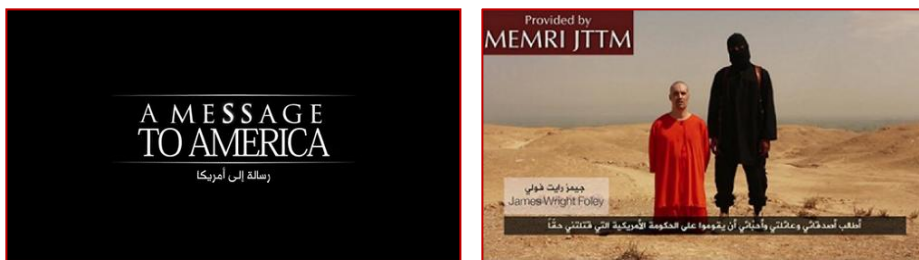
18           257. ISIS uses YouTube as a psychological weapon to project strength, brutality,  
19 superiority, and invincibility, and to instill fear, awe, and terror.

20           258. ISIS regularly records the executions of large groups of local prisoners in order to  
21 intimidate and demoralize its opposition, and then uses YouTube to make these videos, mixed and  
22 produced with drama and set to music, "go viral" on the internet and into the mainstream media.

23           259. ISIS also used YouTube to post a series of videos of beheadings together with  
24 political messages and warnings to the West.

1           260. On August 19, 2014, ISIS used YouTube to post a video in English titled “A  
2 Message to America,” showing the beheading of American journalist James Foley by a hooded  
3 man with a British accent, later known as “Jihadi John.”

4           261. The following are screen clips from the August 19, 2014 video:



10           262. In the YouTube video of Foley’s murder, ISIS also showed another captive  
11 American, Steven Sotloff, and threatened that his fate would be the same if the U.S. did not cease  
12 all attacks against ISIS.

13           263. On September 2, 2014, ISIS used YouTube to post a video titled “A Second  
14 Message to America,” showing the beheading of Steven Sotloff, and threatening to murder Britain  
15 David Hanes.

16           264. The following are screen clips from the September 2, 2014 video:



22           265. On September 13, 2014, ISIS used YouTube to post a video titled “A Message to  
23 the Allies of America,” showing the beheading of David Haines, a British aid worker, and  
24 threatening to murder Britain Alan Henning.

25           266. The following is a screen clip from the September 13, 2014 video:



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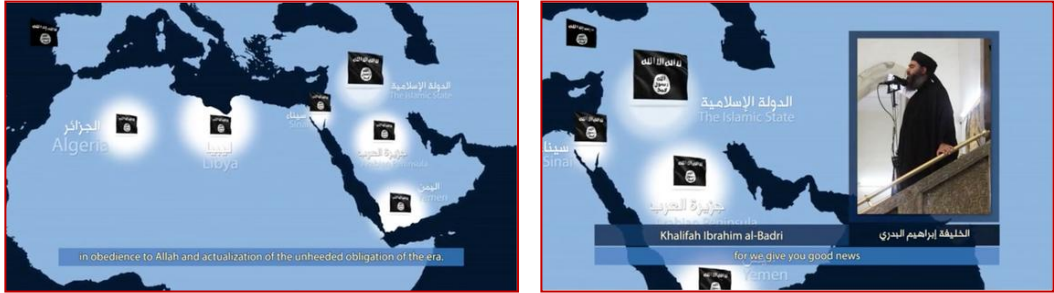
267. On October 3, 2014, ISIS used YouTube to post a video titled “Another Message to America and its Allies,” showing the beheading of Alan Henning, a British aid worker, and threatening to murder American Peter Kassig.

268. The following is a screen clip from the October 3, 2014 video:



269. On November 16, 2014, ISIS used YouTube to post a video titled “Although the Disbelievers Will Not Like It,” which opened with an ISIS propaganda map showing areas that had been declared “provinces” of the ISIS “Caliphate” and a speech by ISIS leader Abu Bakr (who took the name Khalifah Ibrahim al-Badri) accepting oaths of loyalty purportedly made from various terrorist leaders of these “provinces.”

270. The following are screen clips from the November 16, 2014 video:





1 271. The video shows action scenes of Christians, Shiite Muslims, and Americans being  
2 killed by ISIS *jihadis*, contrasted with bloody images of children depicted as victims of enemy  
3 attacks.

4 272. The video continues with a procession of about 18 bound captives said to be Syrian  
5 pilots, who are forced to kneel and are beheaded before the camera by ISIS terrorists, all set to the  
6 sound of the militant ISIS *nashid* musical chant familiar to many ISIS videos.

7 273. The following are additional screen clips from the November 16, 2014 video:



18 274. Just before the beheading are shown in the video, ISIS executioner “Jihadi John”  
19 makes the following statement:

20 “To Obama, the dog of Rome, today we are slaughtering the soldiers of  
21 [Syrian President] Bashar [al Assad] and tomorrow we’ll be slaughtering  
22 your soldiers. And with Allah’s permission we will break this final and  
23 last crusade. And the Islamic State will soon, like your puppet David  
Cameron said, will begin to slaughter your people in your streets.”

24 275. After the beheadings, the video shows the bodies of the captives on the ground with  
25 their severed heads placed atop their backs and pools of blood on the ground.

1 276. In the final minute of the video, the scene changes to “Jihadi John” standing alone  
2 by another severed head on the ground, which he says is that of American Peter Kassig, as the  
3 terrorist announces another threat to America and its allies.

4 277. On February 3, 2015, ISIS’s *al-Furqan* Institute used YouTube to post a video  
5 titled “Healing a Believer’s Chest,” which showed Jordanian pilot Mu’adh Al-Kasasbeh (who had  
6 been captured by ISIS) being burned alive in a cage.

7 278. The following are scenes from the “Healing a Believer’s Chest” video that ISIS  
8 posted on YouTube:  
9



14 279. On February 15, 2015, ISIS used YouTube to post a video titled “A Message  
15 Signed With Blood To The Nation Of The Cross,” showing the beheading of 21 Coptic Christian  
16 men ISIS had captured in Libya.  
17

18 280. The following is a screen clip from the February 15, 2015 video:



23 281. ISIS has also used YouTube to post videos of other cruel executions, including  
24 numerous beheadings and crucifixions, discharging explosives attached to captives, slowly  
25 lowering caged captives into water to drown, and more.  
26

1 282. ISIS's ability to use YouTube to disseminate around the world its message,  
2 evidence of its atrocities, and an image of invincibility, not only intensifies the intimidation it  
3 creates, but also motivates and emboldens its members and followers to carry out even more  
4 terrorist attacks.

5 283. ISIS has also used YouTube to raise funds for its terrorist activities.

6 284. ISIS has used YouTube to inflame Muslim emotions and incite violence against  
7 non-Muslims, and to glorify terrorist "martyrs" and *jihad*.

8 285. ISIS has used YouTube to direct viewers to other online sites, postings, media, and  
9 other social network media.  
10

11 286. Thus, ISIS has used YouTube as a platform from which followers can access not  
12 only YouTube videos and comments, but also other websites, Facebook pages, Twitter accounts,  
13 and other online social network media.

14 287. ISIS has used YouTube as a means to communicate its messages to the broader  
15 news media.  
16

17 288. ISIS has used YouTube accounts, channels, subscriptions, and messages to build  
18 and maintain networks.

19 289. In June 2015, it was reported that ISIS had released at least 830 videos just since  
20 2013, an average of 21 videos each month.

21 290. YouTube is especially useful to ISIS because, among other things, it is provided  
22 free of charge, allows unlimited usage, offers the ability to reach an enormous number of users  
23 instantaneously, provides the ability to distribute videos without disclosing location, enables like-  
24 minded users to connect and communicate, affords both public and private communications, and  
25 integrates other social media platforms and services.  
26

1 291. YouTube is also readily available, easy-to-use, and enables registered users to share  
2 videos, large and small, using Google's computer servers via the internet.

3 292. Moreover, the money ISIS saves by using YouTube frees up funds for ISIS to  
4 devote to even more terrorist attacks.

5 293. In all of these ways and more, Google's Platform and Services have played an  
6 essential role in enabling ISIS to grow, develop, and project itself as the most feared terrorist  
7 organization in the world.

8 294. The sophisticated technological capabilities that Google's Platform and Services  
9 give to ISIS have had an enormous impact on ISIS's methods and success in recruiting,  
10 indoctrination, training, conducting terrorist operations, and engaging in psychological warfare.

11 295. As part of an illegal terrorist organization, ISIS leaders and operatives must often  
12 operate secretly and keep their specific whereabouts hidden to avoid being captured or killed, and  
13 thus their ability to personally meet with or communicate directly with other ISIS members and  
14 the public is normally severely limited.

15 296. Through Google's Platform and Services, ISIS leaders, operatives, and recruits are  
16 able to make themselves available to ISIS for ISIS's terrorist activities.

17 297. Thus, through its actions, Google has aided and abetted, conspired, and provided  
18 personnel to ISIS by making ISIS leaders, operatives, and recruits available to ISIS to conspire,  
19 plan, prepare and carry out terrorist activity.

20 298. In addition, Google has enabled ISIS to continue these activities by concealing its  
21 own provision of material support and resources to ISIS, as well as the material support and  
22 resources provided by ISIS leaders, members, affiliates and recruits to ISIS via Google's Platform  
23 and Services.

24 **IV. ISIS'S NOVEMBER 13, 2015 PARIS ATTACK**

1 **A. Introduction**

2 299. On November 13, 2015, ISIS carried out a horrific terrorist attack in Paris, France,  
3 murdering 130 people, including Nohemi Gonzalez, and injuring hundreds more (the “Paris  
4 Attack”).

5 300. The Paris Attack was intended: a) to intimidate and coerce the civilian populations  
6 of France, the United States, and other countries engaged in activities against ISIS; b) to influence  
7 the policies of these governments by intimidation and coercion; and c) to affect the conduct of  
8 these governments by mass destruction, assassination, and kidnapping.

9  
10 301. Indeed, a major component of the Paris Attack was the messaging disseminated by  
11 ISIS prior to, during, and after the events, in which ISIS stated its reasons for committing the  
12 terrorist attack against these countries’ civilians.

13 302. The Paris Attack involved extensive planning, recruiting, organization, training,  
14 preparation, coordination, and funding.

15 303. It also involved the use of YouTube, before and after the attack, to intensify the  
16 fear and intimidation that ISIS intended to inflict by this mass casualty attack.

17 304. ISIS used Google’s Platform and Services to facilitate and accomplish all of these  
18 things.  
19

20 **B. Recruiting and Planning**

21 305. The Paris Attack involved three coordinated teams of ISIS terrorists that carried out  
22 terrorist attacks in Paris in the evening of November 13, 2015.

23 306. To date, the following twelve ISIS terrorists have been identified as being directly  
24 involved in the Paris Attacks:  
25

- 26 a. Abdelhamid Abaaoud (a Belgian national);
- 27 b. Brahim Abdeslam (a Belgian national);

- 1 c. Chakib Akrouh (a Belgian national);
- 2 d. Bilal Hafdi (a French citizen who lived in Belgium);
- 3 e. Ahmed al-Mohamed (believed to be an Iraqi);
- 4 f. M. al-Mahmod (believed to be an Iraqi);
- 5 g. Omar Ismail Mostefai (a French national);
- 6 h. Sami Amimour (a French citizen);
- 7 i. Foued Mohammed Aggad (a French national);
- 8 j. Salah Abdeslam (a Belgian-born French national);
- 9 k. Mohamed Belkaid (believed to be Algerian); and
- 10 l. Najim Laachraoui (a Moroccan-born resident of Belgium).

12 307. Belgium has been called “the epicenter of the Islamic State’s efforts to attack  
13 Europe.”

14 308. A number of *jihadi* recruiting networks for ISIS have been very active and  
15 successful, enticing and sending hundreds of young Muslim men in the last 5-6 years to travel to  
16 Syria and Iraq to join ISIS.

18 309. By the time of the Paris Attack, Belgium was the country with the highest number  
19 per capita of recruits to travel to Syria and Iraq to join ISIS among all Western countries.

20 310. Among the most active and successful ISIS recruiting networks in Belgium were:

- 21 a. Sharia4Belgium, founded by Antwerp-based radical Islamist Fouad Belkacem  
22 (a/k/a Abu Imran) (“Belkacem”) with the inspiration and endorsement of London-  
23 based radical Islamist Anjam Choudary (“Choudary”);
- 24 b. Resto du Tawhid, founded in Brussels by a Belgian Muslim-convert named Jean-  
25 Louis Denis (“Denis”); and
- 26

1 c. “The Zerkani Network,” centered around the Molenbeek area of Brussels by radical  
2 Islamist Khalid Zerkani (“Zerkani”).

3 311. Choudary was a founding member of an extreme Islamist organization called *al-*  
4 *Muhajiroun*, which held a conference in 2002 titled “The Magnificent 19,” praising *al-Qaeda*’s  
5 9/11 Attack on the United States, and was linked to multiple terror plots in Britain.

6 312. In 2010 and 2014, Britain banned *al-Muhajiroun* and other groups led by  
7 Choudary, including Islam4UK, under the U.K. Terrorism Act of 2000.

8 313. Choudary openly supported ISIS and *jihad* through speeches and social media,  
9 especially YouTube, Twitter, and Facebook.

10 314. After ISIS’s announcement of the Islamic caliphate in 2014, Choudary declared his  
11 allegiance to the Islamic State, and stated to the press that ISIS’s leader Abu Bakr is “the caliph of  
12 all Muslims and the prince of the believers.”<sup>40</sup>

13 315. Choudary is considered to have played a major role in recruiting more than 500  
14 Britains to travel to Syria and Iraq to join ISIS.

15 316. Choudary was arrested in September 2014, and was subsequently convicted under  
16 the U.K. Terrorism Act of 2000 for inviting support of ISIS.

17 317. Choudary was personally named as a Specially Designated Global Terrorist  
18 (“SDGT”) on March 30, 2017 because of his connection to ISIS.

19 318. Belkacem was an admirer of Choudary, and founded Sharia4Belgium after seeking  
20 his advice.

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25 <sup>40</sup> Andrew Anthony, “Anjem Choudary: the British extremist who backs the caliphate,”  
26 *The Guardian* (Sept. 7, 2014), [https://www.theguardian.com/world/2014/sep/07/anjem-choudary-](https://www.theguardian.com/world/2014/sep/07/anjem-choudary-islamic-state-isis)  
27 [islamic-state-isis](https://www.theguardian.com/world/2014/sep/07/anjem-choudary-islamic-state-isis).



1           319. Belkacem operated Sharia4Belgium as an intense Islamist activist and  
2 indoctrination center, with one of its central goals being to recruit young Muslims to travel to  
3 Syria and Iraq to join ISIS.<sup>41</sup>

4           320. In early 2015, Belkacem was convicted for recruiting and sending terrorists to join  
5 ISIS in Syria and Iraq, and sentenced to twelve years imprisonment.

6           321. Forty-four other members of Sharia4Belgium were also tried together with  
7 Belkacem, although only seven of those were present at the trial.

8           322. The remaining defendants in Belkacem’s trial were tried in absentia, most  
9 presumed to still be in Syria or possibly killed.

10           323. Belkacem’s 44 co-defendants were also convicted of terrorism offenses, and given  
11 sentences of between three and fifteen years imprisonment (with some sentences suspended).

