

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

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UNITED STATES OF AMERICA, : Criminal Action No.:
: 1:22-cr-92
versus :
: Tuesday, November 1, 2022
ALLISON ELIZABETH :
FLUKE-EKREN, :
:
Defendant. :
-----x

The above-entitled sentencing was heard before the
Honorable Leonie M. Brinkema, United States District Judge.
This proceeding commenced at 11:02 a.m.

A P P E A R A N C E S:

FOR THE GOVERNMENT: RAJ PAREKH, ESQUIRE
JOHN GIBBS, ESQUIRE
OFFICE OF THE UNITED STATES ATTORNEY
2100 Jamieson Avenue
Alexandria, Virginia 22314
(703) 299-3700

FOR THE DEFENDANT: JOSEPH KING, ESQUIRE
SEAN SHERLOCK, ESQUIRE
KING, CAMPBELL, PORETZ & MITCHELL
108 North Alfred Street
Alexandria, Virginia 22314
(703) 683-7070

COURT REPORTER: STEPHANIE M. AUSTIN, RPR, CRR
Official Court Reporter
United States District Court
401 Courthouse Square
Alexandria, Virginia 22314
(571) 298-1649
S.AustinReporting@gmail.com

COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

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TABLE OF CONTENTS

EXHIBITS

On behalf of the Government:
Admitted

Numbers 1 and 223

On behalf of the Defendant:
Admitted

Numbers A, B and C67
(Under seal)

MISCELLANY

Proceedings November 1, 20223
Certificate of Court Reporter129

P R O C E E D I N G S

THE DEPUTY CLERK: Criminal Number 2022-92, United States of America versus Allison Elizabeth Fluke-Ekren.

Counsel, please note your appearances for the record.

MR. PAREKH: Good morning, Your Honor. Raj Parekh on behalf of the United States. I'm joined with -- at counsel's table with John Gibbs, as well as paralegal specialist, Larissa Illardi. And, for your awareness, we also have Gabriel Fluke, who should be in the courtroom, as well as Leyla Ekren, who will be delivering a victim impact statement later on in the hearing.

THE COURT: All right. Good morning.

MR. KING: Good morning, Your Honor. Joseph King and Sean Sherlock on behalf of Allison Fluke-Ekren.

THE COURT: All right. Counsel, have you had enough time to go over the presentence report yourselves and with your client?

MR. KING: Yes, Your Honor.

THE COURT: All right. Counsel -- Mr. King, you need to stay at the lectern.

Are there any factual corrections, changes, additions or deletions you want made to the report itself?

MR. KING: Your Honor, we've set forth our objections to the PSR writer and in our position on

1 sentencing. It's our position -- well, at the outset, I
2 wanted to note that the defendant has no concerns at all
3 having to deal with these new child abuse allegations. If
4 she had the time and the resources to fully investigate
5 them, I believe it would be fully rebutted.

6 It's also the defendant's position that some of
7 these allegations are so inherently incredible and come so
8 late in the game, including, for instance, the defendant's
9 daughter claiming that she was on the front lines when she
10 was 12 in a small village in Syria fighting for ISIS, that
11 they're just inherently incredible, and they don't have an
12 indicia of reliability, that they should be fully stricken
13 from the report.

14 And I just wanted to mention, in the defendant's
15 view as a mother and a teacher, the allegations coming five
16 years into the Government's investigation, to her, makes
17 what happened in Syria -- because they're so serious -- less
18 serious than her conduct -- than the conduct with regard to
19 this abuse that she really has no chance to defend against.

20 She acknowledged in this statement of facts, which
21 from my -- which, to a great extent, relies upon the
22 statements of her own daughter, that these were all true
23 because they had a basis in fact.

24 It's her position that these do not have a basis
25 in fact. There's so many statements that are inherently

1 incredible in here. Claiming that she named her son Osama
2 after Osama Bin Laden, when she had had no contact with her
3 daughter for approximately two years. That's just
4 incredible. And it's -- and some of the allegations that
5 her son makes are just so -- without basis of facts, so
6 incredible that they should be stricken from the report.

7 I understand that the Government is going to move
8 to have the victim impact statements unsealed and available
9 to the public. There's an objection to that as well.

10 Those are victim impact statements that are part
11 of an under-seal document. I don't believe there's any -- I
12 don't know if there's any authority to have victim impact
13 statements unsealed, but these are a part of the PSR, which
14 is supposed to be private, that now the Government wants to
15 be made public. There's an objection to that, too.

16 THE COURT: Well, that's a unique argument that
17 you've made. But, frequently, we have victims who send the
18 letters directly to the Court sometimes and I send them over
19 to probation just so they can attach them to the presentence
20 report so that counsel can see them.

21 But I'm not aware of any authority -- I agree with
22 you that the presentence report itself is confidential. But
23 attachments to it originating from third parties, I don't
24 think there's any authority that requires that they be kept
25 under seal. The simple fact that they were attached to the

1 presentence report does not, in my view, automatically make
2 them subject to seal. So that objection I would overrule.

3 The reality is -- and I warned everybody ahead of
4 time when this issue about the child abuse matters came to
5 our attention -- this defendant pled guilty to an offense
6 involving conspiracy to provide material support to a
7 foreign terrorist organization. That's to which she pled
8 guilty, and that's for which she will be sentenced.

9 However, it is appropriate in a presentence report for the
10 officer to give, among other things to the Bureau of
11 Prisons, a full picture of the person who they're going to
12 have in custody for a significant amount of time.

13 They use that information for, among other things,
14 determining the level at which the person should be
15 confined. Also, they can sometimes use that information to
16 determine who are appropriate visitors to meet with that
17 person.

18 And I've looked carefully at all of your
19 objections, and I'm going to overrule all of them. I think
20 that although they are certainly, I can understand,
21 problematic for your client, I don't think they're unduly
22 prejudicial, and they do not affect the Court's decision in
23 terms of the appropriate sentence.

24 So --

25 MR. KING: All right.

1 THE COURT: -- you've made them for the record;
2 I'm overruling the objection; all right?

3 MR. KING: Thank you, Your Honor.

4 THE COURT: Having done that, that means that the
5 offense level here is a level 41. The defendant has a
6 criminal history of six because she received a terrorism
7 enhancement. The guideline range that results from those
8 two numbers would be 360 months to life imprisonment;
9 however, because of the plea agreement in this case, your
10 client's maximum exposure is limited to 240 months of
11 incarceration.

12 In terms of the period of supervised release, it's
13 two years to life is the range. The fine is \$250,000 and
14 the \$100 special assessment. Those are the guidelines that
15 will be applied to this case.

16 MR. KING: Thank you, Your Honor.

17 THE COURT: All right. All right. Mr. Parekh,
18 then I'll let the United States allocute.

19 MR. PAREKH: Yes, Your Honor. Before I do so, the
20 two letters that were attached to the PSR were also attached
21 to the Government's CVRA motion. They were under seal at
22 the time because we wanted to ensure that Mr. Gabriel Fluke
23 and Ms. Leyla Ekren had time to consider whether they wished
24 to appear at sentencing and whether they wished to have
25 their names publicly revealed. They have repeatedly

1 confirmed to me that they do. And they do want their
2 letters to be out there, because this is very difficult for
3 them, of course, this is their own mother. They would much
4 rather not be here and much rather not be in this position
5 of describing these painful experiences that happened to
6 them.

7 But they took the time to write to the Court, as
8 the Court graciously suggested during the plea hearing. And
9 I have redacted copies of both of their letters, which were
10 attached to, I believe Docket Number 48 was the under-seal
11 version; Docket Number 47 was the publicly-filed version.
12 We redacted the names of any third parties that the
13 defendant did not bring up in her sentencing memorandum.

14 So we want to be responsible about this and not
15 just release them in full because they do have names of
16 third parties. But, for the most part, they are unredacted.
17 And I can pass up those copies. I've provided copies to
18 counsel for the defendant.

19 THE COURT: All right.

20 MR. PAREKH: Thank you.

21 MR. KING: Your Honor, we would just note our
22 continuing objection to those being unsealed. We understand
23 the Court's --

24 THE COURT: I'm overruling the objection.

25 So I will leave it up to the -- do you want these

1 placed on the Court docket then?

2 MR. PAREKH: Yes, Your Honor.

3 THE COURT: All right. They'll be -- we'll
4 substitute them, I guess, for the sealed attachments to your
5 memorandum.

6 MR. PAREKH: So, Mr. Gabriel Fluke's letter was
7 attached as Exhibit 1. Ms. Leyla Ekren's letter was
8 attached as Exhibit 2. But the report attached as Exhibit 3
9 we would ask remain under seal until further order of the
10 Court. That's the 302 that was submitted.

11 THE COURT: We're not going to publish 302s.

12 MR. PAREKH: Thank you, Your Honor.

13 THE COURT: All right.

14 MR. PAREKH: And just procedurally, Your Honor, I
15 understand that the defense objects to the Government
16 playing very short audio clips during its sentencing
17 presentation today. I planned to save these near the end of
18 my sentencing argument. But that is something that we would
19 like to do. They consented to us bringing the trial laptop
20 here, which we appreciated. And of course there would be no
21 reason to have the trial laptop here if we weren't going to
22 play the audio clips.

23 I think it's important because I can help explain
24 and contextualize the defendant's statements. I know Your
25 Honor has probably heard them in chambers, but it is

1 relevant to the 3553(a) sentencing factors. And while we
2 have a large volume of recordings of the defendant
3 containing inculpatory statements, we've limited our
4 presentation today to three. And the third recording, I'm
5 only going to play the last approximately four and a half
6 minutes. So it shouldn't be more than about six minutes of
7 audio recordings.

8 THE COURT: Mr. King, we heard those in chambers.
9 I assume you've also listened to them.

10 MR. KING: Yes, I have, Your Honor.

11 THE COURT: Go ahead.

12 MR. KING: It's our position the Court has already
13 heard these, we've heard them, certainly the U.S. attorney
14 knows exactly what the content is. They don't have to be
15 played again in court.

16 THE COURT: Well, the point is, it's a public
17 sentencing, and so the public has a right to understand the
18 evidence that is relevant to the sentencing decision. So
19 I'm going to overrule the objection. They may be played.

20 MR. KING: Thank you, Your Honor.

21 MR. PAREKH: Thank you, Your Honor.

22 As Your Honor knows from our sentencing
23 memorandum, the United States respectfully requests that you
24 impose a statutory maximum sentence of 20 years
25 imprisonment. But if the law is applied to the offense of

1 conviction and the facts in this case permitted it, we would
2 have asked the Court to sentence Fluke-Ekren to a lifetime
3 in prison. 20 years in prison is insufficient to fully
4 account for her monstrous acts of terror, but it is the
5 statutory maximum penalty in this case, and based on all the
6 sentencing factors, the appropriate and just sentence that
7 this Court should impose.

8 Understanding that the Court is fully immersed in
9 the facts in this case, I will focus my sentencing
10 presentation on what we believe to be the most important
11 reasons why the Court should impose this statutory maximum
12 sentence under the 3553(a) sentencing factors.

13 Going to the nature and seriousness of the
14 offense -- and also during my presentation, I plan to rebut
15 the fabricated claims and justifications asserted by the
16 defendant in her sentencing memorandum.

