

0a5nshas Sentence

1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK

2 -----x

3 UNITED STATES OF AMERICA, New York, N.Y.

4 v. 10 Cr. 541 (MGC)

5 FAISAL SHAHZAD,
6 Defendant.

7 -----x

8 October 5, 2010
9 10:10 a.m.

10 Before:

11 HON. MIRIAM GOLDMAN CEDARBAUM,
12 District Judge

13 APPEARANCES

14 PREET BHARARA
15 United States Attorney for the
16 Southern District of New York
16 BY: BRENDAN MCGUIRE
17 JEFFREY BROWN
17 JOHN CRONAN
18 Assistant United States Attorneys

18 PHILIP WEINSTEIN
19 Attorney for Defendant

20 ALSO PRESENT:
21 Andrew Pachtman, Special Agent, FBI

0a5nshas Sentence

1 (In open court)

2 THE COURT: Mr. Shahzad?

3 THE DEFENDANT: Yes.

4 THE COURT: I think you should get up.

5 Have you read the presentence report?

6 THE DEFENDANT: Yes.

7 THE COURT: Have you discussed it with your lawyer?

8 THE DEFENDANT: Yes.

9 THE COURT: Is there anything in the presentence
10 report that contains an error that you would like to bring to
11 my attention?

12 (Defendant conferred with counsel)

13 THE DEFENDANT: Yes.

14 THE COURT: What is that?

15 MR. WEINSTEIN: Do you have an objection to it or not?

16 THE DEFENDANT: No.

17 THE COURT: Very well. Then I will hear anything you
18 want to tell me and anything your lawyer wants to tell me in
19 connection with sentence.

20 THE DEFENDANT: OK. My statement should take about
21 five minutes to ten minutes, and I hope that the judge and the
22 Court will listen to me before they sentence me.

23 In the name of Allah, the most gracious, the most
24 merciful, this is but one life. If I am given a thousand
25 lives, I will sacrifice them all for the sake of Allah fighting

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0a5nshas Sentence

1 this cause, defending our lands, making the word of Allah
2 supreme over any religion or system. We Muslims don't abide by
3 human-made laws, because they are always corrupt. And I had a
4 firsthand experience when on the second day of my arrest I
5 asked for the Miranda. And the FBI denied it to me for two
6 weeks, effecting harm to my kids and family, and I was forced
7 to sign those Mirandas.

8 The sentence y the judge will not mean anything to me,
9 for how can I be judged when the Court does not understand the
10 suffering of my people. They don't understand my side of the
11 story, where the Muslim life of is no value. Therefore, the
12 only true judgment will be on the day of resurrection when
13 Allah will judge between me and you as to who is fighting for
14 the just cause.

15 So decree whatever you desire to decree, for you can
16 only decree regarding the life of this world. The crusading
17 U.S. and NATO forces who have occupied the Muslim lands under
18 the pretext of democracy and freedom for the last nine years
19 and are saying with their mouths that they are fighting
20 terrorism, I say to them, we don't accept your democracy nor
21 your freedom, because we already have Sharia law and freedom.

22 Furthermore, brace yourselves, because the war with
23 Muslims has just begun. Consider me only a first droplet of
24 the flood that will follow me. And only this time it's not
25 imperial Japan or Germany, Vietnam or Russian communism. This

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0a5nshas Sentence

1 time it's the war against people who believe in the book of
2 Allah and follow the commandments, so this is a war against
3 Allah. So let's see how you can defeat your Creator, which you
4 can never do.

5 Therefore, the defeat of U.S. is imminent and will
6 happen in the near future, inshallah, which will only give rise
7 to much awaited Muslim caliphate, which is the only true
8 universal world order. Soon the bailout money which is holding
9 up your fragile economy will run out and soon you will not be
10 able to afford the war costs.

11 THE COURT: Do you want to comment in any way in
12 connection with sentence?

13 THE DEFENDANT: This is all coming towards the
14 common -- towards the sentence, to how I support myself in the
15 whole, what's my motivation for this whole.