12           324. After Belkacem’s arrest, radical Islamist Hicham Chaib (a/k/a Abu Hanifa al-  
13 Baljiki) (“Chaib”), served as a leader of Sharia4Belgium.

14           325. Denis was also arrested and convicted of recruiting for ISIS, and was sentenced in  
15 January 2016 to ten years imprisonment.

16           326. Zerkani operated his recruitment network in the Brussels area, using petty crime to  
17 fund the recruitment of *jihadis* for ISIS.

18           327. Zerkani was known for providing fake documentation and thousands of Euros in  
19 cash to recruits who traveled to Syria and Iraq to joining ISIS, and putting them in touch with  
20 contacts to smuggle them across the border from Turkey to Syria.  
21  
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23

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26           <sup>41</sup> Ben Taub, “Journey to Jihad: Why are teen-agers joining ISIS?” *The New Yorker* (Jun.  
27 1, 2015), <http://www.newyorker.com/magazine/2015/06/01/journey-to-jihad>.



1           328. In July 2015, a Belgian criminal court convicted and sentenced Zerkani to 12 years  
2 imprisonment for recruiting for ISIS, and his sentence was extended to 15 years in April 2016 by  
3 an appeals court.

4           329. As with Belkacem, Zerkani was tried together with many other co-defendants  
5 charged with terrorism offenses related to recruiting and sending young Muslims to Syria to join  
6 ISIS.

7           330. Twenty-eight of Zerkani's co-defendants were convicted and sentenced, although  
8 14 of those convicted were tried in absentia because they were presumed to still in Syria or  
9 possibly killed.  
10

11           331. Among those convicted in absentia at the Zerkani trial in July 2015 were Abaaoud  
12 and Laachraoui, two ISIS terrorist who would later to instrumental in the Paris Attack in  
13 November 2015.

14           332. Each of these networks—Sharia4Belgium, Resto du Tawid, and “The Zerkani  
15 Network”—used and relied on social media to build and maintain connections with ISIS recruits,  
16 and as Belgian recruits arrived in Syria and Iraq, these recruits served to influence others from  
17 their Belgian communities to join ISIS as well.  
18

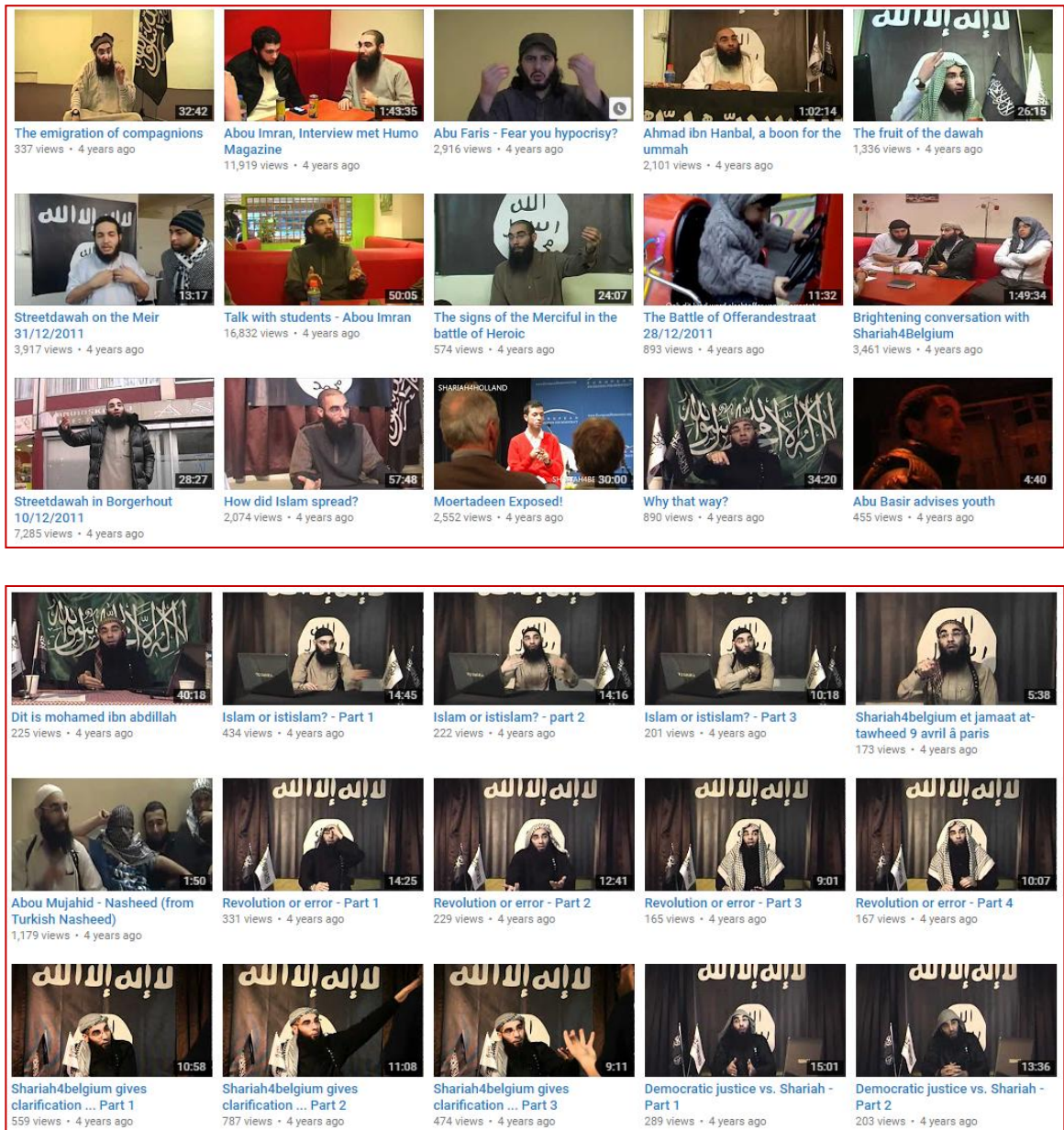
19           333. Belkacem and Denis in particular used YouTube as a primary tool for  
20 indoctrination and recruitment to ISIS.

21           334. Belkacem's Sharia4Belgium maintained several YouTube channels, which it used  
22 to post sermons, speeches, news events, and other materials to lure, recruit, and indoctrinate young  
23 Muslims to travel to Syria and Iraq to join ISIS.  
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25           335. The following is a logo from one of Sharia4Belgium's YouTube channels:  
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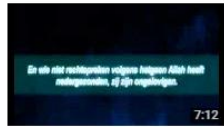



336. The following are screen clips from one of Sharia4Belgium's YouTube channels established in 2012 and still online today, showing a menu of Sharia4Belgium videos that can be viewed on the channel (the captions are translated by Google Translate into English):


















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 Al emara al islamia fi belgika - deel 1 691 views · 4 years ago	 Democratic justice vs. Shariah - Part 3 163 views · 4 years ago	 Democratic justice vs. Shariah - Part 4 129 views · 4 years ago	 Al emara al islamia fi belgika - deel 2 319 views · 4 years ago	 al emara al islamia fi belgika - deel 3 179 views · 4 years ago
 al emara al islamia fi belgika - deel 4 321 views · 4 years ago	 Ingredients for an atomic bomb - Part 1 683 views · 4 years ago	 Shariah4Belgium sued - Part 2 306 views · 4 years ago	 Ingredients for an atomic bomb - Part 2 425 views · 4 years ago	 Ingredients for an atomic bomb - Part 3 320 views · 4 years ago
 Ingredients for an atomic bomb - Part 4 240 views · 4 years ago	 A sunrise inshallah - Part 1 256 views · 4 years ago	 Interview with Abu Imran - Shariah4Belgium - part 1 635 views · 4 years ago	 Why temple el-fath - Part 1 333 views · 4 years ago	 Interview with Abu Imran - Shariah4Belgium - part 2 219 views · 4 years ago

 A sunrise inshallah - Part 2 212 views · 4 years ago	 A sunrise inshallah - Part 3 194 views · 4 years ago	 Why temple el-fath - part 3 96 views · 4 years ago	 Why temple el-fath - Part 2 197 views · 4 years ago	 Judge yourself 296 views · 4 years ago
 Method of victory for the resistance in Egypt 108 views · 4 years ago	 Streetdawah in Gent 976 views · 4 years ago	 Abdelkarim Honey - Interview with Abu Imran - Part 1 259 views · 4 years ago	 Abdelkarim Honey - Interview with Abu Imran - Part 2 163 views · 4 years ago	 Democracy go to hell! 155 views · 4 years ago
 Shariah 4 Belgium & Forsane Alizza - Betoging 3,941 views · 4 years ago	 Abou Faris - Imaan vs Koefr 988 views · 4 years ago	 Abu Haneefah - The role of the mosque - part 1 101 views · 4 years ago	 Hamoud bin 'Aqlaa al-Sha'eeb - Aiming for Shari'ah 64 views · 4 years ago	 Othman al-Khames - The Importance Of Monotheism 85 views · 4 years ago



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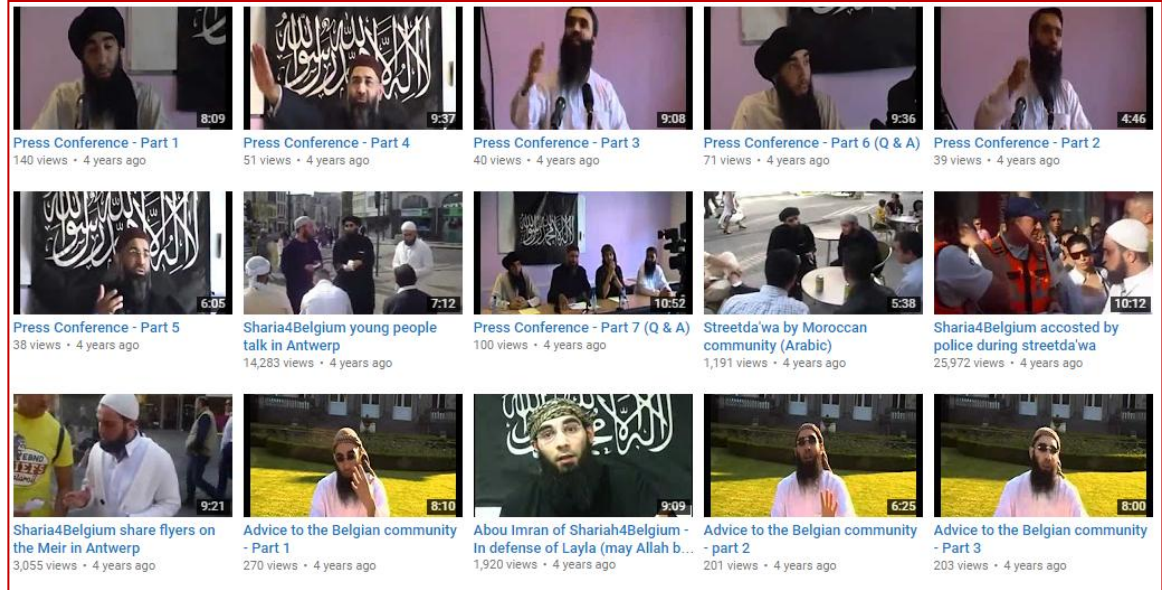
 Abou Bakr - A word of advice because the newly arrested... 166 views · 4 years ago	 Gaza - After discomfort comes ease! 98 views · 4 years ago	 Abu Haneefah - The role of the mosque - part 2 71 views · 4 years ago	 Abou Imran vs Benno Barnard 6,333 views · 4 years ago	 Abou Imran - Reaction to the school policy regarding the... 694 views · 4 years ago
 Word of sympathy to Shariah 4 Belgium Younes al-Belgic 1,429 views · 4 years ago	 Shariah 4 Belgium - Message of support to Shariah 4 Bangladesh 1,256 views · 4 years ago	 Abou Imran - Call for young people 1,991 views · 4 years ago	 Abou Imran - We continue to proclaim the Shariah - Part 1 1,943 views · 4 years ago	 Abu Ali - They do not belong to the Ummah of Muhammad... 794 views · 4 years ago
 Shariah 4 Belgium - Streetdawa te Brussel 1,058 views · 4 years ago	 Spoken Word - Rise and fall of the Ummah 253 views · 4 years ago	 When O' prisoner 156 views · 4 years ago	 Abdul-Jabbar van de Ven - Excellence of Jihad 600 views · 4 years ago	 Burn the American flag 130 views · 4 years ago

 Abou Imran - We continue to proclaim the Shariah - Part 2 482 views · 4 years ago	 Shaykh Ibn Saalih Al-Uthaymeen - The disbelief of one who rules b... 170 views · 4 years ago	 Shaykh Khalid Rashid - A Call To The Ummah - Part 2 139 views · 4 years ago	 Shaykh Khalid Rashid - A Call To The Ummah - Part 1 248 views · 4 years ago	 Shaykh Khalid Rashid - A Call To The Ummah - Part 3 121 views · 4 years ago
 Abou Imran - A Ummah ... A body - Part 3 349 views · 4 years ago	 Abou Imran - A Ummah ... A body - Part 1 316 views · 4 years ago	 Abou Imran - A Ummah ... A body - Part 2 337 views · 4 years ago	 Sharia4Belgium after the arrest during streetdawa 2,187 views · 4 years ago	 Censored 31 - Interview exclusive avec Abou Imran de Shariah 4... 5,036 views · 4 years ago
 Abou Imran - TER verdediging van de Moslimgevangenen... 870 views · 4 years ago	 Abou Imran - Message of support for Shariah 4 Australia 489 views · 4 years ago	 Street Dawa - Borgerhout 26-06-10 - Part 1 848 views · 4 years ago	 Street Dawa - Borgerhout 26-06-10 - Part 2 424 views · 4 years ago	 Street Dawa - Borgerhout 26-06-10 - Part 3 817 views · 4 years ago

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<b>Islam is anti-democratie!</b> 232 views • 4 years ago	<b>A Message Of Support to Sharia 4 Belgium</b> 1,439 views • 4 years ago	<b>Abou Imran - Interview with media - Part 2</b> 530 views • 4 years ago	<b>Abou Imran - Interview with media - Part 1</b> 1,284 views • 4 years ago	<b>Omar Bakri Muhammad (hafidaholah) spreek over niqa...</b> 226 views • 4 years ago
<b>Omar Bakri Muhammad (hafidaholah) spreek over niqa...</b> 70 views • 4 years ago	<b>Anjem Choudry in Belgium - Clash of Civilizations</b> 447 views • 4 years ago	<b>Omar Bakri Muhammad (hafidaholah) spreek over niqa...</b> 50 views • 4 years ago	<b>Anjem Choudry answers the Belgian press</b> 252 views • 4 years ago	<b>Interview Anjem Choudry regarding niqab demonstration</b> 226 views • 4 years ago
<b>Anjem Choudry - Christian Jews as awliya</b> 393 views • 4 years ago	<b>Anjem Choudry giving a talk in Belgium - part 2</b> 52 views • 4 years ago	<b>Anjem Choudry giving a talk in Belgium - part 5</b> 44 views • 4 years ago	<b>Anjem Choudry giving a talk in Belgium - part 1</b> 108 views • 4 years ago	<b>Anjem Choudry giving a talk in Belgium - part 4</b> 89 views • 4 years ago
<b>Anjem Choudry - Muslims are one Ummah</b> 116 views • 4 years ago	<b>Anjem Choudry giving a talk in Belgium - part 6</b> 51 views • 4 years ago	<b>Anjem Choudry giving a talk in Belgium - part 3</b> 49 views • 4 years ago	<b>Anjem Choudry giving a talk in Belgium - part 7</b> 37 views • 4 years ago	<b>Press Conference - Part 2</b> 35 views • 4 years ago
<b>Press Conference - Part 1</b> 51 views • 4 years ago	<b>Sharia4Belgium shares flyers in Antwerp</b> 530 views • 4 years ago	<b>Anjem Choudry giving a talk in Belgium - part 8</b> 45 views • 4 years ago	<b>Press Conference - Part 3</b> 68 views • 4 years ago	<b>Press Conference - Part 5 (question and answer)</b> 88 views • 4 years ago
<b>Abu Imran of Sharia4Belgium - Right to reply - Part 2</b> 816 views • 4 years ago	<b>Press Conference - Part 6 (question and answer)</b> 28 views • 4 years ago	<b>Press Conference - Part 4</b> 48 views • 4 years ago	<b>Abu Imran of Sharia4Belgium - Right to reply - Part 1</b> 2,439 views • 4 years ago	<b>Awake O Ummah of Muhammad !!</b> 198 views • 4 years ago





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337. Denis’s Resto du Tawid also maintained one or more YouTube channels as well, which was also used to post sermons, speeches, news events, and other materials to lure, recruit, and indoctrinate young Muslims to travel to Syria and Iraq to join ISIS.
