17 Going to the nature and seriousness of the
18 offense. The seriousness of the offense is set forth in
19 detail, as Your Honor knows, throughout the statement of
20 facts and other court documents which tell the story of how
21 this United States citizen left a trail of betrayal and
22 ascended the ranks of the Islamic State, and, in effect,
23 became the empress of ISIS, given the unprecedented autonomy
24 she was given as the leader of an all-female ISIS battalion.

25 In doing so, the defendant brainwashed young girls

1 and trained them to kill. As Your Honor knows, she trained
2 over 100 women and young girls in Syria -- some as young as
3 ten years old -- on the use of AK-47 rifles, grenades and
4 suicide belts packed with explosives during the terrorist
5 organization's murderous crusade. One of those young girls
6 is in this courtroom today, that's Ms. Leyla Ekren, and she
7 will be addressing the Court later on during the hearing.

8 But where did the defendant's journey begin?
9 Well, she left the United States, Your Honor, and it was her
10 decision to move her children overseas. In fact, initially,
11 her second husband had not yet moved overseas. She obtained
12 a job in Egypt and moved her entire family there knowing
13 that her husband did not have a job. So she was the driving
14 force in terms of the family going overseas, and she was the
15 driving force in terms of the family staying overseas.

16 And as Your Honor knows, she was involved in one
17 of the most horrific terrorist attacks ever committed
18 against the United States, the aftermath of that attack that
19 is, and that is the September 11th, 2012 terrorist attack on
20 the U.S. Special Mission and CIA Annex in Benghazi, Libya,
21 during which four Americans were killed.

22 As the statement of facts indicates, she assisted
23 with reviewing and summarizing the contents of stolen U.S.
24 documents, which were ultimately provided to the leadership
25 of Ansar Al-Sharia in Benghazi. As Your Honor probably

1 knows, that is the terrorist organization that claimed
2 responsibility for the Benghazi attacks.

3 And during discovery, Your Honor, I provided
4 emails that the defendant sent to her family members after
5 the attack. She indicated that the attack had occurred and
6 told them not to worry. Didn't mention anything about her
7 involvement in the aftermath of the attack. And she had
8 copied and pasted that email multiple times to other family
9 members. And throughout her time -- including up until when
10 she was arrested and brought to the Eastern District of
11 Virginia -- she continued to deny any involvement in the
12 aftermath of the attack.

13 But, as Your Honor knows, she's now admitted that,
14 yes, in fact, she did help translate those documents, and
15 she was an eyewitness to that attack. She was living in
16 Benghazi at the time, and shortly after the attack, her
17 second husband claimed to have brought those documents home
18 where she assisted him.

19 But her terrorist crusade did not end there. As
20 Your Honor knows, when she was in Syria, she described to
21 her own daughter, with specificity, her desire to conduct a
22 widespread terrorist attack in the United States.

23 And Your Honor probably saw that the defense is
24 now claiming that these were just statements made in the
25 heat of the moment; that she had no desire to conduct such

1 attacks, and this was just heated rhetoric.

2 Well, Your Honor, the statement of facts is very
3 clear that this was quite detailed, what she's describing to
4 her daughter. She says that she would go to a shopping mall
5 in the United States, park a vehicle full of explosives in
6 the basement or parking garage level of the structure, and
7 detonate the explosives in the vehicle with a
8 cell-phone-triggering device.

9 This isn't a statement just made in the heat of
10 the moment where defendant is saying, oh, it's terrible that
11 these people died in Syria; I wish something would happen to
12 the United States. She's describing with meticulous
13 clarity. And this level of premeditation, this level of
14 calculated desire to conduct an attack is something that --
15 quite frankly, it's not credible to believe that this comes
16 out of the mouth of someone who did not want to commit such
17 an attack.

18 The fact that she's describing it to her own
19 daughter is even more depraved. Because her daughter at the
20 time was extremely young. She was in Syria when she was 10,
21 11, 12 years old, all the way up until she was 15. She was
22 a minor. She's depending on her mother to teach her right
23 from wrong. But, instead, she's describing to her own
24 daughter how she could commit this terrorist attack and
25 stating that any attack that did not kill a large number of

1 individuals would be a waste of resources, and that she
2 wished that attacks that took place outside of the United
3 States had occurred on United States soil instead.

4 But it gets worse, Your Honor. As Your Honor
5 knows from the presentence investigation report, we
6 interviewed a former ISIS member who was a woman from
7 Central America, and she was sent by ISIS officials to the
8 location where the defendant was residing in Syria in 2014.
9 I even opened up this interview to the U.S. probation
10 officer, so that way she could see her, assess her
11 credibility, and ask her any questions she so wished. And
12 this is an individual who, when she met the defendant, the
13 defendant approached her, became friends with her and stated
14 that she wanted to recruit her to conduct an attack on a
15 specific college in the Midwest using explosives.

16 And I think it's very important, Your Honor, that
17 we talk about the details, because the statement of facts
18 indicates, in paragraphs 7 and 8, that she discussed ideas
19 for an attack involving the use of explosives on the campus
20 of a U.S.-based college in the Midwest. Again, it's very
21 specific. She's using explosives. That's something that
22 she stated to her daughter. Now she's stating it to a third
23 party, another ISIS member. She's using explosives later
24 on, as Your Honor knows, to train women and young girls to
25 fight for ISIS. And it's a very specific type of way that

1 she wanted to do this.

2 So, as they say, the devil is in the details.
3 What did she tell us? She said that Umm Mohammed, the
4 defendant -- she's admitted that that's her kunya, or her
5 alias -- indicated that they would dress up as non-believers
6 and drop off a backpack on campus filled with explosives,
7 and that she knew where in the university to place the bag
8 as to cause the most casualties.

9 And she indicated that Abu Mohammad al-Adnani, the
10 former official spokesperson for ISIS, said: "Blood for
11 blood." And she realized that this particular ISIS female,
12 because of her passport from a certain country in Central
13 America, that she could be much value to her. And so she
14 said that she had contacts that can get them across a U.S.
15 border through Mexico, and it would help them travel into
16 the United States to commit this attack.

17 Now, fortunately, this former ISIS member said,
18 I'm not doing this. You know, even for her, this was too
19 extreme, and she declined to participate in any such attack.

20 But during that same interview that I participated
21 in with the probation officer, this ISIS female said, about
22 this defendant, that she had the mind of a terrorist,
23 supported beheadings conducted by ISIS, and stated: "People
24 like Umm Mohammed are bad for humanity and society. These
25 people should not get out," referring to not getting out of

1 prison.

2 This witness also saw the defendant's son at the
3 residence because she spent approximately 18 days with the
4 defendant. And this is also very critical to rebutting
5 their claims, because I believe they're going to present
6 photographs of kids and talk about how she has all these,
7 you know, kids to take care of, and that's why you should
8 impose less than the maximum sentence. Well, what was she
9 doing when the Court did not have her under her custody and
10 she wasn't here in the United States when she was out in
11 Syria committing terrorist crimes?

12 This woman said, I saw her son, who was
13 approximately 11 years old at the time, carrying an AK-47
14 rifle. We then interviewed an entirely separate witness.
15 This was a witness that I'll not reveal their name because
16 they testified in the grand jury. But this witness stated
17 to us during interviews that when she went to the
18 defendant's home in Syria in 2014, her other son, who was
19 approximately five or six years old at the time, was holding
20 a machine gun at her residence, and he stated, when
21 Ms. Fluke-Ekren said something to him that, "I don't want to
22 be like the kuffar."

23 This is all relevant, Your Honor, because you
24 know, as Your Honor knows from the statement of facts, she's
25 training over these 100 women and young girls to use these

1 firearms and explosives, but it doesn't end at this
2 all-female battalion, and it certainly didn't start there.
3 Even her own children, including younger males, she had them
4 armed with weapons when these witnesses were going to her
5 home.

6 I then talked to an entirely separate witness,
7 another minor who was trained by the defendant, and she's
8 listed in the statement of facts. And she indicated that
9 when she would go out in Syria, she saw that Umm Mohammed --
10 referring to the defendant -- had approximately a
11 ten-year-old son, and he was always armed with an AK-47
12 outside the home, that he was a member of the Cubs of the
13 Caliphate organization, and that at one point she saw him
14 alone purchasing a watch from a vendor in Syria while he was
15 armed with an AK-47 slung over his shoulder. These are not
16 the acts of a responsible mother, Your Honor.

17 In Iraq, as Your Honor knows, she assisted ISIS
18 personnel who were in charge of homes for widowed women
19 whose husbands died while fighting for ISIS, and ultimately
20 she became the leader of this ISIS military battalion called
21 the Khatiba Nusaybah.

22 Now, Your Honor may hear argument from the defense
23 about the fact that this venture initially started as a way
24 for girls to get training on other matters, you know,
25 cooking or martial arts or taking care of their babies,

1 other seemingly innocuous activities. But Leyla Ekren
2 described why the defendant would do that. And she said in
3 her letter that: "Step 1 was to have the defendant join a
4 terrorist group, such as Ansar Al-Sharia, Jabhat al-Nusra
5 and ISIS and ask for military funding. If they denied her,
6 then she would move on to Step 2, disguising her malicious
7 intents as good deeds, such as wanting to start a school
8 and/or teach people self-defense. And then once Allison got
9 her claws sunken into people, she would then start to
10 pervert her once innocent intentions and introduce
11 ideologies like the only way to self-defense is to attack
12 first. Allison's teachings included ideas of suicide
13 bombing yourself so that you don't get raped in the name of
14 self-defense. This narrative especially worked on
15 vulnerable, naive little girls. And Allison specifically
16 wanted to train little girls because she could groom them
17 into having a fear that she could use to control them, just
18 like she did to me."

19 Your Honor, what's unique about this case is that,
20 unlike many of the national security cases that you see
21 around the country and in this court, we're relying on
22 actual eyewitness testimony in this case. A lot of the
23 cases that Your Honor has seen and around the country,
24 they're relying on FBI undercovers, or information posted on
25 social media, or other forms of evidence. But, in this

1 case, Your Honor, you should have no doubt about what this
2 defendant was up to, because these were actual eyewitnesses,
3 including her own daughter who observed the defendant's
4 terrorist crime spree.

5 But there is additional corroborating evidence,
6 Your Honor, and I turned this over in discovery. In 2019,
7 coalition forces found a number of ISIS documents in Syria,
8 and a number of those documents related to this Khatiba.

9 And, Your Honor, if I can use the document
10 scanner, I can put this up on the screen so Your Honor can
11 see it.

12 THE COURT: All right. Defense counsel has a
13 copy?

14 MR. PAREKH: Yes, they have a copy, Your Honor.

15 THE COURT: All right. Go ahead.

16 MR. PAREKH: Your Honor, I'm first putting up
17 the -- this is the original document that I'm putting up,
18 and I'm going to put up the English translation, all of
19 which were previously turned over to defense counsel. It
20 bears all the hallmarks of an official ISIS document, it's
21 got the ISIS stamp. And the translation of this document --

22 THE COURT: Mr. Parekh, you need to stay at the
23 microphone.

24 MR. PAREKH: Yes, Your Honor.

25 THE COURT: Have your assistant help you with

1 that.

2 MR. PAREKH: Yes, Your Honor.

3 The translation of this document is now up on the
4 screen. And you'll notice that at the bottom it says:
5 Islamic State, Wilayah of Ar Raqqa, Office of the Wali.
6 And, of course, the Wali is listed in the statement of
7 facts. That's why I'm showing this to you, Your Honor. The
8 Wali is listed in paragraph 15 of the statement of facts.
9 It says: "Fluke-Ekren informed a witness -- Witness 4 --
10 among others, that she obtained authorization from the
11 Wali -- who is the ISIS-appointed mayor or governor of
12 Raqqa -- in order to establish a women's center."