16 THE COURT: All right. You became a naturalized
17 American citizen some years ago, isn't that right?

18 THE DEFENDANT: Yes.

19 THE COURT: Not very long ago.

20 THE DEFENDANT: Yes.

21 THE COURT: When was that?

22 THE DEFENDANT: I think it was April last year.

23 THE COURT: Last year. Didn't you swear allegiance to
24 this country when you became an American citizen?

25 THE DEFENDANT: I did swear, but I did not mean it.

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0a5nshas Sentence

1 THE COURT: I see. You took a false oath?

2 THE DEFENDANT: Yes.

3 THE COURT: Very well. Is there anything else you
4 want to tell me?

5 THE DEFENDANT: Sure. I am ashamed that I belong to a
6 slave country like Pakistan, who has accepted the slavery of
7 the West from the day it was born. Bush had made already clear
8 when he started the war on us, on Muslims, he said, You are
9 either with us or against us. And so it's very clear for us
10 Muslims, either we are with the mujahideen or we are with
11 crusading losing Christians. There is no in between. Blessed
12 be the immigrants and the leader Sheikh Usama Bin Laden, who
13 will be known as no less than Saladin of the 21 century crusade
14 and blessed be those who give him asylum.

15 THE COURT: How much do know about Saladin as you
16 called him.

17 THE DEFENDANT: What do I know about him?

18 THE COURT: Yes.

19 THE DEFENDANT: He was the one who fought the first
20 crusade from the western European countries.

21 THE COURT: He didn't want to kill people.

22 THE DEFENDANT: He wanted to liberate --

23 THE COURT: He was a very moderate man.

24 THE DEFENDANT: He liberated Muslim lands from the
25 Jewish crusade, Christian crusade. And that's what we Muslims

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0a5nshas Sentence

1 are trying do, because you're occupying Iraq and Afghanistan,
2 under the pretext of democracy and freedom. We don't want
3 that. We already have Sharia law, law given by Allah. We
4 don't need human-made laws.

5 THE COURT: All right. Thank you.

6 Does your lawyer want to add anything?

7 THE DEFENDANT: I just want to finish off. I just
8 have like one, two minutes more.

9 THE COURT: Very well.

10 THE DEFENDANT: If you don't mind.

11 THE COURT: I will listen to what you want to tell me
12 in connection with sentence.

13 THE DEFENDANT: Sure. This is towards the end.

14 So, the past nine years the war with Muslims has
15 achieved nothing for the U.S., except for it has waken up the
16 Muslims for Islam. We are only Muslims trying to defend our
17 religion, people, honor, and land. But if you call us
18 terrorists for doing that, then we are proud terrorists, and we
19 will keep on terrorizing until you leave our land and people at
20 peace.

21 But if you don't, then I remind you that we have
22 watches and we have time. We will defeat you with time. And
23 before I end my statement, I want to give you the last message,
24 which is the message of truth. So that when you meet Allah on
25 the day of resurrection you will not be able to say nobody gave

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0a5nshas Sentence

1 you the message. The message is there is only one God, the
2 lord of the universe, Mohammed, who is the last messenger and
3 prophet, the Holy Koran is the last revelation to mankind,
4 which obligates by its gospel to embrace Islam and become
5 Muslims and save yourselves from the total pain of the last
6 day.

7 (Defendant spoke in another language)

8 THE COURT: Very well.

9 THE DEFENDANT: Thank you.

10 THE COURT: Does counsel have anything to add?

11 MR. WEINSTEIN: Your Honor, I think as I informed the
12 court in the letter about two weeks ago, Mr. Shahzad has asked
13 that I say nothing.

14 THE COURT: Very well. You may be seated.

15 THE DEFENDANT: Thank you.

16 THE COURT: I assume the government has nothing to
17 add?

18 MR. McGUIRE: We do, your Honor, briefly.

19 THE COURT: I don't think it is necessary.

20 MR. McGUIRE: Your Honor, if I may just briefly, just
21 as --

22 THE COURT: A long time ago when I was an assistant
23 United States Attorney, we did not think it was the function of
24 the prosecutor to be heavily involved in sentence.

25 MR. McGUIRE: Very well, your Honor.

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0a5nshas Sentence

1 THE COURT: The one thing I would like the government
2 to explain is what the forfeiture provisions mean. I don't
3 understand them.

4 MR. McGUIRE: The government's not seeking forfeiture
5 in this case, your Honor.

6 THE COURT: Very well.

7 I'm glad to hear that because I do not understand the
8 language of the forfeiture provision in the indictment. So you
9 are withdrawing that I take it?

10 MR. McGUIRE: That's correct, Judge.

11 THE COURT: Very well.

12 I have myself examined the presentence report very
13 carefully, and I do adopt the guideline calculation of the
14 probation officer. But I also examine with care the factors to
15 be considered in imposing a sentence that Congress has enacted
16 in Section 3553 of the Criminal Code in setting sentence.