338. The following is a picture of the banner from Denis’s Resto du Tawid YouTube channel:



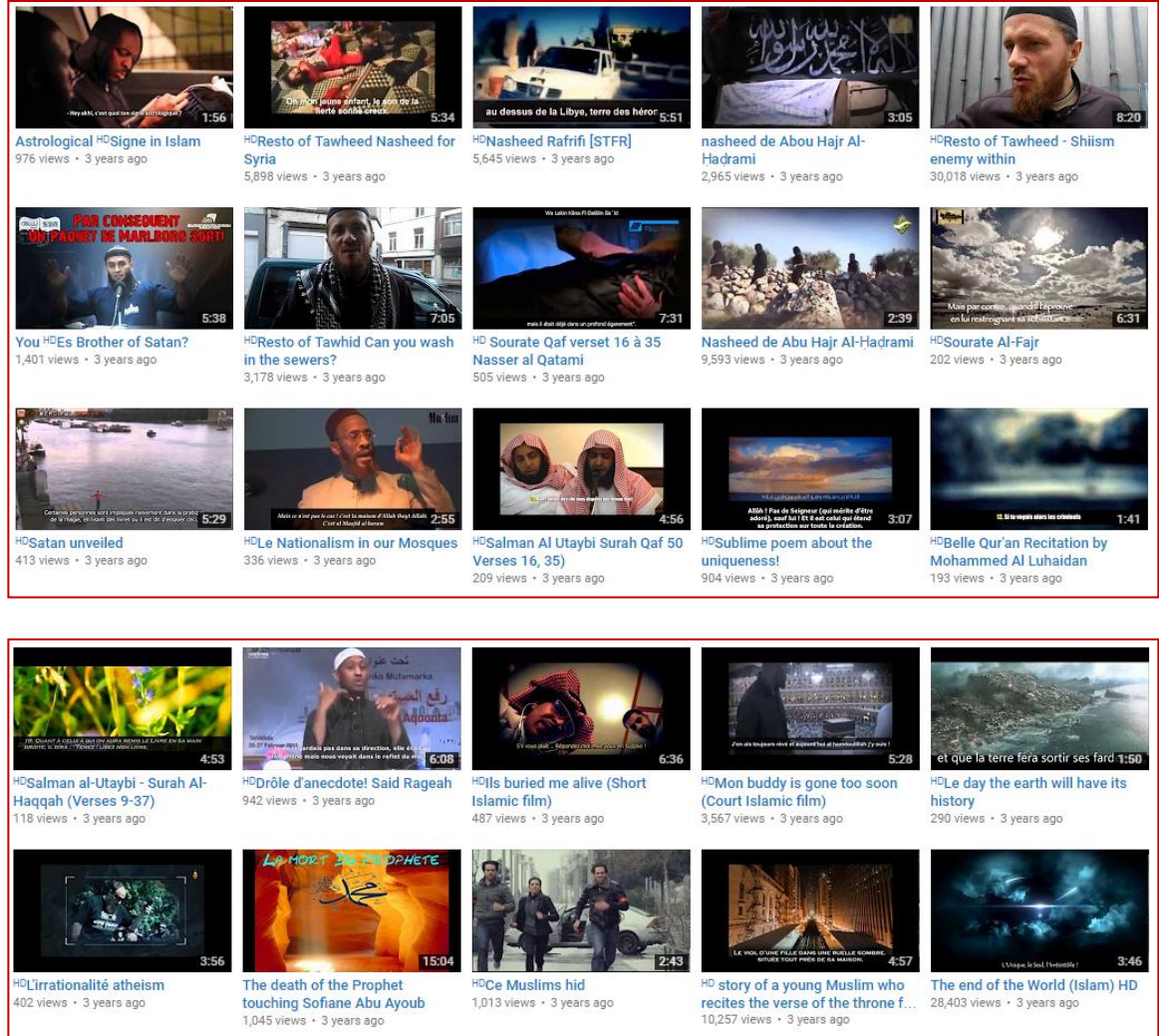
339. The following are screen clips from one of Sharia4Belgium’s YouTube channels established in 2012 and still online today, showing a menu of Sharia4Belgium videos that can be viewed on the channel (the captions are translated by Google Translate into English):

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 Shar'ah, the Islamic Ummah has been her choice 1,873 views • 3 years ago	 REMINDER France Inter jean louis on the subject syria 3,684 views • 3 years ago	 Young Belgians in Syria euronews report JEAN LOUIS THE 20,543 views • 3 years ago	 HDReportage Rtl Tvi on the converted (original version) 79,005 views • 3 years ago	 The middle !!! 1,004 views • 3 years ago
 HDResto of Tawheed - Do you still hope to live here? 16,217 views • 3 years ago	 Special HDenvoyé on SYRIA (original version) 14,518 views • 3 years ago	 HDResto of Tawheed - You have blood in your hands! 6,893 views • 3 years ago	 HD The Node 3 The Devil [Islamic Short film] 20,396 views • 3 years ago	 HDResto of Tawheed - For meat eaters Rayan about 6,273 views • 3 years ago
 From HDResto Tawhid - Our sisters are raped and that's okay! 13,905 views • 3 years ago	 HDfaites The right choice! 709 views • 3 years ago	 HD'Oh Musliman not 'prostitute' you for a job 18,723 views • 3 years ago	 HDCollaboration Resto of Tawheed with Ansar Sharia 1,615 views • 3 years ago	 HDResto of tawhid support Ansar Sharia 4,327 views • 3 years ago

 HD Sourate Al Hijr 15, Verses 26-50 Hani ar Rif'ai 304 views • 3 years ago	 HD Les disbelievers need Islam but Islam does not need them 6,367 views • 3 years ago	 HD Les things not to do at the mosque 6,463 views • 3 years ago	 HD Comment Confronting Challenges 542 views • 3 years ago	 HD Resto of Tawheed - Reminder of Ramadan 3,989 views • 3 years ago
 HD Dernière distribution of the restaurant of Tawheed 3,712 views • 3 years ago	 HD Resto of Tawheed - Islamophobia is normal 9,664 views • 3 years ago	 HD Resto of Tawheed - Why so many Muslim parties in Syria? 13,699 views • 3 years ago	 HD Nous leave your country, when you leave all our countries 4,962 views • 3 years ago	 Resto HD Histoire of tawhid 1,749 views • 3 years ago
 HD La Musique Halal ou Haram! Sheikh Khaled Rachid 28,609 views • 3 years ago	 HD Nasheed O youth 1,027 views • 3 years ago	 HD La truth of this world is a universal illusion (Censored on) 891 views • 3 years ago	 From HD Resto Tawhid - What if it was you? 4,986 views • 3 years ago	 HD Par Allah! Abu Ibrahim to death 7,613 views • 3 years ago





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340. Although these three Belgian recruiting networks appear to have initially operated each within its own sphere, over time there was significant overlap and coordination among them.

341. Denis served as a key connection between Sharia4Belgium and “The Zerkani Network.”

342. Denis became the leader of the Brussels branch of Sharia4Belgium, and he and an assistant named Mohamed Khemir (“Khemir”) often participated in meetings together with Zerkani.

343. Khemir even accompanied Zerkani at least once when they brought a French recruit to the Brussels airport to travel to Syria.



1           344. Abaaoud, considered the operational leader of the Paris Attack, was among the  
2 recruits of Zerkani.

3           345. Abaaoud was a dual Belgian-Moroccan national born in Brussels in 1987.

4           346. Between 2006 and 2012, Abaaoud was arrested several times, resulting in various  
5 light sentences including community service, probation, and jail time.

6           347. After his release from jail in September 2012, Abaaoud became heavily involved in  
7 the Zerkani Network, and by March 2013 Abaaoud traveled to Syria to join ISIS with six others  
8 from Belgium.

9           348. Abaaoud joined ISIS and took on the names “Abou Omar al-Soussi” and “Abu  
10 Omar al-Beljiki.”

11           349. Abaaoud was an active user of social media, including YouTube, Facebook, and  
12 Twitter.

13           350. On or about July 15, 2013, Abaaoud opened a Facebook account under the name  
14 “Abou Omar Soussi”.<sup>42</sup>

15           351. Abaaoud mentioned ISIS as his affiliation on this Facebook account.

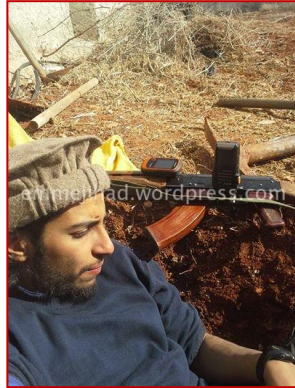
16           352. Abaaoud returned to Belgium about September 2013.

17           353. According to investigators, while back in Belgium, Abaaoud received a telephone  
18 call from ISIS member Mehdi Nemmouche, a French national who carried out a terrorist attack in  
19 May 2014 at a Jewish museum in Brussels, Belgium, murdering four people.

20           354. In January 2014, Abaaoud brought his 13-year-old brother Younes out of Brussels,  
21 and the two traveled to Syria.

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26           <sup>42</sup> <https://emmejihad.wordpress.com/2014/03/27/more-about-13-year-old-isis-fighter-from-belgium/>.

1           355. On or about February 8, 2014, Abaaoud posted the following picture of himself on  
2 his Facebook account with the message: “Abou Omar the Belgian in the trenches”:<sup>43</sup>



10           356. In March 2014, Abaaoud posted a link on his Facebook account to an ISIS  
11 recruiting video on YouTube in which Abaaoud and other ISIS members in Syria and Iraq appear,  
12 describing their life and role in ISIS.<sup>44</sup>

13           357. The following are screen clips from the ISIS video on YouTube from March 2014  
14 featuring Abaaoud:



24           <sup>43</sup> [https://emmejjihad.files.wordpress.com/2014/03/1800367\\_1462846350604915\\_1158723](https://emmejjihad.files.wordpress.com/2014/03/1800367_1462846350604915_1158723451_n.jpg)  
25 [451\\_n.jpg](https://emmejjihad.files.wordpress.com/2014/03/1800367_1462846350604915_1158723451_n.jpg).

26           <sup>44</sup> Guy Van Vlierden, “More about 13 year old ISIS fighter from Belgium,” *emmejjihad: ExcuseMeMyEnglish—A research blog about jihad in and out of Belgium* (Mar. 27, 2014),  
27 <https://emmejjihad.wordpress.com/2014/03/27/more-about-13-year-old-isis-fighter-from-belgium/>.



358. In the March 2014 ISIS YouTube video, Abaaoud gave a monologue (in French) recruiting *jihadi* fighters for ISIS in which he stated:<sup>45</sup>

“Here I am in a trench, as you can see, protecting myself from the bullets, the shelling of the enemy—the apostates who are fighting us because we want to instate Islamic law. They advance towards us with tanks, heavy artillery, and many men. We are about 50 men in front of them. Most of us are carrying simple Kalashnikovs, a few RPGs, and a few PKC [machine guns]... Admittedly, there is no joy in spilling blood, although it’s nice to see from time to time, the blood of the infidels, because we were educated, growing up, seeing all over the world, on TV, the blood of the Muslims, which for decades has been shed... I would like to send a message to those who stay put and do not wage jihad: Arise and go forth to fight in the path of Allah. Go forth to victory in this world and in the Hereafter... Is there anything better than jihad and martyrdom in the path of Allah? What can be sweeter than martyrdom in the path of Allah? ... Some of us had to leave behind our wives, our mothers, our fathers, and our property. We left our lives in this world for the sake of Allah, to elevate the word of Allah... When I lived in Europe, I never ate food like I have eaten here. I entered villas, palaces! ... Hasten to jihad, hasten to jihad! Hasten before it is too late. The enemies of Allah and of Islam have gathered worldwide, starting with the so-called ‘peaceful’ Buddhists, who exterminate, decapitate, rip apart, and eat the Muslims in Asia, or the Africans in Central Africa, who kill the Muslims, or the Westerners, or the Shiites, may Allah curse them. They are all gathered against the Sunni Muslims, who want the victory of Allah. For an hour a sniper has been trying to get me, but by the will of Allah, he won’t succeed. And if he does get me, it will be the will of Allah, the destiny of Allah, and I will be satisfied... For the sincere believers, I will pray that Allah will guide them, help them, ease them, and support them, to go forth to jihad in the path of Allah. For those who are

<sup>45</sup> “From The MEMRI TV Archives—Most-Wanted Suspect In Paris Attacks Speaks From The Trenches In Syria In March 2014: ‘It’s Nice to See ... The Blood Of The Infidels,’” *Middle East Research Institute* (Nov. 16, 2015), [http://www.memrijttm.org/content/view\\_print/report/8861](http://www.memrijttm.org/content/view_print/report/8861).

1 tyrants, their soldiers, and their worshippers, may Allah break your backs  
2 and exterminate you. Allah willing, He will exterminate you in the world  
and the Hereafter. This is your brother in Allah, Abu Omar AlBelgiki.”

3 359. Laachraoui, who prepared the explosives for the suicide bombs used in the Paris  
4 Attack and carried out his own suicide bombing in a subsequent ISIS terror attack in Brussels in  
5 March 2016, was involved with Belkacem’s Sharia4Belgium in 2012.

6 360. Laachraoui was seen on videos together with Denis and other Sharia4Belgium  
7 members at demonstrations in front of the Myanmar embassy in Schaerbeek, Belgium.<sup>46</sup>

8 361. Laachraoui was also considered one of Zerkani’s ISIS recruits, and traveled to  
9 Syria in 2013.

10 362. Laachraoui’s social media accounts show that he actively followed ISIS social  
11 media accounts and posted links to *jihadi* YouTube videos on his own accounts as well.