13 And let there be no doubt who the leader was of
14 this center. She's admitted to it, but this is actual
15 battlefield evidence indicating from ISIS that the women's
16 office belongs to Umm Mohammed al-Amriki. And of course
17 that is one of the kunyas listed on the defendant's
18 statement of facts.

19 The second document, Your Honor -- I've put up the
20 original document, a copy of it, on the screen. It's in
21 Arabic. Again, it's got the ISIS stamp on it and bears all
22 the hallmarks of an ISIS document. It was recovered on the
23 battlefield in Syria by coalition forces. I'll now put up
24 the English translation, which, again, was previously turned
25 over to defense counsel before the defendant entered her

1 guilty plea.

2 And the reason I'm putting this up, Your Honor,
3 is -- again, let there be no doubt about what the purpose of
4 this battalion was. It wasn't for self-defense, and Your
5 Honor can see that. I'll read it into the record. This
6 page states -- and, again, it's a memorandum signed by the
7 Wali of Ar Raqqa. And it states and underlined that
8 another individual, who was part of the battalion: "Umm
9 Ahmad al-Afriqi states that she wants to be the first to
10 carry out a suicide operation."

11 There is nothing self-defense-related about
12 carrying out a suicide operation. The defendant is listed
13 in this particular document, it's indicated that she is
14 ready to help to teach the sisters how to drive. And as
15 Your Honor knows from the statement of facts, the defendant
16 admitted, on paragraph 19, that witnesses with firsthand
17 knowledge stated that the Khatiba Nusaybah also provided
18 certain members with instruction on physical training,
19 medical training, Vehicle-Borne Improvised Explosive Devices
20 Driving courses, among other training, and that some of this
21 training was directly provided by Fluke-Ekren.

22 This is a document recovered from the battlefield,
23 in addition to eyewitness testimony. And I just want to
24 emphasize how important it is to not let the narrative be
25 that she somehow was providing this training or organizing

1 this battalion for self-defense purposes.

2 THE COURT: All right. Now, for the record, the
3 first exhibit is Exhibit 1 to this sentencing proceeding.
4 This document will be admitted as Exhibit 2 to this
5 sentencing proceeding.

6 You'll need to make sure you've handed up copies
7 of the English translation, along with the Arabic. We'll
8 keep that as one exhibit, and then the second one the same
9 way. So these are each a two-page exhibit.

10 (Government Exhibit Numbers 1 and 2 admitted into evidence.)

11 MR. PAREKH: Yes, Your Honor. And I have a copy
12 for the Court right now, which I'm providing to the CSO.

13 And, again, I won't indicate the names of these
14 witnesses to preserve their confidentiality, Your Honor, but
15 much of the defense's argument in their sentencing
16 memorandum talks about her justification or excuses for
17 providing this training. And what I'm about to read to Your
18 Honor are excerpts from sworn testimony that was turned over
19 to the defense, and these are from witnesses listed in the
20 statement of facts.

21 Witness 6 in the statement of facts was
22 approximately 11 or 12 years old when she was first
23 militarily trained by Fluke-Ekren in Syria in approximately
24 2015. This is not the defendant's daughter. And so this
25 is -- these are more minors who I personally met who

1 testified under oath in the grand jury.

2 And it's important for Your Honor to hear this,
3 because, as Your Honor knows during the plea hearing,
4 Ms. Fluke-Ekren stated that we didn't intentionally train
5 any minors, any young girls in Syria.

6 That, Your Honor, was one of the most egregious
7 statements someone can make in a case like this, when the
8 actual gravamen of her conduct is doing exactly that. And
9 for her to say this in this court, in front of Your Honor,
10 illustrates that she's not capable of being rehabilitated,
11 and that until she's confronted with unimpeachable evidence,
12 she won't agree to her conduct, notwithstanding overwhelming
13 amounts of evidence that back it up.

14 So Witness 6 was 11 or 12 years old when she was
15 first militarily trained by Fluke-Ekren in Syria in 2015.
16 Fluke-Ekren sought and received permission from this minor's
17 mother to train her on behalf of ISIS, along with other
18 girls who were minors at the time. She taught her to use
19 this suicide belt against enemies of ISIS. This witness
20 stated, under oath, that Fluke-Ekren endorsed killing the
21 kuffar, or non-believers, meaning people who aren't ISIS
22 members. She knew her as Umm Mohammed al-Amriki. And this
23 particular witness, her dad died while committing a suicide
24 car bomb attack on behalf of ISIS. Again, this is a totally
25 separate witness. I'm not referring to the defendant's

1 daughter here. And Fluke-Ekren consoled and comforted her
2 after that suicide car bomb attack, told her that her dad
3 was martyred and that he would be a green bird in paradise.

4 And we've had this type of testimony in this court
5 before, Your Honor. I've had trials where this is
6 explained. And the witness explained it in her testimony
7 that in ISIS, martyrs that die for the cause, they're seen
8 as their souls are being carried by green birds into
9 paradise.

10 She took courses from Fluke-Ekren with her
11 approximately ten-year-old sister. "Courses," meaning the
12 training courses, military training courses. And when the
13 minor girls were hesitant, she testified under oath that
14 Fluke-Ekren would give them pep talks to motivate them. She
15 would sit next to them and whisper in their ears: You've
16 got to do this.

17 Training was important to Fluke-Ekren to protect
18 the land belonging to the Islamic State, and important to
19 die as martyrs in Syria and kill the kuffar. She told this
20 witness, as Your Honor knows from the statement of facts,
21 that she never wanted to return to the United States and
22 wanted to die in Syria as a martyr. That is, I believe, a
23 verbatim quote from the statement of facts. And that's
24 where we got it from; it's from the sworn testimony.

25 I asked her, did Allison Fluke-Ekren ever

1 criticize ISIS's goals to expand their land, kill the kuffar
2 or use violence to advance their murderous aims. And she
3 said that Umm Mohammed never did so. She never criticized
4 killings that ISIS would commit in furtherance of the
5 Islamic State. And she would chant: The Islamic State will
6 remain, including on the way to where she would take the
7 girls shooting.

8 This is even equally as sad, Your Honor. She told
9 these girls that she had a son who was in the United
10 States -- and we believe she was referring to Gabriel Fluke,
11 who's in the courtroom -- that if she had to pick who to
12 save, she would save the girls she was training with, and
13 that she was ashamed of him because he left overseas. And,
14 as Your Honor knows from his September 19th, 2022 letter, he
15 did leave Egypt, and he went back home, because he couldn't
16 take it anymore, given all of the things that he's indicated
17 she did to him.

18 And these are girls, Your Honor, that have never
19 met the defendant's son in the United States. And they're
20 recounting these stories, which corroborates all of the
21 other evidence -- relevant evidence about this that we've
22 accumulated. Allison Fluke-Ekren would chant "Allahu Akbar"
23 when she would hear about terrorist attacks that were
24 committed in the United States or Europe.

25 And, again, going to the self-defense claim, Your

1 Honor, this is sworn testimony from one of these girls. She
2 indicated that Umm Mohammed was happy when ISIS committed
3 the November 2015 Paris attacks -- as Your Honor knows,
4 that's one of the most heinous terrorist attacks committed
5 by ISIS, where over 130 people were brutally killed --
6 because she said she got her revenge for her Muslim brothers
7 and sisters.

8 And then she told this minor witness to not leave
9 the Islamic State in 2018, to have patience, and that she
10 would be rewarded for facing these difficulties with a
11 better place in paradise. And when she said that, she was
12 armed with an AK-47 and indicated that, through another
13 family member, she had a message communicated to Leyla that
14 she was dead, and she did that so the U.S. Government would
15 not try to find her. And Your Honor knows that's in the
16 statement of facts as well.

17 Totally separate witness, Your Honor. Another
18 minor girl that testified in the grand jury. She was young
19 at the time, she interacted with Fluke-Ekren in Syria.
20 She's listed as Witness 5 in the statement of facts. She
21 said that Umm Mohammed -- referring to Fluke-Ekren -- was
22 off the charts, and an 11 or a 12 on a scale of 1 to 10,
23 with 10 being extremely radicalized.

24 According to the same witness, she indicated that
25 Fluke-Ekren would seek to motivate her trainees by

1 explaining how female fighters can ensure the Islamic State
2 as kept alive by "helping ISIS expand and to remain" through
3 the use of weapons, including the firearms and the explosive
4 devices that I've already mentioned.

5 Another quote. She indicated that Umm Mohammed
6 "would really motivate by saying how they have been so
7 victorious, and that we can help them with this as women
8 because women have not had a role in this in keeping the
9 State alive." And, in that, she was referring to how
10 victorious ISIS had been, and the fact that, until now,
11 women had not had a role in the violence that was used to
12 keep the Islamic State alive to keep their land. And she
13 was using that to motivate her trainees.

14 So again, Your Honor, when you hear during the
15 argument that this was about self-defense or that she didn't
16 have these intentions, that can't be further from the truth.
17 And these are witnesses that are -- have testified under
18 oath and that are named in the statement of facts.

19 In effect, she became a warped visionary for ISIS,
20 because at the time she was stating all this, ISIS had not
21 yet put out its official publication -- which, again, is
22 listed in the statement of facts -- the hundredth issue of
23 al-Naba, which was distributed in 2017 in the fall where
24 ISIS urged women to fight on the battlefield alongside men
25 in order to defend the terrorist organization. And that's a

1 footnote in the statement of facts.

2 In effect, Your Honor, Fluke-Ekren's actions added
3 a new dimension to the darkest side of humanity. And to
4 paraphrase the late author L.M. Montgomery, the defendant
5 attempted to turn these children's lives into graveyards
6 full of buried hopes. And although the terror that
7 Fluke-Ekren struck in their hearts continuously haunts them,
8 she can no longer control them.

9 A number of the victims -- including the ones I've
10 mentioned, as well as her two children in this courtroom --
11 have regained their voice, along with their dignity and
12 respect that they rightfully deserve by standing up to the
13 defendant and helping us hold her accountable.

14 Now, just quickly going to the remaining factors,
15 Your Honor, the history and characteristics of the
16 defendant.

17 In her sentencing memorandum, she states that a
18 full appreciation of Ms. Fluke-Ekren, her background and the
19 factors that contributed to her coming before the Court is
20 critical, and discussed her history and characteristics as
21 told by her in an effort to "explain" her conduct for
22 mitigation purposes.

23 Let me be clear, Your Honor. There's nothing in
24 Fluke-Ekren's background that can explain her conduct, which
25 was driven by fanaticism, power, manipulation, delusional

1 invincibility and extreme cruelty. There's just no
2 justification conjurable by the human mind that can explain
3 her terrorist crime spree.

4 She described in her sentencing memorandum her
5 childhood as lonely, insulted the character of her parents,
6 and, at one point, called her father fake, among other
7 things. But, as Your Honor knows, she had a sibling who was
8 only about a year or two younger than her. He grew up on
9 the same picturesque farm in a bucolic environment in
10 Overbrook, Kansas. We visited the defendant's childhood
11 home in preparation for this hearing. It's a beautiful farm
12 located on an 81-acre property. I've turned over pictures
13 to the defense and to the probation officer.

