

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

STIPULATION OF FACT

Adam Gadahn

27 June 2013

The United States and the Defense, with the express consent of the accused, stipulate that the following facts are true, susceptible of proof, and admissible in evidence. These facts may be considered by the finder of fact to establish the elements of all charges and their specifications. They may be considered by the sentencing authority and on appeal in determining an appropriate sentence, even if the evidence of such facts is deemed otherwise inadmissible. The accused expressly waives any objections he may have to the admission of this evidence at trial under the Military Rules of Evidence, the Rules for Courts-Martial, the U.S. Constitution, or applicable case law.

1. Adam Gadahn is a senior leader of al Qaeda (hereinafter "AQ"), the terrorist organization responsible for the attacks against the United States at the World Trade Center and Pentagon on 11 September 2001. Adam Gadahn has been a member of AQ since 2004.
2. As-Sahab is a media organization operated by AQ. On or about 3 June 2011, As-Sahab media released a video titled, "Thou Art Held Responsible Only for Thyself" (hereinafter "Gadahn video"). The Gadahn video was released simultaneously in two separate parts (referenced herein as "Part I" and "Part II" respectively). The Gadahn video features Adam Gadahn and other AQ leaders as speakers. The Gadahn video serves as a propaganda and recruitment tool for AQ.
3. As-Sahab and Adam Gadahn obtained material from WikiLeaks and used the material from WikiLeaks in the Gadahn video. The Gadahn video contained excerpts from the WikiLeaks' edited version of the video file named "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi" (hereinafter "Apache video") contained in **Prosecution Exhibit (PE) 15 for Identification**. PE 16 for ID is the WikiLeaks edited version of the Apache video that appears on the WikiLeaks web site. The Gadahn video shows the WikiLeaks web site. Between the time stamps 03:23 and 04:40 in Part I, the Gadahn video shows the Apache video (PE 16 for ID) on the WikiLeaks web site.
4. PE 17 for ID is the Department of State information in the Gadahn video obtained from WikiLeaks. In Part I of the Gadahn video from time stamps 43:28 until 44:38, Adam Gadahn, speaking in English, recommends using the Internet to make "use of all means possible to do damage to the enemy." Referencing the Department's information during the same time stamps in Part I, Adam Gadahn states, "But, by the grace of God, the enemy's interests are today spread all over the place and easily accessibly as the leak of America's State Department cable on critical foreign dependency makes so clear." Adam Gadahn also states during the same time stamps in Part I, "And I advise every brother who wants to work for this religion not to

PROSECUTION EXHIBIT 162 for identification
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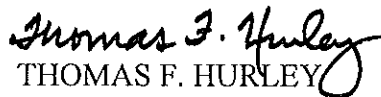
undertake any action before taking advantage of the wide range of resources available today on the Internet, particularly the various manuals, encyclopedias, and courses, which deal with the mujahideen's operational and electronic security, and security in general.”

5. In Part II from the time stamps 05:35 until 06:37, the narrator, citing Department material obtained from WikiLeaks, reports Arab leaders’ “collaboration” with “their ruler, America,” giving President Obama an “open door” to “wage war on the mujahidin.” The narrator in Part II of the Gadahn video from time stamps 06:38 until 09:01, also referencing the contents of the Department’s material obtained from WikiLeaks, cites reports of the “lewd parties put on by the American consulates in Islamic countries that aim to corrupt the minds, morals, and religion of the youth.” The narrator continues, “These documents revealed that most of the riches of the Islamic world are spent on corruption and waging war on Islam, while millions of Muslims live in abject poverty.”

6. Inspire Magazine is a magazine published on the Internet by al Qaeda in the Arabian Peninsula (hereinafter “AQAP”). AQAP is a branch of AQ. Inspire Magazine serves as a propaganda and recruitment tool for AQAP and AQ. On or about 16 January 2011, Inspire Magazine published issue number 4 (hereinafter “Winter 2010 Inspire Issue”) on the Internet. On pages 44-45 of the Winter 2010 Inspire Issue, the magazine lists activities one can do to “help the mujahidin in within the confines of the media sector.” The Winter 2010 Inspire issue lists that archiving large amounts of information is helpful to AQAP and AQ. The Winter 2010 Inspire Issue further lists “[a]nything useful from WikiLeaks” is useful for archiving.



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