12 363. While in Syria, Laachraoui guarded prisoners for ISIS, and was known for torturing  
13 prisoners and staging mock executions before they were beheaded.<sup>47</sup>

14  
15  
16 **C. ISIS vs. the United States, France, and their Allies**

17 364. On August 18, 2014, the United States Government named ISIS spokesman Abu  
18 Muhammad al-Adnani personally as a Specially Designated Global Terrorist (“SDGT”).

19 365. In September 2014, ISIS used YouTube to post an audio message from ISIS  
20 spokesman Abu Muhammad al-Adnani titled “Verily Your Lord is Ever Watchful,” in which he  
21 urged ISIS supporters worldwide to perform terrorist attacks against countries that participated in

22  
23 <sup>46</sup> Julien Balboni, “Najim Laachraoui se racontait sur Twitter et Facebook,” *DH.be* (May 7,  
24 2016), <http://www.dhnet.be/actu/faits/najim-laachraoui-se-racontait-sur-twitter-et-facebook-572cc92c35702a22d7189992>.

25 <sup>47</sup> Neil Syson and Tom Wells, “Brussels Airport bomber tortured Brits Alan Henning and  
26 David Haines in a Syrian jail before they were beheaded by Jihadi John,” *The Sun* (May 19, 2016),  
27 <https://www.thesun.co.uk/archives/news/1174565/brussels-airport-bomber-tortured-brits-alan-henning-and-david-haines-in-a-syrian-jail-before-they-were-beheaded-by-jihadi-john/>.

1 fighting against ISIS, and in particular, against the United States, France, and other European  
2 nations.

3 366. The following are translated excerpts from al-Adnani's September 2014 message:

4 "[To the U.S. and its allies:] We promise you that this campaign will be  
5 your last and it will collapse and fail, just as all your other campaigns  
6 collapsed. But this time, when the war ends we will be the ones to invade  
7 your countries, whereas you will no longer invade [ours]. We will invade  
8 your Rome, break your Cross and enslave your women, with Allah's help.  
9 This is His promise and he will not break it until it is realized. And if we  
10 do not achieve this, our sons or grandsons will, and they will sell your  
11 sons and grandsons as slaves.

12 . . .

13 [To American and Europeans:] The Islamic State did not launch a war  
14 against you, as your lying governments and your media claim. You are the  
15 ones who initiated hostilities against us, and the [side] that initiates  
16 hostilities is the evil one. You will pay [for it] dearly when your  
17 economies collapse. You will pay dearly when your sons are sent to fight  
18 us and return crippled and damaged, in coffins or as lunatics. You will pay  
19 when each of you feels afraid to travel abroad. You will pay when you  
20 walk the streets in trepidation, for fear of Muslims. You will not be safe in  
21 your own beds. You will pay the price when your Crusader war fails, and  
22 then we invade the very heart of your countries.

23 . . .

24 [To Muslims:] O monotheist, don't sit out this war, wherever you may be.  
25 [Attack] the tyrants' soldiers, their police and security forces, their  
26 intelligence [forces] and collaborators. Cause them to lose sleep, make  
27 their lives miserable, and cause them to be preoccupied with their own  
28 [problems]. If you are able to kill an American or European infidel –  
particularly any of the hostile, impure Frenchmen – or an Australian or a  
Canadian, or any [other] infidel enemy from the countries that have  
banded against the Islamic State, then put your trust in Allah and kill him,  
by any way or means. Do not consult anyone and do not seek a *fatwa*  
[religious ruling] from anyone. It is immaterial if the infidel is a combatant  
or a civilian. Their sentence is one; they are both infidels, both enemies.  
The blood of both is permitted . . . The best thing to do would be to kill  
any French or American infidel or any of their allies . . . If you cannot  
[detonate] a bomb or [fire] a bullet, arrange to meet alone with a French or  
an American infidel and bash his skull in with a rock, slaughter him with a  
knife, run him over with your car, throw him off a cliff, strangle him, or  
inject him with poison. Don't stand by, helpless and abject . . . If you are  
incapable even of this – then spit in his face. And if you refuse [to do] this  
while your brothers are being bombed and killed and their lives and  
property are under attack everywhere, then examine your faith. This is a

serious matter you face, for the Islamic faith is predicated upon the principle of loyalty to Muslims and hostility toward infidels.”<sup>48</sup>

367. On October 14, 2014, ISIS used YouTube to release a video message directed to the people of France, titled “Message of the Mujahid 3.”

368. The “Message of the Mujahid 3” YouTube video featured a French-speaking member of ISIS, sitting in the driver’s seat of a car with a rifle, threatening France with terrorist attacks and calling upon Muslims to carry out attacks.

369. The following are screen clips from ISIS’s “Message of the Mujahid 3” video :



370. The following is a translation of excerpts from the French-speaker’s statement in the Message of the Mujahid 3 video posted on YouTube:

“We will give a message to France over the bombing in Iraq and Syria. We have warned, you are at war against the Islamic State. We are people to whom the victory will be assured with the help God. Now you have been warned.

...  
 You have so many murders and killings as did our dear brother Mohamed Merah. You were afraid of a brother, there will be thousands in the future.

...  
 This is a message to all Muslims of France. Enjoy and see what happens in the world. They gathered against us. Why, because we are defending Islam and because we want to apply the law of Allah. . . . You say that we’re the criminals. But they’re the cowards who drop bombs in their sky. We will take revenge for all the brothers and all the civilians who were killed.

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<sup>48</sup> See “Responding To U.S.-Led Campaign, IS Spokesman Calls To Kill Westerners, Including Civilians, By Any Means Possible,” *The Middle East Research Institute (MEMRI)* (Sept. 22, 2014), [http://www.memrijtm.org/content/view\\_print/blog/7825](http://www.memrijtm.org/content/view_print/blog/7825).



1 ...

2 You will not be safe anywhere in France or in other countries. We will make  
3 appeals to all brothers who live in France to kill any civilian. You will never be  
4 safe. All murders you committed, you will regret it.”

5 371. Prior to the November 2015 Paris Attack, ISIS carried out and attempted several  
6 smaller-scale terror attacks in Belgium and France in which Abaaoud was involved.

7 372. For example, on January 15, 2015, Belgian commandos thwarted an ISIS terrorist  
8 plot (the “Verviers Plot”) when they raided a safe house in Verviers, Belgium, killing ISIS  
9 terrorists Sofiane Amghar (“Amghar”) and Khalid Ben Larbi (“Larbi”), and arresting a third  
10 conspirator.

11 373. In the safe house, police found AK-47 assault rifles, components of the explosive  
12 TATP, GoPro cameras, and police uniforms.

13 374. Officials reported that the Verviers Plot had included a planned beheading of a  
14 police officer that was to be filmed.

15 375. Police investigators determined that Abaaoud had been in contact with the three  
16 Verviers terrorists via cellphone in Greece at the time of the raid, and was involved in the Verviers  
17 Plot.

18 376. In February 2015, ISIS released the seventh issue of its online English-language  
19 magazine *Dabiq*.

20 377. ISIS’s *Dabiq* Issue 7 featured an interview of Abaaoud, and included the following  
21 photograph of Abaaoud (a/k/a Abu Umar al-Baljiki) walking with Amghar (a/k/a Abu Khalid al-  
22 Baljiki) and Larbi (a/k/a Abuz-Zubayr al-Baljiki), the ISIS terrorists who were supposed to carry  
23 out the Verviers Plot but who were killed in the Verviers raid.

24 378. The following are pictures from the *Dabiq* Issue 7:  
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379. In the *Dabiq* Issue 7 interview, Abaaoud insinuated that he had been in Belgium himself, stating: “I was able to leave and come to *Sham* [Syria] despite being chased after by so many intelligence agencies. My name and picture were all over the news yet I was able to stay in their homeland, plan operations against them, and leave safely when doing so became necessary.”

380. On February 11, 2015, ISIS released its second issue of its online French-language magazine *Dar al-Islam*, with the cover-line “May Allah [God] Curse France.”

381. The following is a picture of the cover of *Dar al-Islam* Issue 2:



382. ISIS’s *Dar al-Islam* online French-language magazine is dedicated to recruiting French-speaking members for ISIS and promoting attacks against France and other western countries.

383. *Dar al-Islam* Issue 2 was released shortly after a series of Islamist terrorist attacks in Paris had taken place from January 7-9, 2015: in one attack, two “*al-Qaeda* in the Arabian



1 Peninsula” (“AQAP”) terrorists shot and killed 11 civilians and a police officer and wounded 11  
2 others in a shooting attack at the office of the *Charlie Hebdo* satire magazine; immediately  
3 afterward, ISIS terrorist Amedy Coulibaly (“Coulibaly”) shot and killed a police officer and a  
4 jogger, and then killed four Jewish shoppers and took others hostage at a Hypercacher kosher  
5 supermarket.

6 384. *Dar al-Islam* Issue 2 praised and justified these attacks, and featured pictures of  
7 Coulibaly and an interview of his wife, Hayat Boumeddiene.

8 385. The issue also called for more terrorist attacks against France and other western  
9 countries; for example, one article in this issue included the following statement:  
10

11 The disbeliever states have understood the consequences of the return of  
12 the Caliphate: the end of the domination by the Jews, the Crusaders and  
13 their allies. Every sincere Muslim must migrate to one of the regions of  
14 the Islamic State, the land of Islam, and leave the land of disbelief led by  
15 the worst *tawaghit* [tyrants] of this world, who constantly war against our  
16 community. The time has come for the believers to go forth, to recover the  
17 land, and not to let these tyrants rest for one second. . . . France needs to  
18 mourn its dead as we mourn our own; may they see the blood of their own  
19 people flow like we see that of our own.

20 386. Also in February 2015, French-born ISIS leader Salim Benghalem (“Benghalem”),  
21 who was personally named as a Specially Designated Global Terrorist (“SDGT”) by the U.S.  
22 Government in September 2014, appeared unmasked in an ISIS YouTube video praising the  
23 *Charlie Hebdo* and Hypercasher terror attacks and the terrorists who carried them out; he also  
24 called for more ISIS attacks in France, exclaiming, “Kill them with knives,” and claimed that ISIS  
25 would carry out more attacks in Europe.

26 387. Investigators have subsequently determined that Benghalem also played a  
27 leadership and planning role in the November 2015 Paris Attack that injured the victims in this  
28 case.

1 388. In June 2015, French police took an ISIS recruit named Nicholas Moreau  
2 (“Moreau”) into custody after he was deported from Turkey.

3 389. Under interrogation, Moreau told the police that Abaaoud was “the principal  
4 commander of future attacks in Europe,” and had been given the task by ISIS of examining the  
5 background of potential recruits for those attacks.<sup>49</sup>

6 390. After arresting Moreau, French police arrested another ISIS recruit in 2015 named  
7 Reda Hame (“Hame”) before he was able to carry out a planned terrorist attack.

8 391. During his interrogation on August 13, 2015, Hame told the police that in June  
9 2015 Abaaoud had given Hame hands-on training in a park in Raqqa on the use of Kalashnikov  
10 assault rifles and grenades.

11 392. Hame told police that Abaaoud directed him to choose “an easy target, like a group  
12 of people, a concert for example, where there is a crowd,” and instructed Hame that after carrying  
13 out the attack, he should wait for police to arrive and “die while killing the hostages.”

14 393. Hame said that Abaaoud told him that “if lots of civilians were hit, the foreign  
15 policy of France would change.”

16 394. Asked by police whether he was aware of any pending attacks, Hame replied: “All  
17 I can tell you is that it’s going to happen soon. It’s a veritable factory over there – they are really  
18 looking to hit France or Europe.”<sup>50</sup>

19  
20  
21 **D. The Team of ISIS Terrorists Gather in Preparation of the Attack**

22 395. By the end of September 2015, Abaaoud had again slipped back into Europe.  
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25 <sup>49</sup> Paul Cruickshank, “The inside story of the Paris and Brussels attacks,” *CNN* (Mar. 30,  
26 2016), <http://edition.cnn.com/2016/03/30/europe/inside-paris-brussels-terror-attacks/index.html>.

27 <sup>50</sup> *Id.*

1 396. In early September 2015, Abaaoud's childhood friend Salah Abdeslam  
2 ("Abdeslam") traveled to Hungary to pick up two ISIS members, Mohammed Belkaid ("Belkaid")  
3 and Najim Laachraoui ("Laachraoui"), who had arrived from Syria using fake identities.

4 397. On September 9, 2015, Abdeslam, driving a rented Mercedes, was checked by  
5 authorities at the Hungarian-Austrian border on his way back to Belgium with Belkaid and  
6 Laachraoui.

7 398. On October 3, 2015, two Iraqi ISIS members arrived at the Greek island of Leros  
8 on a boat with nearly 200 migrants.

9 399. Using fake Syrian passports, the two Iraqis registered as refugees, took a ferry to  
10 Athens, and then traveled through the Balkans, Hungary, and Austria to meet the other ISIS  
11 conspirators in Belgium.

12 400. Abaaoud appears to have been the operational leader of the ten ISIS terrorists who  
13 would execute the Paris Attack.

14 401. Belkaid and Laachraoui were ISIS members who would remain in Belgium and  
15 communicate with the attackers via cellphone to coordinate the attacks.

16 402. Laachraoui was also the bomb-maker who prepared the TATP explosive suicide-  
17 belts that were worn and used by the ISIS terrorists who would execute the Paris Attack.

18 403. From approximately early September 2015 until shortly before the Paris Attack, the  
19 ISIS conspirators of the Paris Attack gathered in three safe houses in Belgium.

20 404. Between November 11 and November 13, 2015, the ISIS members who were to  
21 execute the Paris Attack moved from Belgium to Paris, where they divided themselves between  
22 two locations: a hotel and a rented house.

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26 **E. The Paris Attack**

1           405. On the night of November 13, 2015, the ISIS terrorists in Paris split into three  
2 groups: one group set out in a black Renault Clio driven by Abdeslam, with Hadfi and the two  
3 Iraqis (the three “Stadium Attackers”) as passengers; a second group travelled in a black Seat  
4 Leon driven by Abaaoud, with Brahim and Akrouh as passengers (the three “Café Attackers”);  
5 and the third group consisting of Mostefai, Amimour, and Agged (the three “Bataclan Attackers”)  
6 rode in a black Volkswagen Polo.

7  
8           406. Shortly before 9:00 p.m., Abdeslam dropped the Stadium Attackers off outside the  
9 Stade de France (the “National Stadium”) in Paris, and then drove away.

10           407. French President Francois Hollande was at the National Stadium at the time.

11           408. Beginning at about 9:05 p.m., a security guard at Gate R blocked one of the Iraqis  
12 four times trying to sneak into the stadium.

13           409. At about 9:20 p.m., one of the Iraqi suicide bombers (with a fake Syrian passport in  
14 the name Ahmad al Mohammad) blew himself up outside Gate D, killing one other person. Hadfi  
15 was on the phone with Abaaoud at the time.

16  
17           410. At about 9:20 p.m., Abaaoud was driving a black Seat Leon with Brahim and  
18 Akrouh as passengers on the Rue Bichat towards Paris’s café district.

19           411. At about 9:25 p.m., a car blocked Abaaoud’s path on Rue Bichat. Five shots were  
20 fired from the Seat Leon, killing the driver of the blocking car.