14 And her parents reported quite the opposite about
15 her history and characteristics. They said that she and her
16 now 41-year-old brother were raised in a loving and stable
17 home where all of their needs were met. She grew up
18 actually with role models who sacrificed in service to this
19 country. Her grandfather was in the Navy during World War
20 II on the USS West Point moving troops across the Pacific
21 Ocean. And her father served in Vietnam as a U.S. military
22 advisor to the Vietnamese Army strike force. Her mother is
23 a retired teacher.

24 And as Your Honor knows from the statement of
25 facts, this is a highly-educated defendant. She went to the

1 University of Kansas, she studied biology, she received a
2 teaching certificate from Earlham College, so she had some
3 graduate-level education. And her parents noted that she
4 was actually surrounded by family and friends who cared for
5 her.

6 Given her intelligence and status as gifted
7 children, they sent her and her brother to Topeka
8 Collegiate, which is a secular school where students'
9 standardized test scores placed them among the
10 highest-achieving independent school students in the nation.
11 And her parents paid this tuition, despite their modest
12 finances.

13 And turning back to her brother, that's her only
14 sibling. He grew up with the same parents, in the same
15 home, with the same educational opportunities, but yet she
16 now stands before this Court as a convicted global
17 terrorist, and he has a very successful profession as an
18 information technology professional outside of the state of
19 Kansas.

20 Her father told me, when I went to her childhood
21 home, "Allison is fortunate she is not being judged by the
22 people who know her best." They asked me to tell Your Honor
23 that she should be given the maximum penalty for her crimes
24 so that she has no chance to hurt anyone else and lie to the
25 world. They say that "give her 20 years. She destroyed

1 lives left and right. And if the Judge could send Allison
2 to prison for a life sentence, she should."

3 Her stepmother said that she's a very dangerous
4 woman who put her children through such harrowing
5 circumstances, and that if she could put her kids through
6 such harrowing circumstances, what else could she do?

7 And her father summed it up by saying, you know,
8 the Fluke, Ekren and Brooks families don't deserve to have
9 their names attached to my own daughter, and she should
10 instead be referred to as Allison of Raqqa.

11 Her mother indicated: "Isn't there any way you
12 could send her to jail for the rest of her life?" This is
13 her own mother saying this about her.

14 Her brother indicated that she had leadership
15 qualities and was very intelligent. That was evident in her
16 ability to speak multiple languages. She had potential, but
17 it was to the wrong ends, and she made terrible choices that
18 are not defensible, which included putting her kids at risk.
19 And if it was up to her brother, she would be an accessory
20 to the death of her child. And he also supports the maximum
21 sentence of 20 years for his sister.

22 I'm not going to repeat Gabe and Leyla's letters
23 to the Court. Your Honor has now made them part of the
24 public record.

25 But one of the other things that she mentions is

1 that her husband -- second husband, was the driving force
2 behind her terrorism conduct. I believe you may hear some
3 of that in the sentencing argument. But as Your Honor knows
4 from our sentencing position, it was actually the other way
5 around. Her own parents indicated that Fluke-Ekren
6 radicalized her second husband who, of course, as Your Honor
7 knows, ultimately ascended through the ranks of ISIS and
8 became the emir of ISIS snipers in Syria.

9 And according to Allison -- the defendant's -- own
10 father, her second husband, was good and faithful, kind and
11 generous to everyone while the couple lived in Kansas. Her
12 mother called him a gentle person and noted that he did not
13 have the same drive to excel as Fluke-Ekren did. This is
14 someone who became the leader of ISIS snipers in Syria, and
15 the defendant's own parents are indicating, actually, she
16 radicalized him, and he was kind and gentle before she
17 influenced him.

18 Even her former longtime friend indicated to
19 myself, the FBI and the probation officer who participated
20 in the interview, that she drugged her second husband using
21 Adderall to make him focus on what she wanted him to do,
22 that she led him, and that it was no secret that Fluke-Ekren
23 was the brains behind all things, and that she was
24 undeniably the alpha in their relationship.

25 Your Honor may hear that there was an unfortunate

1 incident that occurred between the defendant and her second
2 husband in 2005; however, as we stated, that single
3 incident -- a domestic violence incident that ended up
4 resulting in a diversion agreement -- occurred over three
5 years prior to her initial travel overseas in 2008, over six
6 years before her involvement in the aftermath of the
7 Benghazi terrorist attacks in 2011 [sic], approximately nine
8 years before the earliest ISIS-related conduct set forth in
9 the statement of facts, and 14 years prior to the end of the
10 ISIS-related conduct in 2019 charged in this case.

11 The point, Your Honor, is the incident is entirely
12 unrelated to Fluke-Ekren's vast terrorism-related conduct
13 that occurred years later and continued nearly unabated
14 throughout her time overseas.

15 Leyla, who's in the courtroom, also indicated that
16 "my mother controlled her second husband." Her second
17 husband was Leyla's father. So if there's anyone who knows
18 who controlled whom, it's the defendant's daughter. And
19 she's saying it was the other way around, that my mother
20 controlled my father, and he actively disapproved of what
21 she was doing in terms of starting a battalion and would
22 often get in the way. And Leyla stated, "this is why the
23 most successful attempt of Allison's battalion, Khatiba
24 Nusaybah, was after he had already died." And that's in the
25 PSR at page 51.

1 Turning to affording adequate deterrence to
2 criminal conduct. It's no surprise, Your Honor, that our
3 argument is that her horrendous criminal conduct should be
4 this Court's lodestar in imposing the statutory maximum
5 sentence of 20 years imprisonment in this case, both for
6 specific and general deterrence purposes.

7 As for a specific deterrence, as Your Honor will
8 soon hear, she had access to a phone and the Internet during
9 the time that she spent committing terrorist attacks abroad,
10 dating back to 2011 and continuing until last year. And the
11 Government does not have any evidence that she ever
12 contacted any U.S. authorities to turn herself in as a
13 member of ISIS.

14 The defense is using the statement of facts in
15 this regard. And I just want to be very clear about this,
16 Your Honor. We stand by the statement of facts. There's no
17 argument whatsoever about what's being written, but we have
18 to be very careful about not parsing out the words in this
19 document to have it mean something that it does not say.

20 In the document, the vast majority of the document
21 either indicates that Fluke-Ekren told these witnesses the
22 things stated in the document, she did these things, or,
23 according to a witness, these things happened.

24 But when it comes to this whole notion of turning
25 herself in, paragraph 23 of the document indicates that

1 "Fluke-Ekren also stated that she informed the local Syrian
2 authorities in 2021 that she was an American and wanted to
3 leave Syria at that time. Fluke-Ekren further stated that
4 approximately two weeks later, she was taken into custody."

5 That was very purposeful, Your Honor, because
6 those are statements from her. That is what she told us
7 after she was arrested, she was Mirandized, she was
8 interviewed by the FBI. Those are her own self-serving
9 statements. And she wanted that in the statement of facts,
10 we put it in there.

11 But let's be clear, we don't have any
12 corroborating evidence that she turned herself in. In fact,
13 the audio calls that Your Honor will soon hear indicates
14 quite the opposite. We don't disagree that she stated these
15 things to the FBI during the interview. And that's what the
16 statement of facts is referring to, that she made these
17 claims, she stated that she turned herself in.

18 But if she wanted to turn herself in, Your Honor,
19 one must ask the question, why isn't she contacting the
20 Government where she was born, the United States? The
21 country where she left. The country that she was once proud
22 to call herself a United States citizen. She's still a
23 United States citizen. Why isn't she contacting the
24 authorities in the United States? So I just want to be very
25 clear that the statement of facts indicates her version of

1 events and that she stated those things; not that we are
2 corroborating those claims of turning herself in. So that's
3 very important for specific deterrence purposes.

4 And we'll get to the calls in a moment, Your
5 Honor. But on the calls -- last year on a recorded call
6 that I'll play in court today, she states that, until the
7 very end, she begged to remain and fight on behalf of the
8 callous terrorist organization, even if it meant abandoning
9 all of her children in Syria.

10 Now, I'm paraphrasing, but Your Honor will hear on
11 the call, and the words speak for themselves. But the calls
12 indicate that she was a fervent ISIS leader until the very
13 end, and that when she had the opportunity to turn herself
14 in, she could have told her daughter. She was speaking to
15 her daughter, who's in this courtroom, who was in the United
16 States. She could have said, hey, I've got to get out of
17 here, I've got these kids, help me get out of here. Her
18 daughter even tells her that the FBI spoke to me. But she
19 does no such thing, and Your Honor will hear that in a
20 moment. So, Your Honor, we believe that she's incapable of
21 being deterred, and imposing the statutory maximum sentence
22 would recognize that.

23 Additionally, given the extremely serious nature
24 of this case, which has been closely followed in this
25 district, nationwide and around the world, the general

1 deterrence value in imposing a statutory maximum sentence is
2 significant.

3 Occasionally, Your Honor, a case comes along that
4 has the ability to reach audiences nationwide and worldwide.
5 The Eastern District of Virginia has seen, perhaps, a higher
6 number of these cases than other courts and has been
7 arguably -- has arguably amassed more experience in handling
8 terrorism cases than any other federal court dating back to
9 the Zacarias Moussaoui prosecution.

10 But it's not every day that these cases come
11 along, and those that truly have the ability to carve their
12 place in history by exposing the atrocities of the defendant
13 on a global scale, those are the types of cases where the
14 general deterrence value can work the most. And this is one
15 of those cases, Your Honor. And we believe that imposing
16 less than the statutory maximum sentence in this case, with
17 the egregious and horrific facts like this one, will detract
18 from that unique deterrence message.

19 Your Honor knows there are cases day in and day
20 out in this courtroom. They're all important, but how many
21 of these cases are like this one that, truly, whatever Your
22 Honor decides to do today, it will be carved in history?
23 Individuals will know about it today, and they'll know about
24 it for decades and decades to come. And anything less than
25 the statutory maximum, we believe, would lead to questions

1 from the public, given the statement of facts and given all
2 the conduct that we're describing today.

3 But imposing the maximum sentence will send an
4 unmistakable message that terrorism is a scourge on the
5 entire international community, and that these unfathomable
6 acts of terror and cruelty will be met with full
7 accountability in our courts. For any terrorist who seeks
8 to harm the United States, the passage of time will offer
9 you no escape. And that's the message Your Honor will be
10 sending by imposing a statutory maximum sentence in this
11 case.

12 Turning to unwarranted sentencing disparities,
13 I've described that in the sentencing memorandum. But, put
14 simply, Your Honor, there is no comparable ISIS case in this
15 district to this defendant that did not involve murders.

16 The sheer breadth, scope and egregious nature of
17 her crimes makes this case unique. As Your Honor knows,
18 it's the first prosecution in the United States of a female
19 ISIS military battalion leader. Her acts of terror spanned
20 at least eight years across multiple war zones, from
21 Benghazi to Raqqa, and involved the devastating exploitation
22 of her own daughter to further her terrorism-related goals,
23 among numerous other children that she coerced to take this
24 military terrorism training.

25 And she's also, Your Honor, among the eldest

1 material support defendants to come before this Court for
2 any terrorist organization. I know Your Honor stated in the
3 Nicholas Young sentencing that at the time -- he was
4 38 years old at the time of the original sentencing. And
5 that's a factor that Courts can take into consideration
6 because "older people are expected to be a bit more mature
7 in their approach to things."