17 A number of the counts carry mandatory sentences, but
18 nevertheless I have, as the law directs me, considered the
19 nature and circumstances of the offense and the history and
20 characteristics of the defendant. The sentence imposed must
21 reflect the seriousness of the offense and the history, and the
22 sentence should promote respect for the law and provide just
23 punishment for the offense.

24 It must also afford adequate deterrence to criminal
25 conduct to those who would be inclined to follow the example of

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0a5nshas Sentence

1 this defendant, and, very important, to protect the public from
2 further crimes of this defendant and others who would seek to
3 follow him.

4 The defendant has repeatedly expressed his total lack
5 of remorse and his desire, if given the opportunity, to repeat
6 the crime. So there is really no basis here for me to believe
7 that somebody who falsely swore allegiance to this country, who
8 swore to defend this country, who took oath a year ago to
9 defend this country and to be loyal to it, has now announced
10 and by his conduct has evidenced that his desire is not to
11 defend the United States or Americans, but to kill them. Those
12 are all serious matters that I must take into consideration in
13 setting sentence.

14 There are ten counts in this indictment, and there are
15 three counts of mandatory life in prison.

16 MR. MCGUIRE: Your Honor, I'm sorry to interrupt. I
17 believe there's one count of mandatory life in prison, which is
18 Count Six.

19 THE COURT: Thank you.

20 In any event, Count Six requires life imprisonment.
21 Counts One and Two and Four and Five and Nine and Ten provide
22 for penalties of up to life in prison.

23 MR. MCGUIRE: Your Honor, Counts Nine and Ten have a
24 20-year statutory maximum. Those can be up to 20 years'
25 imprisonment. The other counts your Honor named do have a life

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0a5nshas Sentence

1 judgment be stated for purposes of the record. There is a
2 proposed --

3 THE COURT: Very well. On Counts One and Two I
4 sentence you to life in prison each, separately.

5 THE DEFENDANT: Allahu akbar.

6 THE COURT: I understand that you welcome that. On
7 Counts Three, Four, and Five I also sentence you to life in
8 prison. What I hesitate to say is they shall run
9 consecutively.

10 On Count Six, life in prison is mandatory.

11 On Counts Seven and Eight, the statute requires ten
12 years on each count, or permits ten years on each count, and
13 those will run concurrently with the sentence on Counts One,
14 Two, Nine and Ten.

15 On Counts Nine and Ten I set 20 years on each count to
16 run concurrently with Counts One and Two, but the overriding
17 sentence is life in prison.

18 You are a young man, and you will have a lot of time
19 to reflect on what you have done and what you have said today
20 and in the past.

21 THE DEFENDANT: My sentence, if you allow me to speak,
22 will be only for the limit that God has given me life in this
23 world. But if you people don't become believers, the life that
24 you would get in the hereafter, which you don't believe in,
25 will be forever. So I'm happy with the deal that God has given

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0a5nshas

Sentence

1 me.

2 THE COURT: Very well. Is there anything further?

3 MR. McGUIRE: Your Honor, with respect to sentence,
4 stating the special and any mandatory conditions of supervised
5 release.6 THE COURT: Thank you, yes. There is a mandatory
7 assessment of \$1,000, which you are required to pay. It is not
8 a penalty, but it is collectible as if it were.9 The conditions of supervised release I will not go
10 through because I consider supervised release here a
11 meaningless technical fiction.12 You appear to be someone who was capable of education,
13 and I do hope that you will spend some of the time in prison
14 thinking carefully about whether the Koran wants you to kill
15 lots of people.16 THE DEFENDANT: The Koran gives us the right to
17 defend, and that's what all I'm doing.

18 THE COURT: I see. All right.

19 Is there anything further?

20 MR. McGUIRE: Your Honor, the defendant should be
21 advised of his right to appeal the sentence.

22 THE COURT: Thank you. That is correct.

23 You have a right to appeal this sentence. If you wish
24 to do so, you should discuss it with your lawyer. Within ten
25 days he must file a protective notice of appeal for you, so you

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0a5nshas

Sentence

1 can then argue to the Court of Appeals, the next level of
2 court, that your sentence is in error.

3 Very well.

4 There is no forfeiture sought, so I will ignore the
5 forfeiture provision of the indictment. It has been withdrawn.
6 You are now excused.

7 (Adjourned)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25