21           412. Abaaoud then stopped the car in the middle of the road and turned on the hazard  
22 lights. Abaaoud, Brahim, and Akrouh got out of the car shouting “Allahu Akbar” and, using  
23 Kalashnikov AK-47 assault rifles, they opened fire on people at the Petit Cambodge Cambodian  
24 restaurant on Rue Bichat and the La Carillon bar on the other side of the road, killing 13 people.  
25

26           413. The three terrorists got back into the black Seat Leon car and drove on.  
27  
28

1           414. At about 9:30 p.m., the second Iraqi suicide bomber exploded outside Gate H at the  
2 national stadium. Fortunately, no one besides the bomber was killed.

3           415. At about 9:32 p.m., the black Seat Leon stopped again. Abaaoud, Brahim, and  
4 Akrouh got out of the car and, shouting “Allahu Akbar,” they opened fire at patrons at the Casa  
5 Nostra pizzeria and Bonne Biere café near the Place de la Republique square. This time they  
6 murdered five people, before jumping back into the car.

7           416. At about 9:36 p.m., Abaaoud, Brahim, and Akrouh opened fire at the La Belle  
8 Equipe café on Rue de Charrone, killing 19 people, including 23-year-old Nohemi Gonzalez, an  
9 American student in Paris on a study-abroad program. Most of those who were murdered at this  
10 café were sitting on the outdoor terraces. A witness reported that the three terrorists did not speak  
11 to each other as they calmly sprayed bullets at the cafés and at cars travelling down the road.  
12

13           417. The black Seat Leon then sped to a new location.

14           418. At about 9:40 p.m., Abaaoud dropped off Brahim, who was wearing a hooded  
15 jacket over several layers of clothing, at the Comptoir Voltaire café. Brahim entered the covered  
16 interior terrace of the café, smiled at the patrons, apologized for interrupting their dinner, and blew  
17 himself up.  
18

19           419. Abaaoud and Akrouh next drove toward the Montreuil suburb of Paris, where they  
20 abandoned the black Seat Leon car.

21           420. At about 9:40 p.m., Mostefai, Amimour, and Agged, driving a black Volkswagen  
22 Polo, pulled up in front of the Bataclan Theatre concert hall in Paris and parked the car.  
23

24           421. At about 9:42 p.m., one of the three terrorists in the black Volkswagen Polo sent a  
25 text message on a Samsung smartphone to a cellphone in Brussels: “We’re getting going; we’re  
26 starting.” He then tossed the phone into a trash can near the entrance of the concert hall.  
27  
28

1           422. Police recovered the Samsung smartphone from the trash can after the Paris Attack,  
2 and determined that the text message was received in Brussels on a cell phone used by Belkaid.  
3 Police also determined that a second cellphone in Brussels, used by either Belkaid or Laachraoui,  
4 was also communicating with Hadfi and Abaaoud during the Paris Attack.

5           423. The three Bataclan attackers first killed three people outside the concert hall, then  
6 went in and moved to the concert floor, shooting people and shouting “Allahu Akbar.” As one  
7 terrorist fired his weapon, another reloaded so they could kill as many as possible. The third  
8 terrorist stood at the emergency exit and attacked people who attempted to escape.

9           424. The terrorists spoke French, telling the wounded on the floor: “Anybody who  
10 moves, I’m going to kill.”

11           425. At about 9:50 p.m., Hadfi, the third national stadium suicide bomber, exploded next  
12 to a McDonald’s restaurant nearby the stadium, injuring more than 50 people.

13           426. After the Bataclan attackers’ initial wave of killing, they briefly stopped and were  
14 heard to say: “Where is the singer? Where are those Yanks? It’s an American group, you’re  
15 bombing us with the Americans, so we’re going to hit the Americans and you.”

16           427. The Bataclan terrorists told those on the floor that they had been dispatched from  
17 Syria by ISIS to carry out the attack to avenge French airstrikes in Iraq and Syria.

18           428. At about 10:00 p.m., two French police officers arrived at the Bataclan hall and  
19 shot Amimour. As Amimour fell to the floor, he detonated his suicide vest.

20           429. Mostefai and Agged took some of the surviving concert-goers and herded them into  
21 a corridor inside the Bataclan building to hold as hostages.

22           430. At about 10:45 p.m., French “RAID” commandos arrived and began  
23 communicating with Mostefai and Agged. The two terrorists in the Bataclan threatened to execute  
24

1 their hostages unless they received a signed paper promising that France would leave Muslim  
2 lands.

3 431. In the meantime, Abaaoud had taken the metro back into Paris to coordinate the  
4 Bataclan attack. He was seen by a witness outside the concert hall yelling orders into a hands-free  
5 cellphone.

6 432. Just after midnight, the RAID commandos stormed the concert hall, rescuing the  
7 hostages alive. Mostefai and Agged were both shot by police, and at least one of them managed to  
8 detonate his suicide vest.

9 433. By the end of the Paris Attack, the ISIS terrorists had murdered 130 people and  
10 injured nearly 400.

11 434. Seven of the ten ISIS terrorist attackers were dead, leaving only Abaaoud, Akrouh,  
12 and Abdeslam alive.

13 435. The Paris Attack was the deadliest attack on France since World War II and the  
14 deadliest in the European Union since the Madrid train bombings in 2004.

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17 **F. The Aftermath of the Paris Attacks**

18 436. On November 14, 2015, ISIS issued a written statement in several languages  
19 (including Arabic, French, and English) titled “A Statement on the Blessed Onslaught in Paris  
20 against the Crusader Nation of France,” in which ISIS claimed responsibility for the Paris Attack.

21 437. The following are copies of the Arabic and English versions of ISIS’s written  
22 statement claiming responsibility for the Paris Attack:  
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**عاجل**  
بيان عن غزوة باريس المباركة  
على فرنسا الصليبية

فرنسا ٢ صفر ١٤٣٧

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

قَالَ تَعَالَى: {وَمَا ظَنُّوا أَنَّهُمْ مُلَاعِنُهُمْ فَخْصُوهُمْ مِّنَ اللَّهِ فَتَأْتَاهُمُ اللَّهُ مِنْ حَيْثُ لَمْ يَحْتَسِبُوا وَقَذَفَ فِي قُلُوبِهِمُ الرُّغْبَ يُخْرِبُونَ بُيُوتَهُمْ بِأَيْدِيهِمْ وَأَيْدِي الْمُؤْمِنِينَ فَاعْتَبِرُوا يَا أُولِي الْأَبْصَارِ}.

في غزوة مباركة يسر الله لها أسباب التوفيق، انطلقت ثلثة مؤمنة من جند الخلافة أعزها الله ونصرها، مستهدفين عاصمة العهر والرذيلة، وحاملة لواء الصليب في أوروبا (باريس)، فتية طلقوا الدنيا وأقدموا على عدوهم بيتفون القتل في سبيل الله نُصرة لدينه ونيته صلى الله عليه وسلم وأوليائه، وإرغاماً لأنف أعدائه، فصدقوا الله نحسبهم كذلك، ففتح الله على أيديهم وألقى في قلوب الصليبيين الرعب يعقر دارهم.

حيث قام ثمانية إخوة ملتحمين أحرمة ناسفة وبنادق رشاشة باستهداف مواقع منتخبة بدقة في قلب عاصمة فرنسا، منها ملعب (دي فرانس) أثناء مباراة فريق ألمانيا وفرنسا الصليبيين حيث كان معتوه فرنسا (فرانسوا أولاند) حاضراً، ومركز (باتاكلون) للمؤتمرات حيث تجمع المئات من المشركين في حفلة عهر فاجرة، وأهدافاً أخرى في المنطقة العاشرة والحادية عشر والثامنة عشر وبصورة متزامنة، فتزلزلت باريس تحت أقدامهم، وضافت عليهم شوارعها، وكانت محضلة الهجمات هلاك ما لا يقل عن مائتي صليبي وإصابة أكثر من ذلك ولله الحمد والمئة والفضل.

وقد من الله على إخواننا ورتقهم ما يحبون ففجروا أحرمتهم في جموع الكفار بعد نفاذ ذخيرتهم، نسأل الله أن يتقبلهم في الشهداء ويلحقنا بهم.

ولتعلم فرنسا ومن يسير على دربها أنهم سيبقون على رأس قائمة أهداف الدولة الإسلامية، وأن رائحة الموت لن تفارق أنوفهم ما داموا قد تصدروا ركب الحملة الصليبية، وتجرأوا على سب نبينا صلى الله عليه وسلم، وتفاخروا بحرب الإسلام في فرنسا، وضرب المسلمين في أرض الخلافة بطائراتهم التي لم تغن عنهم شيئاً في شوارع باريس وأرقتها التتنة، وإن هذ الغزوة أول الغيث وإنذار لمن أراد أن يعتبر.

والله أكبر  
{وَلِلَّهِ الْعُرَّةُ وَلِرَسُولِهِ وَلِلْمُؤْمِنِينَ وَلَكِنَّ الْمُنَافِقِينَ لَا يَعْلَمُونَ}

**BREAKING NEWS**  
A Statement on the Blessed  
Onslaught in Paris against the  
Crusader Nation of France

FRANCE 2 Safar 1437

In the Name of Allah, the Most Merciful, the Most Beneficent

Allah (ta'ala) said, {They thought that their fortresses would protect them from Allah; but Allah came upon them from where they had not expected, and He cast terror into their hearts so they destroyed their houses by their own hands and the hands of the believers. So take warning, O people of vision} [Al-Hashr: 2].

In a blessed battle whose causes of success were enabled by Allah, a group of believers from the soldiers of the Caliphate (may Allah strengthen and support it) set out targeting the capital of prostitution and vice, the lead carrier of the cross in Europe – Paris. This group of believers were youth who divorced the worldly life and advanced towards their enemy hoping to be killed for Allah's sake, doing so in support of His religion, His Prophet (blessings and peace be upon him), and His allies. They did so in spite of His enemies. Thus, they were truthful with Allah – we consider them so – and Allah granted victory upon their hands and cast terror into the hearts of the crusaders in their very own homeland.

And so eight brothers equipped with explosive belts and assault rifles attacked precisely chosen targets in the center of the capital of France. These targets included the Stade de France stadium during a soccer match – between the teams of Germany and France, both of which are crusader nations – attended by the imbecile of France (Francois Hollande). The targets included the Bataclan theatre for exhibitions, where hundreds of pagans gathered for a concert of prostitution and vice. There were also simultaneous attacks on other targets in the tenth, eleventh, and eighteenth districts, and elsewhere. Paris was thereby shaken beneath the crusaders' feet, who were constricted by its streets. The result of the attacks was the deaths of no less than two hundred crusaders and the wounding of even more. All praise, grace, and favor belong to Allah.

Allah blessed our brothers and granted them what they desired. They detonated their explosive belts in the masses of the disbelievers after finishing all their ammunition. We ask Allah to accept them amongst the martyrs and to allow us to follow them.

Let France and all nations following its path know that they will continue to be at the top of the target list for the Islamic State and that the scent of death will not leave their nostrils as long as they partake in the crusader campaign, as long as they dare to curse our Prophet (blessings and peace be upon him), and as long as they boast about their war against Islam in France and their strikes against Muslims in the lands of the Caliphate with their jets, which were of no avail to them in the filthy streets and alleys of Paris. Indeed, this is just the beginning. It is also a warning for any who wish to take heed.

Allah is the greatest.

{And to Allah belongs all honor, and to His Messenger, and to the believers, but the hypocrites do not know} [Al-Munafiqun: 8].

438. On November 14, 2015, ISIS used YouTube to release an audio message again claiming responsibility for the Paris Attack. The voice of the ISIS representative who spoke in the audio message was identified as ISIS member Fabian Clain.



1 439. On November 17, 2015, ISIS used YouTube to release a video message in French  
2 titled “Fight Them: With Your Hands Allah Will Punish Them,” featuring four French-speaking  
3 ISIS members praising and justifying the Paris Attack, and threatening additional attacks.

4 440. On November 18, 2015, ISIS used YouTube to release another video message titled  
5 “What’s Coming Will Be Even Worse,” featuring three French-speaking ISIS members praising  
6 the Paris Attack and threatening additional attacks.

7 441. On November 18, 2015, ISIS used YouTube to release another video message titled  
8 “And our soldiers will prevail,” featuring a *jihadi* song in French titled “Go Forth, Go Forth”  
9 calling for attacks against ISIS’s enemies, praising the Paris Attack and threatening additional  
10 attacks.  
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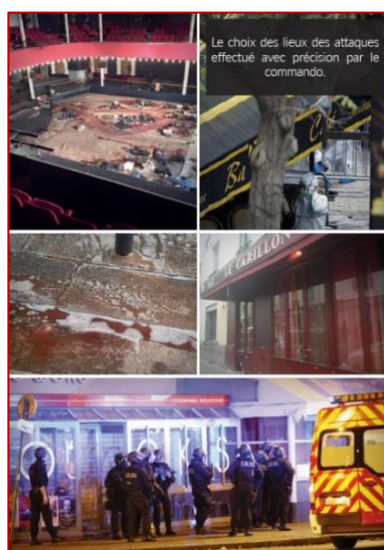
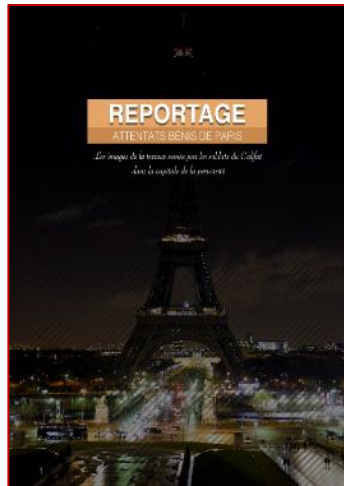
12 442. Also on November 18, 2015, ISIS released the twelfth issue of its online English-  
13 language magazine *Dabiq*, which featured the Paris Attack on its cover as shown here:  
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23 443. On November 30, 2015, ISIS used Twitter to release the seventh issue of its online  
24 French-language magazine *Dar al-Islam* titled “France at its knees,” which praised the Paris  
25 Attack, and included a graphic multi-page photo montage of the attack.

26 444. The following are pictures from *Dar al-Islam* Issue 7:  
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1 445. On January 24, 2016, ISIS’s official *al-Hayat* Media Center used YouTube to  
 2 release a video titled, “Kill Them Wherever You Find Them,” featuring the Paris attackers (the  
 3 “Paris Attackers Video”).

4 446. The following is an ISIS graphic promoting the Paris Attackers Video:



13 447. The Paris Attackers Video was in French and Arabic, and was distributed via  
 14 YouTube in versions with Arabic and English subtitles. The video featured video messages from  
 15 the nine ISIS terrorists (now dead) who carried out the November 13, 2015 Paris Attack, and they  
 16 recorded the messages in anticipation of the attack, to be released by ISIS after their deaths.

17 448. The Paris Attackers Video opens with an encrypted message, and then the  
 18 following written message appears on the screen:

20 “The following are the final messages of the nine lions of the Caliphate  
 21 who were sent forth from their dens to bring an entire country – France –  
 22 to her knees. They raised the word of *tawhid* [monotheism] and lived the  
 23 verses of the Koran by killing the infidels wherever they found them. And  
 they continued to do so until their thirst for success was quenched with  
 nothing other than their own blood.”