8 Well, this defendant is now the oldest ISIS
9 defendant to have ever been prosecuted in this district.
10 And unlike the vast majority of ISIS defendants who have
11 been prosecuted nationwide, she successfully traveled to
12 ISIS-controlled territory and committed crimes in Syria on
13 behalf of ISIS from 2014 through in or around May of 2019.

14 Most defendants, Your Honor knows, not just here,
15 but nationwide, thankfully, they're arrested at the airport
16 before they can commit their crimes, and Courts sentence
17 them on a routine basis based on what they intended to do.
18 Those are attempted material support cases. And we've had
19 those cases here, right, where defendants will get in their
20 car, they'll drive to the airport, they'll tell an FBI
21 undercover online what they had planned to do if they make
22 it to Syria. But, thankfully, they don't make it to Syria,
23 and they still receive lengthy sentences.

24 You know, in other courts nationwide, some of
25 those defendants have been maxed out, have been given 20

1 years of imprisonment, including the two individuals that I
2 mentioned in the sentencing memorandum, Bernard Augustine
3 and Zakaryia Abdin. Augustine was in the Eastern District
4 of New York; Abdin was in the District of South Carolina.
5 Those are fairly recent cases. Both courts there imposed
6 20 years of imprisonment, despite the fact that those
7 individuals were young. They were as young as 18 and
8 20 years old. And they were not ISIS leaders, nor did they
9 successfully travel to ISIS-controlled territory.

10 I actually worked on the Bernard Augustine case
11 and helped EDNY charge that case. Make no mistake, he
12 deserved those 20 years, but that case was very different to
13 this defendant. He actually never made it anywhere in
14 ISIS-controlled territory and never had the opportunity to
15 do anything for ISIS. Here, Your Honor has page after page
16 of someone who successfully joined a terrorist organization,
17 joined other terrorist organizations, and did a multitude of
18 terrorist acts on behalf of those organizations.

19 Additionally, I'm aware -- unaware, Your Honor, of
20 any other material support case in this court that involved
21 a defendant using their own child in furtherance of
22 terrorist acts or for any other purpose.

23 Of course sentencing is individualized for each
24 defendant. And, here, the defendant's conduct is set forth
25 in the statement of facts. It leads to the inescapable

1 conclusion that she should be sentenced to the maximum
2 penalty under the law.

3 Just a few more points about this, because it was
4 raised in the defense's sentencing memorandum. You know,
5 they claimed that it would send the wrong message if you
6 imposed the stat max because she pled guilty and came back
7 to the United States.

8 One, again, Your Honor, we don't have any
9 corroborating evidence that, you know, she turned herself
10 in. That's what she stated. She was captured by other
11 foreign authorities and ultimately turned over to the United
12 States. She could have come back at any time, right,
13 between 2011 and 2021 on her own. She never did.

14 Two, she received a huge benefit from pleading
15 guilty. And she's not doing this for altruistic purposes,
16 such as, you know, having her daughter not testify against
17 her; this was about the benefit that she received. She
18 pleaded guilty to one count. We didn't overcharge this
19 case, Your Honor. When I was a young prosecutor in your
20 court, that's one of the things I learned. If you've got a
21 good case and it's strong and you've got the evidence, no
22 need to overcharge the case. Trust the justice system.
23 Trust that the Courts will do the right thing.

24 And, here, we could have insisted on her pleading
25 guilty to numerous counts. We could have, quite frankly,

1 charged the mandatory minimum. 18 U.S.C. 2339D is receiving
2 military training on behalf of a terrorist organization, and
3 it requires a Court to impose either probation or ten years.
4 There's no middle ground. But we didn't do that because,
5 here, the conduct speaks for itself.

6 Yes, she was willing to plead guilty, and, you
7 know, that's something that should be considered. But
8 ultimately Your Honor should weigh that against all of the
9 aggravating factors in this case and the conduct itself and
10 the fact that we didn't just insist on a trial. And we
11 don't want to create those incentives, right, for younger or
12 less experienced prosecutors who say, well, look what they
13 did in that Fluke-Ekren case. You know, she got less than
14 20 years for that egregious conduct, so, no, I'm not going
15 to give a plea offer. Let's just go to trial. And then
16 that way the Court can say, well, this defendant went to
17 trial. We don't want to create those incentives, and we
18 didn't in this case.

19 And we also don't want to create venue shopping,
20 Your Honor. I pointed out a couple of those cases where
21 much less egregious facts have led to statutory maximum
22 sentences. We're the leader in terrorism cases, Your Honor.
23 We don't want to create the impression for the public, for
24 law enforcement, for anyone, that, you know, these cases, if
25 they come to the Eastern District of Virginia, they're going

1 to be given less harsh penalties.

2 In fact, Your Honor stated quite the opposite
3 during the Nicholas Young sentencing and said, if you aid a
4 terrorist organization, people have to know that, at least
5 in this district, there's a very harsh penalty to be paid.

6 And in this type of case that is so well known and
7 will continue to be well known throughout history, imposing
8 less than the stat max, we believe, will lead to questions
9 and may, in a perverse way, incentivize other people to come
10 to the Eastern District of Virginia. Which we don't want to
11 happen, because they may think that they're going to get a
12 lighter sentence when they view their conduct vis-a-vis this
13 defendant's conduct.

14 She also didn't cooperate, Your Honor. And so --
15 she repeatedly lied to the U.S. Government. And so this
16 whole notion that, well, you're sending the wrong message if
17 you give her the stat max because then other individuals may
18 not want to turn themselves in. She didn't turn herself in;
19 she didn't cooperate. If she did those things, then
20 maybe -- maybe -- we would have something to talk about.
21 But this would create the wrong message, because it would
22 show that other terrorists who commit egregious crimes can
23 come back here and not cooperate.

24 I mean, this defendant probably is a gold mine of
25 intelligence, given all the time she's spent overseas, all

1 the things that she's learned by ascending to the higher
2 echelons of ISIS, all the people that she's met, all the
3 co-conspirators that she trained. But she didn't cooperate,
4 and so she shouldn't be given credit for, in that sense, to
5 receive a less than a statutory maximum penalty, and we
6 think the opposite message will be sent if she was given
7 less than that 20 years.

8 Your Honor, to turn to the PTSD diagnosis. We
9 filed a memorandum on that, so I won't repeat those
10 arguments. But, very tellingly, Your Honor, the expert did
11 not review any of the numerous 2021 audio recordings between
12 the defendant or her daughter, or so it appears. She listed
13 a lot of the interviews that we turned over, but she didn't
14 list any of the audio recordings between the defendant and
15 her daughter, including the ones that I'm going to play
16 today.

17 It appears from the report that the expert did not
18 even attempt to speak with the defendant's father, mother,
19 stepmother, the two children that are here in this
20 courtroom, or any of her friends, including her former
21 longtime friend who spoke to the U.S. probation officer.

22 In fact, we would have gladly helped set up those
23 interviews for this so-called expert if we were contacted.
24 It would have been up to the family members, and it would
25 have been up to Leyla and Gabe, but there was zero advance

1 notice of this report. The expert didn't take the time to
2 interview the people who know her best. And then she even
3 writes in her report that: "This report reflects my
4 professional opinion at the time of this writing based on
5 the data sources listed earlier in this report. My opinion
6 is subject to change should new information become
7 available."

8 The report also conveniently says nothing about
9 Fluke-Ekren's terrorism conduct in Egypt, Libya or Iraq, and
10 focuses solely on Syria. And even that, it does nothing to
11 explain or justify her conduct in Syria. There's no
12 coercion, domestic violence, diminished capacity or any
13 other mitigating circumstance in the report for why the
14 defendant engaged in this heinous conduct, nor could there
15 be.

16 And if she's now exhibiting PTSD, it is a direct
17 consequence of her voluntary choices, including supporting
18 multiple terrorist organizations overseas, training over 100
19 women and young girls to kill, aspiring to commit attacks
20 against the United States, and moving her children across
21 several war zones while evading capture for over a decade.

22 And as you will soon hear from her daughter,
23 Leyla, Fluke-Ekren began making a video out of the corpse of
24 her dead five-year-old child when he was killed by a tank
25 missile strike at their home in Syria. That does not

1 reflect the behavior of someone who was "shocked by the
2 horrors of war," as the defendant stated in her sentencing
3 memorandum. She gravitated toward it. She was attracted to
4 death and destruction and sought to capitalize on its
5 aftermath. And, Your Honor, we believe that the Bureau of
6 Prisons is well equipped to provide treatment for her
7 physical and mental needs.

8 And, you know, one thing we do agree with is that
9 if she is eligible for the Resolve Program -- which the
10 expert mentions in her report -- as determined by the Bureau
11 of Prisons, then she should take advantage of it. In fact,
12 FMC Carswell in Fort Worth, Texas is an administrative
13 security prison within BOP that may be suitable for
14 Fluke-Ekren. Convicted female terrorist Aafia Siddiqui is
15 housed there, for example. But just as we defer to the BOP,
16 we would ask that the Court defer to the BOP without making
17 any sentencing recommendations in this case. She can obtain
18 the mental health treatment in any BOP facility in which she
19 is designated and need not receive any special treatment
20 given the callous and repugnant conduct in which she
21 engaged.

22 Now, just ending, Your Honor, the last section is
23 promoting respect for the law, providing just punishment for
24 the offense, and ensuring that the defendant does not commit
25 further crimes and that the public is protected from further

1 crimes of the defendant.

2 I've already talked about how her actions
3 demonstrated an utter lack of respect for the law and human
4 dignity in our sentencing position. We've listed examples,
5 including her attempt to mislead this Court under oath.
6 Again, she says: "You know, Your Honor, just -- the only
7 thing I would say is that we didn't intentionally train any
8 young girls. They may have been in attendance, but I
9 can't -- but --"

10 And, Your Honor, this statement did not have a
11 scintilla of truth to it. She intentionally began training
12 her own daughter, as you will hear. These other girls who
13 were listed in the statement of facts were, of course,
14 intentionally trained. You don't unintentionally train
15 someone with a suicide belt. You don't unintentionally
16 train a minor to kill the kuffar. It just has no ring of
17 truth to it whatsoever.

18 She told the probation officer that when she was
19 talking to her daughter in Syria, that "she did not know she
20 was wanted by the authorities." That's a quote. It's in
21 the PSR, paragraph 107. She was "at a crossroads" and "did
22 not know she was wanted by authorities." She was talking to
23 her daughter at the end of 2020 and in 2021. For her to
24 tell the probation officer she didn't know she was wanted by
25 the authorities after she had done all of the acts that are

1 in the statement of facts is truly incredible in the worst
2 way.

3 I'm now, Your Honor, going to play the recorded
4 voice messages. I've handed up transcripts that are
5 prepared just for aid purposes. I've provided a copy to the
6 defense.

7 And if we can first start with the first
8 recording, which is January 4th, 2021. It's a very short
9 recording.

10 THE COURT: All right.

11 (Audio played.)

12 MR. PAREKH: So, Your Honor, that was a recorded
13 call on January 4th, 2021. It was between the defendant and
14 her daughter, Leyla, who is in this courtroom.

15 And, Your Honor, that's how much pain and anguish
16 Fluke-Ekren inflicted on her daughter. The depth of harm
17 that she caused is so great that her own daughter recorded
18 her in an effort to help us locate and capture her.