24 449. The Paris Attackers Video next shows news footage from the Paris Attack, and  
 25 includes a song with the following lyrics in French:

26 “Charronees, Bichat, Voltaire [names of Paris streets where attacks  
 27 occurred] /my Kalashnikov is loaded / the civilians are unarmed / I am  
 28 annihilating Frenchmen / It is [French Prime Minister] Valls who should

1 be thanked . . . It is only for the sake of Allah that have we made this  
2 choice / killing with hearts full of joy / we will kill you without mercy . . .”

3 450. The first attacker to appear in the Paris Attackers Video is Abaaoud (a/k/a Abu  
4 Umar al-Baljiki), who speaks in French in front of an ISIS flag, a handgun, and an assault rifle.

5 451. The following is a screen clip from the Paris Attackers Video:



12 452. After Abaaoud, the Paris Attackers Video shows seven of the attackers in  
13 succession, dressed in identical battle fatigues, each delivering a message and then executing a  
14 captive. Five of these seven terrorists, Amimour (a/k/a Abu Qital al-Faransi), Agged (a/k/a Abu  
15 Fu'ad al-Faransi), Hadfi (a/k/a Abu Mujaed al-Baljiki), Akrouh (a/k/a Dhul-Qarayn al-Baljiki),  
16 and Mostefai (a/k/a Abu Rayyan al-Faransi), are shown executing captives by beheading them  
17 with a knife. The other two attackers, Iraqi ISIS members identified as Ukash al-Iraqi and Ali al-  
18 Iraqi, make a joint statement in Arabic, and are shown executing captives by shooting them in the  
19 back of the head.  
20

21 453. Lastly, the ninth attacker in the Paris Attackers Video is Abaaoud's brother,  
22 Brahim, who is shown in a different setting performing target practice, but he does not give a  
23 statement or execute a prisoner in the video.

24 454. On February 6, 2016, ISIS released the eighth issue of its online French-language  
25 magazine *Dar al-Islam*, with Abaaoud's picture on the cover as shown here:  
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455. ISIS’s *Dar al-Islam* Issue 8 was predominately dedicated to the Paris Attack, and included an editorial on the attack, as well as testaments of three of the Paris attackers: Abaaoud (a/k/a Abu Umar al-Baljiki); Mostefai (a/k/a Abu Rayyan al-Faransi); and Hadfi (a/k/a Abu Mujahid al-Baljiki).

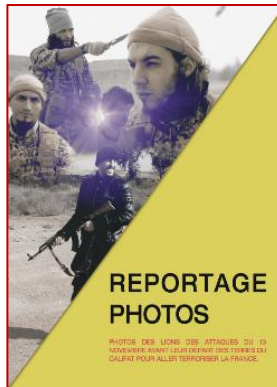
456. The following are pictures of Abaaoud, Mostefai, and Hadfi from *Dar al-Islam* Issue 8:



457. *Dar al-Islam* Issue 8 also included a graphic multi-page photo montage of the attackers preparing for the attack, featuring pictures from the January 2016 video “Kill Them Wherever You Find Them.”

458. The following is a copy of the introductory page to the photo montage:

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459. In April 2016, ISIS used YouTube to release a video titled “An Appropriate Recompense,” that tied the Paris Attack to a subsequent mass-casualty terrorist attack carried out by ISIS in Brussels, Belgium on March 22, 2016, and featured two Belgian ISIS fighters warning of more attacks.

460. The following are screen clips from the ISIS “An Appropriate Recompense” video:



461. ISIS also used YouTube to post another video following the Brussels attacks titled, “And Cast Terror Into Their Hearts,” featuring Belgian ISIS leader Hicham Chaib (“Chaib”), also known as Abu Hanifa Al-Baljiki, who had succeeded Belkacem as the leader of Sharia4Belgium after Belkacem’s arrest.

462. The following is an ISIS graphic promoting the “And Cast Terror Into Their Hearts” video:



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6 463. The video showed scenes from the attacks set to ISIS *nasheed* chanting music and  
7 statements from ISIS terrorists.

8 464. In the video, Chaib called the attacks a natural reaction to Belgium's attacks on  
9 Muslims and Islam, and warned that ISIS will continue targeting its enemies on their own soil if  
10 the war against it continues.

11 465. The following is a screen clip from the video showing Chaib:



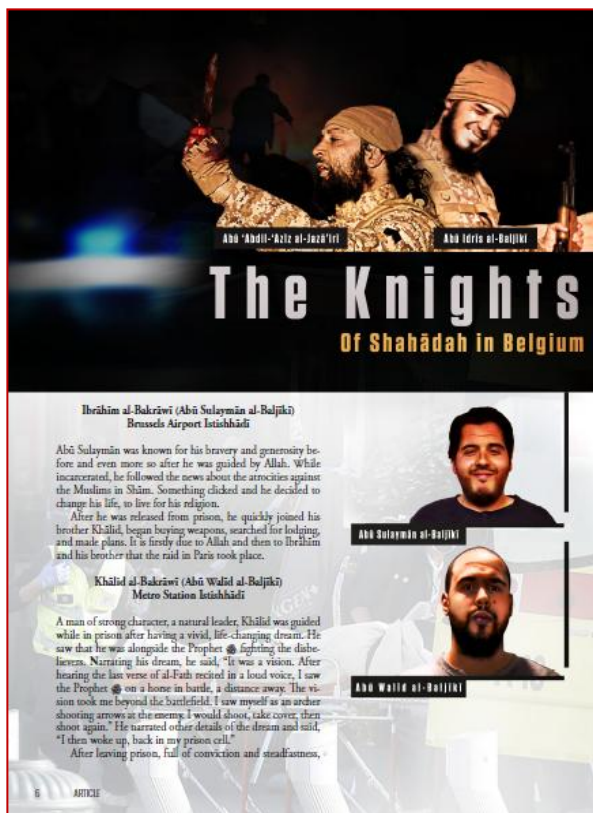
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18 466. At the end of the video, Chaib is shown executing an ISIS captive.

19 467. On April 13, 2016, ISIS released the fourteenth issue of its online English-language  
20 magazine *Dabiq*.  
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22 468. ISIS's *Dabiq* Issue 14 praised the Brussels Attack and presented profiles of the  
23 three ISIS suicide terrorists who carried it out: Laachraoui (a/k/a Abu Idriss al-Baljiki); Bakraoui  
24 (a/k/a Abu Sulayman al-Baljiki); and Khalid (a/k/a Abu Walid al-Baljiki).  
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1 469. ISIS’s *Dabiq* Issue 14 also credited Laachraoui for preparing the explosives for  
 2 both the Paris Attack and the Brussels attacks, and presented a profile of Belkaid (a/k/a Abu  
 3 Abdil-Aziz al-Jaza’iri), who was also involved in the Paris Attack.

4 470. The following is a copy of a page from ISIS’s *Dabiq* Issue 14:



18 **V. NOHEMI GONZALEZ**

19 471. In the fall of 2015, Nohemi Gonzalez (“Nohemi”) was a 26-year-old industrial  
 20 design student at California State University Long Beach spending a semester abroad at the Strate  
 21 School of Design in Paris, France.

22 472. The following is a picture of Nohemi:





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473. Described by her friends and family as “bubbly,” “happy,” and “hard-working,” Nohemi was a first-generation Mexican-American born in California.

474. This was Nohemi’s first time living in Europe, and her friends said that she could hardly believe her good fortune to be in Paris to see sights like the Eiffel Tower and the Cathedral of Notre Dame, and to fulfil her dream of studying in the famous city.

475. On Friday evening, November 13, 2015, Nohemi and a group of friends were out for a night on the town and ended up at La Belle Équipe, a lively Paris bistro on Rue de Charonne.

476. Tragically, at about 9:36 p.m., as Nohemi and her friends were only a few minutes into their meal, three ISIS terrorists, Abaaoud, Brahim, and Akrouh, arrived in a black Seat Leon car, approached the La Belle Equipe café, and began spraying bullets at the people at the café.

477. Nohemi was among 19 people murdered by the ISIS terrorists at the LaBelle Equipe café, and is believed to have been the only American killed in the Paris Attack.

478. The F.B.I. told Nohemi’s family that it would be weeks before her body would be sent back to the United States because of the investigation.

479. Nohemi was a college senior, and would have been the first member of her family to graduate college.

1 480. The plaintiffs, Nohemi's father, mother, step-father, and brothers were devastated  
2 by the loss of their only daughter and sister. They suffered, and will continue to suffer, severe  
3 psychological and emotional harm, as well as loss of solatium as a result of the terrorist attack that  
4 killed Nohemi Gonzalez.

5 481. The following is a picture from a memorial service held for Nohemi:



14 **VI. GOOGLE'S CONDUCT**

15 **A. Google Knowingly Provided Material Support and Resources to and For the**  
16 **Benefit of ISIS and its Affiliates**

17 482. ISIS's reputation as an organization that has engaged in and continues to engage in  
18 terrorist acts is widespread and has been reported in the world news media.

19 483. ISIS's designation as a Foreign Terrorist Organization is public knowledge that has  
20 likewise been widely reported in the world news media.

21 484. At all times relevant to this Complaint, Google has known that ISIS is an  
22 organization that has engaged in and continues to engage in terrorist activity.

23 485. At all times relevant to this Complaint, Google has known that ISIS is designated  
24 as a Foreign Terrorist Organization.

25 486. Despite this knowledge, Google has for years knowingly provided its Platform and  
26 Services to ISIS, its members, organizations owned or controlled by ISIS, and organizations and  
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1 individuals that provide financing and material support to ISIS, including individuals and  
2 organizations that are designated as and SDGTs.

3 487. ISIS, its members, and its related entities and affiliates have operated numerous  
4 Google accounts, often using their own names and displaying emblems and symbols associated  
5 with ISIS and its related terrorist entities.

6 488. ISIS's news and media organizations have operated YouTube accounts, often  
7 including separate accounts for Arabic, French, English and other languages.

8 489. Through Google's Platform and Services, Google makes potential ISIS recruits,  
9 ISIS members, and ISIS leaders, available to other ISIS operatives, thus providing personnel to  
10 ISIS itself.

11 490. ISIS's leaders, members, recruits, related entities and affiliates each provide  
12 personnel to ISIS by making themselves available to ISIS via Google's Platform and Services.

13 491. Prior to the Paris attacks, Google refused to actively monitor its online social media  
14 networks, including YouTube, to block ISIS's use of Google's Platform and Services. Instead,  
15 Google knowingly permitted ISIS and ISIS's members and affiliates to use the YouTube platform  
16 and Google's Platform and Services, and generally only reviewed ISIS's use of its Platform and  
17 Services in response to third party complaints.

18 492. Even when Google has received complaints about ISIS's use of Google's Platform  
19 and Services, including its YouTube platform, despite knowing that ISIS is a designated FTO and  
20 that ISIS has engaged in terrorist activity, Google has at various times determined that ISIS's use  
21 of its Platform and Services did not violate Google's policies and permitted ISIS-affiliated  
22 accounts to remain active, or removed only a portion of the content posted on an ISIS-related  
23 account and permitted the account to remain active.  
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1 493. While Google suspended or blocked selected ISIS-related accounts at various  
2 times, prior to the Paris Attack Google did not make substantial or sustained efforts to ensure that  
3 ISIS would not re-establish the accounts using new identifiers.

4 494. Terrorists have used YouTube to promote and support their activities for years.

5 495. For example, in May 2008, Google publicly rebuffed a formal request by U.S.  
6 Senator Joseph Lieberman to remove numerous terrorist videos identified with logos or icons of  
7 ISIS (then known as AQI) and other FTOs attesting to their authenticity.

8 496. In a statement on its “Public Policy Blog” titled “Dialogue with Sen. Lieberman on  
9 terrorist videos” and tagged “Free Expression,” Google wrote: “[M]ost of the videos, which did  
10 not contain violent or hate speech content, were not removed because they do not violate our  
11 Community Guidelines.”<sup>51</sup>

12 497. The next day, Sen. Lieberman criticized Google for “continu[ing] to allow the  
13 posting of videos by organizations the State Department has designated as Foreign Terrorist  
14 Organizations,” adding: “No matter what their content, videos produced by terrorist organizations  
15 like al-Qaeda, that are committed to attacking America and killing Americans, should not be  
16 tolerated.”<sup>52</sup>

17 498. Also in 2008, a member of a prominent *jihadi* website forum began to call on  
18 Islamist terrorists to begin using Facebook as a tool for terrorism; in making the case for  
19 Facebook, the member argued: “We have already had great success in raiding YouTube.”<sup>53</sup>

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23 <sup>51</sup> See <https://publicpolicy.googleblog.com/2008/05/dialogue-with-sen-lieberman-on.html>  
24 (emphasis added).

25 <sup>52</sup> See <http://www.hs.gac.senate.gov/media/majority-media/lieberman-responds-to-google>  
26 (emphasis added).

27 <sup>53</sup> Will McCants, “Invading Facebook: Theory and Practice,” *Jihadica.com* (Dec. 17,  
2008), <http://www.jihadica.com/invading-facebook-theory-and-practice/>.

1           499. In December 2011, the Middle East Media Research Institute (“MEMRI”) issued a  
2 report stating that it had determined that: “YouTube has emerged as one of the leading websites  
3 for online jihad. It has replaced – and surpassed – websites administered by the jihadis themselves,  
4 which were previously the leaders in online jihadi efforts.”

5           500. On February 26, 2013, members of the Home Affairs Committee of the U.K. House  
6 of Commons questioned Google/YouTube executive Sarah Hunter (“Hunter”) about *jihadi*  
7 terrorists’ use of YouTube to promote terrorism, and particularly focused on *al-Qaeda* leader  
8 Anwar Al-Awlaki, whose video speeches (known to have inspired multiple terrorist attacks in the  
9 West) proliferate on YouTube.

11           501. Hunter admitted that she had seen some of al-Awlaki’s videos on YouTube, but  
12 acknowledged that Google did not actively guard against terrorists’ use of the YouTube platform  
13 and services.

14           502. Rather, Hunter testified that Google only reviews a video posted on YouTube if it  
15 receives a complaint from a YouTube user, and then Google will decide whether to block or  
16 remove the video if a Google reviewer determines that it violates Google’s own content policies.

17           503. The media has widely reported on terrorists’ use of YouTube and Google’s refusal  
18 to take any meaningful action to stop it.

19           504. For example, on July 7, 2014, CBS Local reported that “militants post beheading  
20 videos on sites like Google’s YouTube, giving an image the chance to go viral before being shut  
21 down.”<sup>54</sup>  
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25           <sup>54</sup> “Should Twitter, Facebook Be Held Liable For A Terrorist Attack?” *CBS SF Bay Area*  
26 (Jul. 24, 2015), <http://sanfrancisco.cbslocal.com/2015/07/24/should-twitter-facebook-be-held-liable-for-a-terrorist-attack/>.  
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1 505. After years of complaints and criticism about providing its Platform and Services to  
2 Islamic terrorists, Google finally announced in February 2015 that it had begun hiring Arabic  
3 speakers to serve as “moderators” to review videos posted to YouTube in the event complaints are  
4 received about particular posts.

5 506. However, even then Google reiterated that it would only review a video after a  
6 complaint is received, and it would then make a determination to block or delete the video based  
7 upon its own content policies.

8 507. In some cases, after Google has reviewed an ISIS YouTube video, rather than block  
9 or remove the video, Google has placed an age restriction on the video, requiring a viewer to log-  
10 in to YouTube and claim to be at least 18 years-of-age before viewing it.

11 508. On April 28, 2015, MusicTechPolicy.com reported that the Islamic State had  
12 released a new YouTube video “showcasing recent battles in the Al Sufiyah area of eastern  
13 Ramadi. Approximately 30 Iraqi police have been killed and around 100 more have been injured  
14 in recent days in the western provincial capital.”<sup>55</sup>

15 509. On August 6, 2015, Vladimir Platov of New Eastern Outlook reported: “The well-  
16 known online video platform YouTube serves as the main media platform of these radical  
17 fighters.”<sup>56</sup>

18 510. Google claims to work with various governments around the world to ensure that  
19 its services do not violate local law.  
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24 <sup>55</sup> Chris Castle, “Live From YouTubeistan: Google Still Providing Material Support for  
25 ISIS,” *MusicTechnologyPolicy.com* (Apr. 28, 2015), <https://musictechpolicy.com/2015/04/28/live-from-youtubeistan-google-still-providing-material-support-for-isis/>.

26 <sup>56</sup> Vladimir Platov, “Hi- Tech Tools of ISIL Propaganda,” *New Eastern Outlook* (Aug. 6,  
27 2015), <http://journal-neo.org/2015/06/08/hi-tech-tools-of-isil-propaganda/>.

1 511. However, most often Google decides whether or not to close an account or remove  
2 illegal content based upon Google’s own content standards or criteria rather than applicable legal  
3 requirements.

4 512. Accordingly, Google has purposely denied or refused government requests remove  
5 ISIS accounts and videos from YouTube.

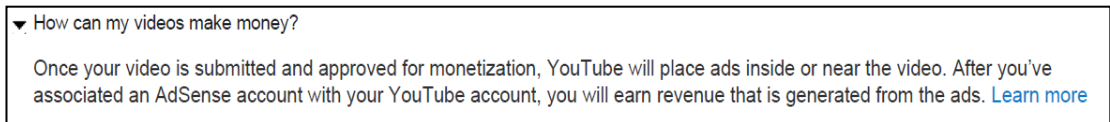
6 513. In addition, Google has purposely refrained from, or delayed, notifying government  
7 authorities of ISIS and other terrorist accounts and content on its Platform.

8 514. Google has established an office in Ireland, which has primary responsibility for  
9 reviewing and responding to complaints about violations of Google’s “Community Standards” in  
10 Europe, the Middle East, and Africa, including determining whether and what action to take in  
11 response to complaints concerning ISIS’s use of YouTube in the Middle East.

12  
13 **B. Google Provided Commercial Services and Financial Benefits and Incentives to ISIS**

14 515. Google’s Platform provides users with the option to participate in Google’s  
15 advertising business and to share in the revenue generated from selling advertisements to be  
16 placed on the user’s YouTube channel and with the user’s video content.

17 516. As the following YouTube instructions indicate, in order for advertisements to  
18 appear associated with a user’s YouTube video, the user must create a Google “AdSense” account  
19 and register the account for “monetization”<sup>57</sup>:



24 517. AdSense is a Google commercial service that sells advertising to appear on the  
25 Google Platform, including YouTube.

26  
27 <sup>57</sup> [https://www.youtube.com/account\\_monetization](https://www.youtube.com/account_monetization), accessed on 5/24/2016.



1 518. According to Google’s instructions, each YouTube video must be reviewed and  
2 approved by Google before Google will permit advertisements to be placed with that video:

3  What types of videos are eligible?  
4 For a video to be eligible, you must own worldwide commercial usage rights to everything in the video and the video must abide by  
5 our [Terms of Service](#) and [Community Guidelines](#).

6 519. Google represents that YouTube videos must meet Google’s policies and terms  
7 before they will be approved for advertisements.

8 520. Google does not place advertisement on YouTube randomly; rather, advertisements  
9 are targeted to viewers using based upon algorithms that analyze and use data about the  
10 advertisements, the viewer, and the video posted.<sup>58</sup>

11 521. Google has reviewed and approved ISIS videos, including videos posted by ISIS-  
12 affiliated users, for “monetization” through Google’s placement of ads in connection with those  
13 videos.

14 522. By thus approving ISIS videos, including videos by posted by ISIS-affiliated users,  
15 Google has agreed to share with ISIS and ISIS-affiliated users a percentage of revenues generated  
16 by these ads.

17 523. Google uses the AdSense monetization program to earn revenue, and as an  
18 incentive to encourage users to post videos on YouTube.

19 524. By approving ISIS videos for monetization via AdSense, Google has provided a  
20 financial incentive and encouraged ISIS to post videos on YouTube.

21 525. For example, on March 3, 2015, CNN Money reported that Google was placing  
22 advertisements in front of ISIS videos posted on YouTube.<sup>59</sup>  
23  
24

25 \_\_\_\_\_  
26 <sup>58</sup> See Google’s description of targeted ads on YouTube at: <https://static.googleusercontent.com/media/www.youtube.com/en/yt/advertise/medias/pdfs/targeting-onesheet-en.pdf>.  
27

1           526. On March 10th 2015, DeathandTaxes.com released an article titled, “Beer ads keep  
2 showing up on ISIS YouTube videos.”<sup>60</sup>

3           527. On March 10th 2015, NBC News released an article titled, “Ads Shown Before  
4 YouTube ISIS Videos Catch Companies Off-Guard.”<sup>61</sup>

5           528. On March 11, 2015, NewsMediaRockstars reported that: “Major corporations like  
6 Procter and Gamble, Anheuser-Busch, and Toyota have all been forced to make apologies after  
7 ads for their products started rolling in front of ISIS recruiting videos which have been cropping  
8 up ever more frequently on the [YouTube] site.”<sup>62</sup>

9  
10           529. In March 2016 the Digital Citizens’ Alliance issued a report documenting a number  
11 of examples of presidential election campaign ads placed on ISIS videos, including a Ted Cruz ad  
12 appearing before a video produced by ISIS’s *al-Hayat* Media.<sup>63</sup>

13           530. Google derives revenue from ads placed on YouTube, including the ads placed  
14 before ISIS videos posted on YouTube.

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15  
16  
17  
18           <sup>59</sup> Laurie Segall, “These ads ran before ISIS videos,” *CNN Money* (Mar. 3, 2015),  
19 <http://money.cnn.com/2015/03/03/technology/isis-ads-youtube/>.

20           <sup>60</sup> Joe Veix, “Beer ads keep showing up on ISIS YouTube videos,” *Deathandtaxes.com*  
21 (Mar. 10, 2015), <http://www.deathandtaxesmag.com/239510/beer-ads-keep-showing-up-on-isis-youtube-videos/>.

22           <sup>61</sup> See <http://www.nbcnews.com/storyline/isis-terror/ads-shown-isis-videos-youtube-catch-companies-guard-n320946>.

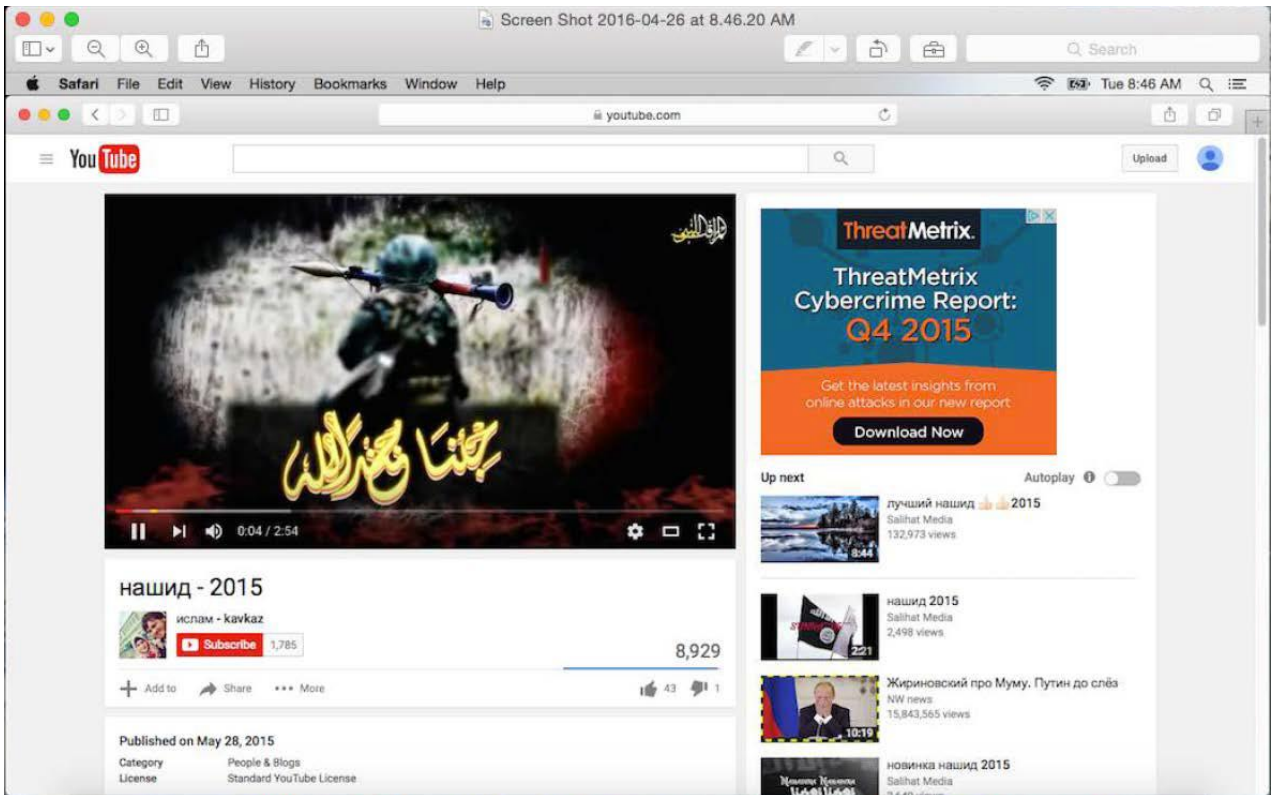
23           <sup>62</sup> Evan DiSimone, “Advertisers Apologize For Ads Shown On ISIS YouTube Videos,”  
24 *NewMediaRockstars* (Mar. 11, 2015), <http://newmediarockstars.com/2015/03/advertisers-apologize-for-ads-shown-on-isis-youtube-videos/>.

25           <sup>63</sup> “Fear, Loathing, and Jihad: How YouTube is pairing the 2016 candidates with the  
26 creepy, the corrupt, and the criminal,” *Digital Citizens’ Alliance* (Mar. 2016), <https://mediagractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-a4d5-5d6453acc2cd.pdf>.

1 531. Moreover, Google’s revenue is enhanced by charging advertisers extra for placing  
 2 targeted advertisements.

3 532. In addition, Google agrees to shares a percentage of the revenue it generates from  
 4 ads placed before YouTube videos with the user who posts the video.

5 533. The following is a screen shot example of Google placing targeted ads in  
 6 conjunction with an ISIS video on YouTube. The video was created by ISIS and was posted by  
 7 ISIS using a known ISIS account. On information and belief, the poster complied with YouTube’s  
 8 terms and conditions, as did YouTube. Thus, YouTube shared revenue with ISIS, the creator and  
 9 poster of the video in violation of 18 U.S.C. §§ 2339A-B. By providing financial support to ISIS,  
 10 Google contributed to the Paris attack because even if the money was not used directly on the  
 11 Paris attack, the money could be used for other purposes freeing ISIS funds to be used in the Paris  
 12 attack.  
 13



### **C. Google as Content Creator and Developer**

534. Google provides functionality to those posting videos to see that their videos are recommended by Google. This functionality is not a traditional publishing function.

535. Google also recommends content to users based upon the content and what is known about the viewer.<sup>64</sup> Google has recommended ISIS videos to users. Targeting content to users is not a traditional publishing function. By recommended ISIS videos to users, Google assists ISIS in spreading its message and thus provides material support to ISIS. The image below shows a video that was recommended to a user based upon other videos he had viewed in the past.<sup>65</sup> On information and belief, this is a common occurrence.



536. In addition, by specifically targeting advertisements based on viewers and content, Google is no longer simply passing through the content of third parties; rather, Google is itself creating and developing content because it exercises control over what advertisement to match with an ISIS video posting on YouTube.

<sup>64</sup> See “How YouTube’s Suggested Videos Work,” *YouTube Creator Academy* (Aug. 30, 2017), <https://www.youtube.com/watch?v=E6pC6iq15xM>.

<sup>65</sup> Personal email from Eric Feinberg to Keith Altman dated October 29, 2016.

1 537. When individuals look at a YouTube page that contains postings and  
2 advertisements, that configuration has been created and developed by Google. In other words, a  
3 viewer does not simply see the posted video; nor does the viewer see just an advertisement.  
4 Rather, Google creates and develops a composite page of content from multiple sources.

5 538. Google creates and develops this page by selecting which advertisement to match  
6 with the posted video on the page through its proprietary algorithms that select the advertisement  
7 based on information about the viewer and the posted video. Thus there is a content triangle  
8 matching the videos, advertisements, and viewers.  
9

10 539. As discussed above, Google touts the ability to target advertisements as a benefit to  
11 advertising with the respective networks. Furthermore, Google extract a premium from advertisers  
12 for the use of targeted advertising. The ability to target advertising based upon what is known  
13 about the viewer and what the viewer is looking at is not a traditional publishing function and did  
14 not exist until long after 1996.  
15

16 540. Although Google has not created the posted video, nor has it created the  
17 advertisement, Google has created new unique content and developed the content by choosing  
18 which advertisement to combine with the posted video with knowledge about the viewer.

19 541. Google's active involvement in combining certain advertisements with certain  
20 posted videos for specific viewers means that Google is not simply passing along content created  
21 by third parties; rather, Google incorporates ISIS posted videos along with advertisements  
22 matched to the viewer to create new content and develop content for which Google earns revenue,  
23 and thus providing material support to ISIS.  
24

25 **C. Google's YouTube Platform and Other Services are Unique**

26 542. Google's YouTube platform and other services are provided to users via Google's  
27 unique computer architecture.  
28

1 543. Whenever a YouTube user posts a video on YouTube, Google’s computer servers  
2 receive the information and distribute it to the YouTube user’s network of YouTube channel  
3 “subscribers.”

4 544. The posted video also appears on the YouTube user’s YouTube channel page, and  
5 is available via YouTube’s platform and search engines on the internet, depending upon the user’s  
6 privacy settings.

7 545. The video and other information that is input by a YouTube user into YouTube is  
8 also stored on Google’s computer equipment as well as on Google’s backup storage equipment.  
9

10 546. YouTube users’ videos and other information are hosted on Google’s computer  
11 equipment.

12 547. Google enables users to connect and communicate with “subscribers” or with  
13 others via posts that can be in the form of a short message, a photo with a caption, sharing a web  
14 link or a news article from another website, or linking to other social media platforms.