19 She's in Syria at the time. She says initially,
20 of course I'm wanted. And then you can sort of see what
21 Leyla and Gabe were talking about in their letters in terms
22 of the emotional manipulation that she uses when she says:
23 "That's good. That's very good. And you're doing great,
24 Ley. I'm proud of you. You be smart right now."

25 You know, she just talked about how the FBI was

1 questioning her and how they were looking to get American
2 citizens, you know, who were over there, and that's how she
3 responds. And she ends it with: "You'll be fine the day
4 you come back here." Knowing the pain and anguish that she
5 caused her daughter. At this point, her daughter, as you'll
6 hear, has been raped by an ISIS fighter, she came back to
7 the United States, had gone through unbelievable trauma.

8 And, by the way, the Court -- one must ask itself,
9 why didn't she leave with her own daughter? Her daughter
10 was back in the United States in 2017. That's when I met
11 her, weeks within her coming back, and her mother's
12 remaining in the Islamic State stronghold. She left her own
13 daughter to go back, and now she's telling her, "you'll be
14 fine the day you come back here. And you come. You don't
15 belong there."

16 The next call is a call between -- it's just
17 Fluke-Ekren telling Leyla, her daughter, a message. And
18 that's a call on January 21st, 2021. Again, just last year.

19 We can play that call now.

20 (Audio played.)

21 MR. PAREKH: As the defense knows, right before
22 this call she tells her daughter she loves her, and then she
23 tells her to delete everything. It is illustrative of the
24 emotional manipulation that she uses on her own children.

25 And this is last year, Your Honor. This is,

1 arguably, obstruction. They just had a conversation a few
2 weeks prior where she says: "Am I wanted? Of course I'm
3 wanted." And now she's saying that she knows that the
4 messages between the two of them can get her and the kids
5 and everybody in prison immediately.

6 And the reason for that, Your Honor, is that she's
7 describing to her daughter generally where she's located in
8 Syria. At one point she sends her daughter a video of her
9 home, and she realizes that if that got out and that was
10 captured by law enforcement, that that could lead to her
11 capture. So she's instructing her own daughter to delete
12 everything and to engage in these obstructive acts.

13 The last call, Your Honor, is a little bit longer.
14 I'll start it at three minutes and approximately 21 seconds.
15 It will be about four and a half minutes long. The
16 transcript, for the Court's purposes, it will start on
17 page 4. The defense has the entire call, but in an effort
18 to save time, I'll start it at three minutes and 21 seconds,
19 please.

20 (Audio played.)

21 MR. PAREKH: Just to put context for this last
22 recorded call, Your Honor. This was just last year. The
23 date is January 24th, 2021. And the call starts out -- the
24 portion that we didn't play, just to save time, the call
25 starts out with Leyla asking her about how she felt leading

1 the Khatiba, referring to the ISIS battalion where she was
2 the leader and organizer on behalf of the terrorist
3 organization. And she asked her: "How did that feel?"

4 And if I had to guess, you know, the defendant --
5 or the defense may get up here and say, no, I was talking
6 about how, you know, Leyla's daughter was at the time. That
7 can't be further from the truth, Your Honor. Your Honor can
8 see that from the actual words that the defendant uses.

9 Leyla asks her specifically about the ISIS battalion, and
10 then she tells her this is really devastating in terms of,
11 you know, the core thinking that she has any ability to
12 rehabilitate herself or that she feels any kind of regret.
13 Because in the event that she decides to allocute today --
14 and that's her choice, she's not required to, but it's my
15 understanding that she might -- I would like these words to
16 be recognized, and they're chilling. Which is that she says
17 that: "I was devastated when I left, Leyla. I cried, and I
18 begged Abu Mariam to let me stay." Abu Mariam is the
19 defendant's fourth deceased husband. Meaning he's now
20 deceased, fourth husband. Her first husband, of course, is
21 not deceased.

22 But this comes -- she marries her second
23 husband -- and it's no coincidence that all of these
24 husbands are leaders of ISIS; right? Her second husband
25 ascends to become the sniper emir of ISIS in Syria. Her

1 third husband was working on a project involving drones for
2 ISIS where he was seeking to commit attacks outside of the
3 United States [sic]. And then another project was to attach
4 chemical weapons on drones on behalf of the Islamic State.
5 And then the husband she marries after that husband dies is
6 Abu Mariam. And she says, in her own words, despite what
7 she says today, this is last year on this recorded call,
8 that: "I begged Abu Mariam to let me stay."

9 He's listed in the statement of facts, not by
10 name, but now you know his name, as the ISIS military leader
11 in charge of defending Raqqa. Because, at the time,
12 Raqqa -- there was the siege where the SDF was advancing on
13 the ISIS territory, and they were seeking to reclaim land
14 back with the Islamic State. And so Abu Mariam, her fourth
15 husband, is an ISIS military leader in charge of ISIS's
16 defense of Raqqa. She's saying: I begged Abu Mariam to let
17 me stay. And then when he said no, I begged. And he said,
18 you have all these kids. I told him, take my kids; let me
19 stay.

20 So any notion that this defendant cares about her
21 kids is belied by the very words in this recording. Her own
22 words. Her own chilling words. She's telling this ISIS
23 military leader to let me stay, and he's even saying, you're
24 too extreme for me. And that's a common theme throughout
25 the defendant's time overseas. She's consistently rejected

1 by terrorists who say, listen, that's too extreme, you've
2 got to go, you've got all these kids. And she's saying on
3 this call, I begged him, let me stay. I told him to take my
4 kids. These are her own kids that she's saying in this
5 call, I told him to take my own kids.

6 And then she talks about how you can't give up.
7 And, again, it's even more horrific that she's describing
8 this to her own daughter. You can hear -- her kids are
9 wailing in the background; she's doing nothing. And then
10 she says: "You don't lose when somebody dies." I'm not
11 sure how that can be interpreted as anything but reflecting
12 her deeply-committed Jihadist mindset.

13 And then, finally, at the end, she says: "And
14 when you lose something because you are doing something that
15 you believe in, like Ahmed, for example, or your dad."
16 Ahmed, as Your Honor knows from the PSR, is the middle name
17 of her five-year-old child who was killed by that tank
18 missile strike. The one where I believe Leyla will describe
19 she was making a video out of his corpse in order to use it
20 as an ISIS propaganda video to motivate her trainees -- the
21 ones that she was training on behalf of ISIS with the
22 firearms and explosives. She says: When you lose something
23 because you were doing something you believe in, like Ahmed,
24 for example, or your dad.

25 What is she doing that she believes in involving

1 her five-year-old son? She's with ISIS, and she's training
2 people. And so the fact that she lost her five-year-old son
3 or she lost Leyla's dad, who died while doing reconnaissance
4 on a hill attempting to commit a terrorist attack on behalf
5 of ISIS, this is deeply reflective of her mindset. And she
6 ends it by saying: Then you don't really feel regret. You
7 don't feel regret. You feel sad, but you don't feel regret.

8 Your Honor, these are her own words from last
9 year. And this is what she's saying when the Court's not
10 listening, when the public's not listening. This is what
11 she's saying on these recorded calls with her own daughter
12 that she thought was private, and that reflects more than
13 anything that she or the defense could possibly say today.

14 I'm now going to conclude, Your Honor. In terms
15 of protecting the public from further crimes of the
16 defendant, I've talked about her exceptionally serious acts
17 of terror across multiple organizations in Libya, Iraq and
18 Syria for a span of at least eight years; I've talked about
19 everything in the statement of facts and the fact that she
20 placed her own reverence for terrorism above her own
21 children.

22 Put simply, Your Honor, this defendant left a
23 trail of betrayal, led an ISIS battalion for a terrorist
24 organization that is unmatched in its cruelty and violence,
25 and plunged herself even further into the dark abyss by

1 inflicting surreal horror upon children, including her own.
2 Every member of her family with whom we spoke, including her
3 mother, father, stepmother, brother and her two children in
4 this courtroom have requested the maximum punishment in this
5 case.

6 THE COURT: All right.

7 MR. PAREKH: That type of uniformity in seeking
8 the maximum allowable sentence under the law from the
9 defendant's own family members is exceptionally rare, if not
10 unprecedented. Based on our own careful considerations of
11 the sentencing factors, we respectfully agree with that
12 request and ask that you impose the statutory maximum
13 sentence of 20 years imprisonment in this case. Thank you.

14 THE COURT: All right.

15 Mr. King.

16 MR. KING: Thank you, Your Honor. May it please
17 the Court.

18 I wanted to address a few items from the United
19 States's sentencing argument. One is whether
20 Ms. Fluke-Ekren turned herself in. She maintains that she
21 did. She brought herself to the attention of Syrian
22 authorities in June of 2021, and that resulted ultimately in
23 her extradition to the United States. And the United
24 States, in its proffer today, has provided no evidence that
25 that is not the case.

1 How else was she found unless she brought herself
2 to the attention of the Syrian authorities? It seems like
3 that would be the most logical explanation. If she was
4 really able to maintain herself out of reach of law
5 enforcement for more than a decade, why couldn't she have
6 just continued with that? I think that her explanation
7 there that she brought herself to the attention of the
8 Syrian authorities is true.

9 And with regard to her statement, following up on
10 this, to the probation officer that she did not know that
11 she was wanted, there is no way that she could completely
12 know that she was wanted and that there was an under-seal
13 criminal complaint from the Eastern District of Virginia.

14 And, in fact, when we listened to the call that
15 was played by the Government, the January 4th, 2021 call,
16 her daughter, Leyla, is trying to assuage her concerns that
17 she is wanted, telling her that she has not heard about her
18 mother being inquired about by the authorities for a long
19 period of time. So that is a completely reasonable
20 statement that she made to the probation officer that she
21 did not, in fact, know.

22 Now, certainly she suspected that she was wanted,
23 and so she knew when she brought herself to the attention of
24 Syrian authorities -- which is the same as turning herself
25 in -- saying that she's an American, that there's a great

1 chance that she's going to be taken into custody ultimately
2 or be transferred to the custody of the American government.
3 And that, in fact, happened. And she should be given credit
4 for that.

5 She is not like the case that was recently before
6 the Court where somebody fought extradition -- not in this
7 particular courtroom -- for a number of years. You know,
8 she went -- brought herself to the attention, and then all
9 those things followed where she ended up in a Turkish
10 prison, and then she was transported here.

11 I just wanted to address very briefly some of the
12 context to the last call that the Government played. I
13 believe that was from January the 21st, 2021 between
14 Ms. Fluke-Ekren and her daughter. The beginning of the call
15 was not played, but the Government did summarize what --
16 some of the statements that were made in there where
17 Ms. Fluke-Ekren is begging her husband at the time, Abu
18 Mariam, not to -- not to leave Raqqa or not to be taken out
19 of Raqqa.

20 Ms. Fluke-Ekren indicates there was a lack of
21 context that the Court has not been provided, that there's
22 other background that's really important. Is that Abu
23 Mariam did want to leave with Ms. Fluke-Ekren -- ultimately
24 he was not in Raqqa at the time of the siege -- and take the
25 children to another location.

1 She did not want to leave with him at that time
2 because Leyla wouldn't leave. She wanted to stay there and
3 get Leyla out. But, ultimately, that didn't happen, and
4 they became separated. That's context that the Court
5 doesn't have with regard to that phone call.

6 A few other things that we wanted to address with
7 regard to the Government's presentation. Government's
8 Exhibit 1, which is a document indicating the formation of
9 the Widow's Bureau in January of 2017 -- I'm sorry, of the
10 Khatiba. That is under the Widow's Bureau; it's not under
11 the military arm of ISIS. And it's our position that
12 indicated -- said it was not an offensive organization.

13 With regard to Government Exhibit 2, that's from
14 December of 2016, Umm Ahmad al-Afriqi, the defendant
15 indicates that that's not her; that's somebody else. And
16 maybe their vision of the Khatiba Nusaybah would be
17 something different and would be offensive, but that wasn't
18 Ms. Fluke-Ekren's view of it. She says that that's not her,
19 and that is a document that's been taken out of context.

20 I wanted to go back just very briefly and just
21 address the -- or mention some things about the abuse
22 allegations but not go into them, except to say that now
23 that these have been reported in the press and that she's
24 not had -- she didn't have the resources or ability to rebut
25 all these here, is that this is going to multiply her

1 punishment, as the Court had indicated. These are also
2 statements that are going to be in the PSR that's going to
3 follow her to the Bureau of Prisons. This may place
4 Ms. Fluke-Ekren at an increased risk from other inmates.
5 This is printed on the Internet. People are going to see
6 this for purported crimes against children or otherwise make
7 her a pariah. And also it's going to have more impacts in
8 that the punishment is just not going to stop.

9 The -- as the Court may be aware is that there are
10 six children that left with Ms. Fluke-Ekren from Syria, and
11 we're going to present a few pictures of them later on in
12 the presentation with regard to their home life there. And
13 there has been a custody case that's been going on in
14 Loudoun County, and the Court there decided, in the Circuit
15 Court, to place her children in foster care. But it's not
16 for any lack of care, it's not for any abusive conduct
17 toward them. All indications are that those children were
18 very healthy, they were very well treated.

19 I believe that I saw CPS documents indicating that
20 when they came off the plane after they were flown from
21 Syria to the Eastern District of Virginia, they had all
22 their items labeled, they were all in good health. That
23 decision now has been that those children would go into
24 foster care due to her status of being incarcerated.

25 That case is going to be on appeal. And if she

1 prevails on appeal when it comes back, now she's going to
2 have to contend with all these other allegations of whether
3 she's going to be a fit parent. So it's going to be another
4 hurdle that she'll have to overcome if she prevails on
5 appeal in that case. So the punishment for that is
6 continuing.

7 And as the Court has said, that's not what she's
8 being sentenced for; she's being sentenced for the crimes
9 that she committed while with ISIS and in Syria. And she
10 does acknowledge that the conduct was serious, but she does
11 ask for the Court to take in mitigation the circumstances of
12 it.

13 This training did occur during a brutal war when
14 combatants were being killed on all sides, there's violence
15 all around with brutal acts being committed against women
16 and children. In that context, it would be understandable
17 that the people that she did train with weapons would want
18 to be able to defend themselves in case the PKK were to
19 invade Raqqa. Or, even worse, Assad's forces were to knock
20 on their door and come in. Because it was well known that
21 Assad's forces especially created incredibly brutal acts of
22 rape against women and children.

23 Also with regard to the training itself, the
24 defendant's daughter, Leyla, mentioned -- it's either in an
25 interview -- I believe it's in an interview -- that this

1 training, as she described it, was lame, L-A-M-E, lame.
2 That she also -- her daughter also stated that while the
3 Wali of Raqqa, who is the mayor of Raqqa, created the
4 forming of this Khatiba, it was never serious, and they were
5 never actually going to fight. And that's what
6 Ms. Fluke-Ekren's daughter said, and Ms. Fluke-Ekren knew
7 that as well. Also, there's no evidence that anyone
8 associated with it -- that included persons detailed to be
9 cooks, babysitters and nurses -- ever did anything.

10 The defendant herself never fired a shot against
11 anyone. While there was talk of purported attacks by a
12 Government witness -- and the defendant admits and takes
13 responsibility that she made such statements, and they are
14 in the statement of facts.

15 These statements were made in a war zone. And I
16 believe that Ms. -- well, I'm not going to mention the name,
17 one of the witnesses the Government had mentioned who was
18 from a different country that may have had a passport from a
19 different country, indicated that when these statements were
20 made, there had been an airstrike that had killed innocent
21 civilians, including children.

22 And we ask the Court that these statements made in
23 the context of a war zone where it's -- there's brutality on
24 all sides, and they were never acted on or significantly
25 mitigating.

1 The Government remarked that the person who was
2 the emir of snipers with ISIS and rose to that level,
3 Volkan Ekren, there was many good things that people had
4 said about him. Nonetheless, he was the emir of snipers.
5 He was a huge man. He was approximately 6-foot-6,
6 220 pounds. And the Government is now saying and family
7 members are saying that she absolutely controlled him, in
8 fact, drugged him with Adderall somehow in order to control
9 his behavior. She disputes that. There was a domestic
10 violence incident that was in 2005 that the Government
11 mentioned, and the defense had provided the court documents
12 that we had obtained from Kansas with regard to that.

13 At one point, she did, in fact, want to leave him
14 and divorce him and came back to the United States in 2010
15 to try to get away from him. This is corroborated by her
16 own son, Gabriel, who stated in one of his interviews he
17 believed that they had been divorced there. She did want
18 out of that relationship, and only returned -- and also by
19 another Government witness -- this is in the PSR, I believe
20 it's in paragraph 129 -- who was longtime friends with
21 Ms. Fluke-Ekren, Ms. Fluke-Ekren had indicated to her that
22 she did want a divorce.

23 But the relationship was brought back together
24 after she came to the United States where she had -- the
25 child that was, unfortunately, lost in Syria, he was

1 actually born in the United States in 2010. She brought the
2 children back to Egypt, and, after that, she had to follow.
3 And many things followed after that where they had moved to
4 Libya. And Volkan Ekren, who was involved in the terrorist
5 group that the Government had mentioned, brought documents
6 from the embassy into her home, further trapping her in this
7 situation.

8 And there was other domestic violence that we set
9 forth in the position on sentencing, and it's also in the
10 PSR. It wasn't a one-sided thing where she simply
11 controlled this huge man in an Islamic society who was the
12 emir of snipers for ISIS.

13 And with regard to punishment, in the three years
14 where she was in Syria from 2015 to 2018, she did suffer
15 tremendous losses. Not only with family and friends being
16 killed in the war all around her -- and, yes, she chose the
17 wrong side and chose an organization that she shouldn't have
18 been with, but thousands of other people did, too. It's not
19 that necessarily unique. Many people of the Islamic faith
20 believed in some tenets of ISIS and joined them.

21 She had a son that was killed. Her husband of 14
22 and a half years, despite their troubles that they had had,
23 was killed, Volkan Ekren. Eight months after that, another
24 husband was killed. And she had a child who was just
25 26 days old who died. And she doesn't know the ultimate

1 reason. Perhaps it was just an illness. And that was
2 another loss. In the year following that, she had a third
3 husband that was killed.

4 And so it's no surprise that with all the trauma
5 that she suffered -- and the Government blames it on her --
6 not all of this is her fault. She didn't choose to have a
7 tank from Assad's Army fire into a civilian area and into
8 her home and kill her young child and injure badly another
9 one, who is now recovered and now lives in Turkey. Who, by
10 the way, very much disputes any of the abuse allegations.
11 That that happened to her. And, yes, she's in a war zone,
12 and there's some responsibility there, but there's all sides
13 that were inflicting violence. And civilians,
14 unfortunately, as we know in war, often pay unfortunate
15 prices.

16 I wanted to speak a little bit about the foreign
17 custody that Ms. Fluke-Ekren endured. There was actually
18 two stints. One, we agree that she would not get credit for
19 where she was in a PKK internment camp where she suffered
20 concentration-camp-like conditions. But for the second
21 one -- which she was able to leave there. And apparently it
22 was not hard to get out of these as long as you were able to
23 provide something to a guard, you could just be let go.

24 But the second was the Turkish jail where the
25 conditions were poor. And that was from approximately

1 June 29th, 2021, until she was transported to the United
2 States on January the 28th, 2022.

3 This is a -- we calculate it's approximately
4 213 days in foreign custody that she should be credited for.
5 She was there in the Turkish jail. There's no other local
6 charges that are pending that's due to the arrest warrant
7 from the United States. So she should be given credit for
8 that.

9 And, also, there's her life after ISIS. She did
10 leave ISIS in 2019, and she attempted to achieve normalcy
11 living in Syria. We detail this in significant -- in
12 more -- we detail this in our position on sentencing where
13 she's living in a small town in Syria. She's gotten a job
14 with a non-profit. She has her six children that she is
15 raising. And her and her husband -- and she is an educator,
16 she does have a good education, and the United States
17 mentioned that. And, actually, her longtime friend in the
18 PSR -- I'm not going to mention the name -- also indicated
19 that she was such a good teacher.

20 She and her husband at the time built a school.
21 And before that it was like a tent that was outdoors. But
22 an actual school that served 50 children, including her own.
23 She taught at that school for no pay. She interacted with
24 local officials to get teachers designated at the school.
25 She built desks for the students herself. And we have

1 pictures of that in our position on sentencing. And she
2 also trained teachers there. She trained, in her estimate,
3 approximately 20 teachers. She was doing good work there
4 trying to -- in her -- in the ways that she could to rebuild
5 the community that was around her.

6 She was peacefully raising her children. I want
7 to share with the Court -- and these have been provided to
8 the Government -- some photos that we would like to provide
9 to the Court and also be placed under seal, because it shows
10 their faces, and we don't want the children to be identified
11 in any way. With the assistance of the Court security
12 officer, I would like to submit to the Court Exhibits A, B
13 and C.

14 THE COURT: All right. Defense Exhibits A, B and
15 C will be a part of the record under seal.

16 (Defense Exhibit Numbers A, B and C admitted into evidence
17 under seal.)

18 MR. KING: Thank you, Your Honor.

19 Those are photos that show well-cared-for, happy
20 children that -- and one of them is showing a pizza night
21 that they held once a month. And that's something that she
22 indicates she had with her children going way back in time.
23 That's something that she always did. And they reflect the
24 happiness of those children and how she cares for children,
25 provides for children. They are happy, they are healthy,

1 they are well cared for. There's not a hint of abuse.

2 The Government spoke of general deterrence, and
3 it's our position, as we indicated in our position on
4 sentencing, that that does cut both ways.

5 Ms. Fluke-Ekren is not the only one who's come out
6 of Syria, and it -- will be punished for being associated
7 with ISIS. But she indicates there's also many other women
8 in Syria. There's thousands of women, and many more men,
9 that went and joined ISIS in Syria. No doubt that they have
10 very mixed motives. But there's many people there that are
11 going to be afraid. They're now afraid to return to their
12 home countries for fear of prosecution.

13 Ms. Fluke-Ekren should be getting credit for
14 bringing herself to the attention of Syrian authorities, for
15 turning herself in. And if she's given the maximum
16 sentence, it also sends the message. And I understand the
17 Government's argument, well, she didn't get charged with
18 every possible count that she could have been charged for.
19 We agree the case has garnered a lot of attention. And if
20 she receives the maximum sentence of 20 years, it will place
21 fear into the other people that are still there. Don't turn
22 yourself in. Don't come home. Stay here. Take our
23 chances, no matter how tough the circumstances are here.