15 548. Google users also “like” and “share” others’ videos, thereby exposing these videos  
16 to new networks of viewers.  
17

18 549. Google uses computer algorithms to match videos and accounts with similarities,  
19 so that similar YouTube videos and accounts are suggested to a user or viewer when viewing a  
20 YouTube account; in this way, users are able to locate other videos and accounts related to ISIS  
21 even if they do not know the correct identifier or if the original YouTube account has been  
22 replaced by a new identifier.  
23

24 550. Effectively, Google serves as a broker or match-maker between like-minded  
25 people, introducing users to other users and videos that they will be interested in based on the  
26 video and account information and characteristics; these types of suggestions appear on the side  
27



1 margin of the user's YouTube page, and even automatically load and play when a selected video  
2 ends.

3 551. By providing Google's YouTube platform and other services to ISIS, Google is  
4 providing to ISIS use of Google's unique computer architecture, computer servers, storage and  
5 communication equipment, highly-developed and sophisticated algorithms, and services that  
6 facilitate ISIS's ability to reach and engage audiences it could not otherwise reach as effectively.

7  
8 552. As discussed above, YouTube's usefulness to ISIS is not merely about content;  
9 ISIS uses YouTube as a tool to connect with others and promote its terrorist activity.

10 553. According to terrorism expert Gabriel Weinmann:

11 "YouTube's massive global audience ensures that jihadists can  
12 simultaneously aim at both potential recruits and targets for terrorism. As  
13 important as the videos themselves is YouTube's usefulness in facilitating  
14 social networking among jihadists. The ability to exchange comments  
15 about videos and to send private messages to other users helps jihadists  
16 identify each other rapidly, resulting in a vibrant jihadist virtual  
17 community."<sup>66</sup>

18 **D. Google Can Deny Services to ISIS, But Refused to Do So**

19 554. Google has tools by which it can identify, flag, review, and remove ISIS YouTube  
20 accounts. However, Google's review has primarily focused on whether the content posted violates  
21 Google's own "Community Standards," rather than examine whether the account is being used by  
22 or for the benefit of designated terrorist entities and individuals.

23 555. Even when Google occasionally deletes an account for violating its Community  
24 Standards, it allows these accounts to be quickly regenerated. This account regeneration leaves  
25 signatures which could be easily detected by YouTube in a content independent manner. That

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26 <sup>66</sup> Gabriel Weinmann, "New Terrorism and New Media," *Commons Lab of the Woodrow*  
27 *Wilson International Center for Scholars* (2014), [https://www.wilsoncenter.org/sites/default/files/STIP\\_140501\\_new\\_terrorism\\_F.pdf](https://www.wilsoncenter.org/sites/default/files/STIP_140501_new_terrorism_F.pdf).

1 YouTube allows ISIS to quickly regenerate deleted accounts when this practice could be  
2 eliminated or severely limited provides further evidence that YouTube provides material support  
3 to ISIS.

4 556. In August 2016, after a 12-month inquiry on countering extremism that included  
5 testimony from Google and other social media company executives, the U.K. House of Commons'  
6 Home Affairs Committee issued a report titled "Radicalisation: the counter-narrative and  
7 identifying the tipping point." ("U.K. Report").<sup>67</sup>  
8

9 557. In the 2016 U.K. Report, the Home Affairs Committee found that:

10 "The use of the internet to promote radicalisation and terrorism is one of  
11 the greatest threats that countries . . . face.

12 ...

13 Social media companies are consciously failing to combat the use of their  
14 sites to promote terrorism and killings. Networks like Facebook, Twitter  
15 and YouTube are the vehicle of choice in spreading propaganda and they  
16 have become the recruiting platforms for terrorism. They must accept that  
17 the hundreds of millions in revenues generated from billions of people  
18 using their products needs to be accompanied by a greater sense of  
19 responsibility and ownership for the impact that extremist material on their  
20 sites is having. There must be a zero tolerance approach to online  
21 extremism, including enticement to join extremist groups or commit  
22 attacks of terror and any glorification of such activities... These  
23 companies are hiding behind their supranational legal status to pass the  
24 parcel of responsibility and refusing to act responsibly in case they  
25 damage their brands."<sup>68</sup>

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25 <sup>67</sup> Home Affairs Committee, "Radicalisation: the counter-narrative and identifying the  
26 tipping point," *House of Commons* (Aug. 25, 2016), [http://www.publications.parliament.uk/pa/  
cm201617/cmselect/cmhaff/135/135.pdf](http://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/135/135.pdf).

27 <sup>68</sup> *Id.* at 11, 13-14 (original in bold).

**CLAIMS FOR RELIEF**

**FIRST CLAIM FOR RELIEF**

**LIABILITY FOR AIDING AND ABETTING  
ACTS OF INTERNATIONAL TERRORISM  
PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

1  
2  
3  
4  
5 558. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs  
6 as if fully set forth herein.

7  
8 559. Since 2004, ISIS has been, and continues to be, a designated foreign terrorist  
9 organization under section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

10 560. ISIS committed, planned, or authorized activities that involved violence or acts  
11 dangerous to human life that are a violation of the criminal laws of the United States, or that  
12 would be a criminal violation if committed within the jurisdiction of the United States, including

13 *inter alia*:

- 14 a. solicitation to commit a crime of violence as set forth in 18 U.S.C. § 373;  
15 b. conspiracy to kill, kidnap, maim, or injure persons or damage property in a  
16 foreign country as set forth in 18 U.S.C. § 956;  
17 c. the prohibition on killing, attempting to kill, causing serious bodily injury, or  
18 attempting to cause serious bodily injury to U.S. citizens as set forth in 18  
19 U.S.C. § 2332;  
20 d. the prohibition of providing material support or resources (including *inter alia*  
21 services, training, expert assistance, and personnel) to be used for terrorist  
22 activity as set out in 18 U.S.C. § 2339A; and  
23 e. the prohibition of providing material support or resources (including *inter alia*  
24 services, training, expert assistance, and personnel) to a designated foreign  
25 terrorist organization as set out in 18 U.S.C. § 2339B.  
26  
27  
28

1 561. These activities committed, planned, or authorized by ISIS appear to have been,  
2 and were intended to: (a) intimidate or coerce the civilian populations of France, the United States  
3 and other countries; (b) influence the policy of the Governments of France, the United States and  
4 other countries by intimidation or coercion; or (c) affect the conduct of the Governments of  
5 France, the United States and other countries by mass destruction, assassination, or kidnapping.

6 562. These activities committed, planned, or authorized by ISIS occurred entirely or  
7 primarily outside of the territorial jurisdiction of the United States and constituted acts of  
8 international terrorism as defined in 18 U.S.C. § 2331(1).  
9

10 563. Plaintiffs have been injured in their person by reason of the acts of international  
11 terrorism committed, planned, or authorized by ISIS.

12 564. At all times relevant to this action, Google knew that ISIS was a Foreign Terrorist  
13 Organization, and that ISIS had engaged in and continued to engage in illegal acts of terrorism,  
14 including acts of international terrorism.

15 565. Google knowingly provided substantial assistance, and thus aided and abetted, the  
16 acts of international terrorism that injured plaintiffs.  
17

18 566. By aiding and abetting the acts of international terrorism that caused each of the  
19 plaintiffs to be injured in his or her person and property, Google is liable pursuant to 18 U.S.C. §  
20 2333(a) and (d) for threefold any and all damages that plaintiffs have sustained as a result of such  
21 injuries, and the costs of this suit, including attorney's fees.  
22

23 **SECOND CLAIM FOR RELIEF**

24 **LIABILITY FOR CONSPIRING IN FURTHERANCE OF**  
25 **ACTS OF INTERNATIONAL TERRORISM**  
26 **PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

27 567. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs  
28 as if fully set forth herein.

1 568. Google was aware that U.S. federal law prohibited providing material support and  
2 resources to designated foreign terrorist organizations, including ISIS.

3 569. Google knowingly agreed, licensed, and permitted ISIS, its members, and its  
4 affiliates to register and use Google's Platform and Services to promote and carry out ISIS's  
5 activities, including the acts of international terrorism that injured the plaintiffs.

6 570. Google thus conspired with ISIS, its members and affiliates in Google's illegal  
7 provision of Google's Platform and Services to promote and carry out the acts of international  
8 terrorism that injured the plaintiffs.

9 571. Google also conspired with ISIS, its members, and its affiliates to make personnel  
10 available to ISIS to participate in the planning, preparation, and implementation of the acts of  
11 international terrorism that injured the plaintiffs.

12 572. By conspiring with ISIS, its members, and its affiliates in furtherance of ISIS's  
13 committing, planning, or authorizing acts of international terrorism, including acts that caused  
14 each of the plaintiffs to be injured in his or her person and property, Google is liable pursuant to  
15 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that plaintiffs have sustained as a  
16 result of such injuries, and the costs of this suit, including attorney's fees.

17  
18  
19 **THIRD CLAIM FOR RELIEF**

20 **PROVISION OF MATERIAL SUPPORT TO TERRORISTS**  
21 **IN VIOLATION OF 18 U.S.C. § 2339A AND 18 U.S.C. § 2333(a)**

22 573. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs  
23 as if fully set forth herein.

24 574. Google's Platform and Services, including the YouTube platform and other  
25 products and services which Google knowingly provided to ISIS substantially assisted ISIS in  
26

1 carrying out its terrorist activities, including recruiting, radicalizing, and instructing terrorists,  
2 raising funds, creating fear and carrying out attacks, among other things.

3 575. Through its actions, Google has also provided personnel to ISIS by making ISIS  
4 leaders, members, and potential new recruits available to each other and to ISIS.

5 576. These services, equipment, and personnel constituted material support and  
6 resources pursuant to 18 U.S.C. § 2339A, and they facilitated acts of terrorism in violation of 18  
7 U.S.C. § 2332 that caused the death of Nohemi Gonzalez and injuries to plaintiffs.

8 577. Google provided these services, equipment, and personnel to ISIS, knowing that  
9 they were to be used in preparation for, or in carrying out, criminal acts including the acts that  
10 injured the plaintiffs.  
11

12 578. As set forth more fully above, but for the material support and resources provided  
13 by Google, the attack that injured the plaintiffs would have been substantially more difficult to  
14 implement.

15 579. By committing violations of 18 U.S.C. § 2339A that have caused the plaintiffs to  
16 be injured in his or her person, business or property, Google is liable pursuant to 18 U.S.C. §  
17 2333(a) for any and all damages that plaintiffs have sustained as a result of such injuries.  
18

19 **FOURTH CLAIM FOR RELIEF**

20 **PROVISION OF MATERIAL SUPPORT AND RESOURCES**  
21 **TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION**  
22 **IN VIOLATION OF 18 U.S.C. § 2339B(a)(1) AND 18 U.S.C. § 2333(a)**

23 580. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs  
24 as if fully set forth herein.

25 581. By knowingly (or with willful blindness) providing its Platform and Services,  
26 including the YouTube platform and other services, the use of computer and communications  
27 equipment, training, expert assistance and personnel, to and for the benefit of ISIS, Google has  
28



1 provided material support and resources to a designated Foreign Terrorist Organization under the  
2 Antiterrorism and Effective Death Penalty Act of 1996 in violation of 18 U.S.C. § 2339B(a)(1).

3 582. Google knew of (or was willfully blind to) ISIS's terrorist activities.

4 583. Google knew (or was willfully blind to the fact) that ISIS had been designated a  
5 Foreign Terrorist Organization by the United States Government.

6 584. Google's violation of 18 U.S.C. § 2339B proximately caused the damages to  
7 plaintiffs described herein.

8 585. By knowingly (or with willful blindness) providing material support to a designated  
9 Foreign Terrorist Organization, Google is therefore civilly liable for damages to plaintiffs for their  
10 injuries pursuant to 18 U.S.C. § 2333(a).  
11

12 **FIFTH CLAIM FOR RELIEF**

13 **CONCEALMENT OF MATERIAL SUPPORT AND RESOURCES**  
14 **TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION**  
15 **IN VIOLATION OF 18 U.S.C. § 2339C(c) AND 18 U.S.C. § 2333(a)**

16 586. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs  
17 as if fully set forth herein.

18 587. By knowingly concealing or disguising the nature, location, source, ownership, or  
19 control of material support or resources, knowing that the material support or resources were  
20 provided to ISIS in violation of 18 U.S.C. § 2339B, Google violated 18 U.S.C. § 2339C(c).  
21

22 588. By concealing such material support and resources, Google enabled and prolonged  
23 ISIS's use of such material support and resources to carry out terrorist activities, including the acts  
24 of international terrorism that killed or injured the Plaintiffs.

25 589. Google's violation of 18 U.S.C. § 2339C(c) proximately caused the injuries to  
26 plaintiffs described herein.  
27

1 590. By knowingly concealing material support or resources as described herein, Google  
2 is therefore civilly liable for damages to plaintiffs for their injuries pursuant to 18 U.S.C. §  
3 2333(a).

4 **SIXTH CLAIM FOR RELIEF**

5 **PROVISION OF FUNDS, GOODS, OR SERVICES TO OR FOR**  
6 **THE BENEFIT OF SPECIALLY DESIGNATED GLOBAL TERRORISTS**  
7 **IN VIOLATION OF EXECUTIVE ORDER NO. 13224,**  
8 **31 C.F.R. Part 594, 50 U.S.C. § 1705, AND 18 U.S.C. § 2333(a)**

9 591. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs  
10 as if fully set forth herein.

11 592. Google knowingly and willfully engaged in transactions with, and provided funds,  
12 goods, or services to or for the benefit of, Specially Designated Global Terrorists (“SDGTs”),  
13 including ISIS, its leaders, and members, in violation of EO 13224, 31 C.F.R. Part 594, and 50  
14 U.S.C. § 1705.

15 593. The actions of Google constituted acts of international terrorism as defined in 18  
16 U.S.C. § 2331, and proximately caused the plaintiffs’ injuries and Nohemi Gonzalez’s death.

17 594. Google is liable pursuant to 18 U.S.C. § 2333(a) for any and all damages that  
18 plaintiffs have sustained as a result of such injuries.  
19

20  
21 **PRAYER FOR RELIEF**

22 WHEREFORE, plaintiffs pray that this Court:

23 (a) Enter judgment against Google and in favor of each plaintiff for  
24 compensatory damages in amounts to be determined at trial;

25 (b) Enter judgment against Google and in favor of each plaintiff for treble  
26 damages pursuant to 18 U.S.C. § 2333;  
27

1 (c) Enter judgment against Google and in favor of each plaintiff for any and all  
2 costs sustained in connection with the prosecution of this action, including attorneys' fees,  
3 pursuant to 18 U.S.C. § 2333;

4 (d) Enter an Order declaring that Google has violated, and is continuing to  
5 violate, the Anti-Terrorism Act, 18 U.S.C. § 2331 et seq.; and

6 (e) Grant such other and further relief as justice requires.  
7

8 **JURY DEMAND**

9 **PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.**

10 Dated: November 6, 2017.

11 **Excolo Law, PLLC**

12  
13 by: /s/ Keith Altman  
Keith Altman

14 Keith Altman (SBN 257309)  
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**VERIFICATION**

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I, the undersigned, certify and declare that I have read the foregoing complaint, and know its contents.

I am the attorney for Plaintiffs to this action. Such parties are absent from the county where I have my office and is unable to verify the document described above. For that reason, I am making this verification for and on behalf of the Plaintiffs. I am informed and believe on that ground allege the matters stated in said document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 6, 2017, at Southfield, MI.

Respectfully Submitted,  
**EXCOLO LAW, PLLC**

By: /s Keith Altman  
Attorney for Plaintiffs

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