24 And it's not just the chance -- when she brings
25 herself to the attention of the Syrian authority when she

1 turns herself in -- of being prosecuted, she also took the
2 chance of losing her minor children. And she has repeatedly
3 said to counsel -- and there's nothing to contradict this --
4 that there is nothing more important to her than her
5 children's case in Loudoun County. There's nothing more
6 important to her than her children. But she wanted
7 something better for them. There was bad -- even though
8 there was some normalcy that she achieved in Syria
9 developing the school, working, providing those children,
10 there was still certainly risks there. That civil war has
11 not ended, and she wanted something better for them, and now
12 she's at risk of losing them completely. If she receives a
13 sentence of 20 years, they'll all be grown.

14 She also should be given credit for the early plea
15 that she made in this case. She waived a preliminary
16 hearing, that was not contested. She pled guilty by
17 information so the case did not have to go to a grand jury.
18 And she was motivated.

19 And this has all come undone and apart to not put
20 her daughter and the other young people through a trial.
21 That was a motivation of hers. And there's no reason to
22 doubt that. I mean, they're her children. Leyla is her
23 child. She didn't want her daughter to have to testify
24 against her. She didn't want that to happen. And it's only
25 now that it actually is, in fact, happening, which was not

1 anticipated at all at the time that she pled guilty.

2 These new accusations didn't come about until
3 September of this year, and that was only after a person
4 that Ms. Fluke-Ekren knew went to Kansas and attempted to
5 communicate with Leyla. All of a sudden, there's this
6 barrage of -- this is a -- the person who went there, it's
7 in the -- I don't have the paragraph, but I'm sure the Court
8 is familiar. The person that went to Kansas attempted to
9 talk with Leyla there, and this happened after she had --

10 THE COURT: Well, isn't that person the alleged
11 current husband?

12 MR. KING: Yes, Your Honor. That is who it is.

13 I was -- I didn't want to provide the name on the
14 Court record.

15 THE COURT: I'm not saying the name. I mean,
16 that's the alleged current husband.

17 MR. KING: That's right. He went to Kansas, and
18 it's after that these new allegations have flown in.

19 THE COURT: And this is a person who your client,
20 as I understand it, met online, married -- I didn't know you
21 could do a marriage online. Married shortly before she
22 turned herself in, at least what you've described as turning
23 herself in, which makes me suspicious as to why you would
24 marry a stranger, and then within a few weeks or months,
25 turn yourself in.

1 It could also be interpreted to be part of a plan
2 that's a bit more devious that we -- it's not an issue in
3 this case, but it's very troubling. And it was very
4 troubling to the Court that this person, who would have no
5 relationship with those children, would have been trying to
6 become the guardian for them.

7 Anyway, we're not going to get into that a whole
8 lot. I think that's not a good argument to be making.

9 MR. KING: Yeah. I -- I won't get into it a whole
10 lot. But Ms. Fluke-Ekren is also trying to find a placement
11 for her children and doesn't want them to be in foster care,
12 and wants them in the -- the outcomes of foster care are
13 oftentimes negative. That's not what she wanted. And I
14 think maybe I've said enough there and -- with regard to --
15 you know, she wanted a plan for those children, and that
16 has, unfortunately, not materialized so they would not have
17 to go into foster care.

18 But the defendant is also somebody who does have
19 talent. She has great potential, as reflected in what she
20 did after ISIS in Syria. She, again, became a teacher. You
21 know, she set up the school. And she can and will continue
22 to do these types of work when she has the opportunity to do
23 so again.

24 And by saying that her childhood was filled with
25 no struggles, we don't believe that that is an accurate

1 portrayal to the Court. She became a teenage mom when she
2 met somebody who was 21, and I think she was 15 at the time.
3 And that's a significant age difference. And it's after,
4 you know, she drops out of high school because she has
5 children, and she had mononucleosis at one point. And she
6 sticks behind her story that she had limited emotional
7 support from her family.

8 She earned a GED on her own as a teenage mom. She
9 undertook college on her own, not with any support from her
10 family. She actually indicates that her father was
11 surprised that she was actually able to go to college and
12 earn a degree from KSU. And she went to get her master's
13 degree without family support on her own, or a teacher's
14 certificate, which is all reflected in the student debt that
15 she still owes to this day.

16 She's taught at several schools, including a
17 school that was in Wichita; the school in Egypt where she
18 taught; and then later, after ISIS, the school in Syria.

19 The -- and so she does have an ability in which
20 she -- and she's a great educator, and she also, during her
21 period of incarceration, has the opportunity to educate
22 other inmates. That's something that she wants to do, and
23 certainly will do if given the opportunity.

24 The Government mentions the need for -- or saying
25 that this is a case which is completely outside the norm and

1 there's nothing that's ever like it. The U.S. Sentencing
2 Commission did do an analysis in material support cases as
3 to what the average sentence given was. And it is based on
4 data from 2017, but there's no indication that it's changed.
5 It was 157 months.

6 And there was a recent case here that went to
7 trial -- and I understand that the facts are, you know, very
8 different -- where the person was -- fought extradition for
9 years and was finally brought to the Court, pled not guilty,
10 and it just involved financial support as opposed to being
11 on the ground in Syria. That person went to trial and, you
12 know, fought extradition, was sentenced to three years. And
13 certainly amongst those cases, the other material support
14 cases, there were many where people, in fact, fought and
15 committed acts of violence, which she didn't do. And so she
16 doesn't deserve the maximum sentence.

17 You know, in conclusion, she's somebody who does
18 have great potential. She is regretful for her conduct.
19 She pled guilty, she's accepted responsibility. She does
20 wish to address the Court about -- in her allocution. And
21 based on the full grown mitigation that we presented and the
22 position on sentencing, the psychological report that was
23 attached to that, a variant sentence is appropriate.

24 THE COURT: All right. Well, I'll allow any
25 victim who wants to be heard at this time.

1 MR. PAREKH: Yes, Your Honor. Ms. Leyla Ekren
2 would like to be heard.

3 THE COURT: All right. For the record, please
4 state your name.

5 MS. LEYLA EKREN: Yes. Hello. My name is
6 Leyla Ekren. Thank you for taking the time today to listen
7 to me.

8 I feel like my -- I'm going to vomit out my heart
9 on this podium.

10 THE COURT: You need to speak up so we can hear
11 you.

12 MS. LEYLA EKREN: All right. I'm really nervous.
13 I slept, like, three hours last night. I have a nervous
14 laugh and smile, so I apologize if that comes out.

15 My goal for this speech is to tell Your Honor a
16 couple of stories and why they're relevant to Allison aiding
17 ISIS. I would like Your Honor to keep in mind what you were
18 like when you were 10 or 15, because these stories will be
19 around that age range. I'll begin now.

20 The relevance of these two stories that I will say
21 right now are the whole reason why Allison wanted to start
22 the Khatiba, the battalion, is her lust for control and
23 power. She failed for many years, thanks to my father, but,
24 I mean, she had to exercise her dark desires somehow, so she
25 did this by sexual harassment.

1 A lot of things that came back to memory in
2 preparation for this court I won't be able to mention
3 because they came back too late for the other side to
4 prepare for it. So, I mean, some of it was mentioned in the
5 letter. Amongst that, verbal harassment.

6 I -- she didn't -- at times I didn't have
7 sufficient clothes, so I would be wearing my abaya, which
8 was like a dress you wear to go outside to cover yourself in
9 the Islamic State. And sometimes I would have nothing
10 underneath it, and she would urge me to take it off, knowing
11 that that was the case.

12 For most of my life, I have urinated myself during
13 my sleep. It stopped recently after I was already back in
14 the U.S. Come to find out, you know, that can be a sign of
15 sexual abuse.

16 THE COURT: Let me ask you a question. How did
17 you come back to the United States?

18 MS. LEYLA EKREN: So she abandoned me in the City
19 of Raqqa with my rapist. And then the situation was getting
20 really bad. Our house got bombed, and so I left with his
21 family. I then got arrested by the Kurdish military, went
22 into prison and --

23 THE COURT: Did you tell them you were an
24 American?

25 MS. LEYLA EKREN: At some point I did tell them I

1 was an American, and I was doing interviews with agents.

2 THE COURT: Were you pregnant at that time?

3 MS. LEYLA EKREN: Yes, I was. It sucked.

4 THE COURT: How pregnant were you?

5 MS. LEYLA EKREN: I'm not sure. Maybe I was in
6 the fifth month.

7 THE COURT: Okay.

8 MS. LEYLA EKREN: Something like that.

9 THE COURT: And then they eventually -- I assume
10 somebody brought you to the United States?

11 MS. LEYLA EKREN: Yes. After I cooperated, which
12 wasn't as much as I'd liked because I was in prison with my
13 rapist's family. So after I would do interviews with the
14 Americans, I would go back and basically be interrogated by
15 them. Yeah. So, you know, asking questions like, did you,
16 you know, rat us out, whatever, whatever. So I wasn't as
17 helpful. But when I came back, I cleared it up.

18 THE COURT: And you had the baby here in the
19 United States?

20 MS. LEYLA EKREN: Yes.

21 THE COURT: Okay. All right.

22 MS. LEYLA EKREN: So let's see. So, yeah, as I
23 was saying about sexual harassment, how did this make me --
24 made me feel? Very degraded. My entire life. Yeah. I
25 don't really know how to get into depth on how it made me

1 feel.

2 Another form of torture that she would use on me,
3 chemical torture. She -- and this is just torture that she
4 specifically did to me. So she did all sorts of other kinds
5 of torture to my other siblings, but this is not about that;
6 this is about what happened to me.

7 Some background. We were in Syria, and we had
8 lice from being in a village, and so she bought us some
9 applicant for the lice that was -- it was some strange
10 off-brand thing. I just remember that when you -- when it
11 made contact with my skin, it hurt a lot. It was -- it was
12 very painful. It damaged, you know, the skin at the time.

13 She asked me to apply it to one of my younger
14 siblings. And I was doing that and he was crying from the
15 pain, and he was, you know, trying to get it off of his
16 head. And then he touched his eyes, and then it started
17 hurting him even more, and he started screaming.

18 And she looked at me, and she told me that I did
19 that on purpose. And she thought I was, you know, just --
20 just punishment to -- she put me on the floor -- and how old
21 was I? Maybe I was 11. Laying on the floor, she got on top
22 of me, she sat on my chest, and my arms were to my side, I
23 couldn't move them. And she poured it on my face, and, you
24 know, held me down there. It was difficult, if not
25 impossible, to breathe because she was pouring the whole

1 bottle.

2 When she realized what she had done -- she usually
3 tried to do kinds of tortures that wouldn't show up in front
4 of other people, but because this was on my face, she
5 realized that it had a potential to blind me, so she said --
6 she said we need to wash this out of you so it doesn't blind
7 you, others can't see that. She grabbed me by my hair
8 while, you know, my face was still burning and blistering
9 from whatever this chemical was.

10 And, you know, I -- I was very fed up at this
11 point. The -- the abuse had been going on for a while now,
12 so -- and she had been getting away with it. So I wanted
13 people to see what kind of person she was. I wanted it to
14 blind me.

15 So she took me to the sink by my hair. She held
16 me the entire time, and she was trying to pull me to the
17 water. And I was pulling away, and she would bash it into
18 the sink. And bash. And I would pull away, she would bash
19 it into the sink again. And I would pull away, and she
20 would bash it into the sink again.

21 Finally, I -- I didn't know if it was an active
22 decision or I just gave up. And she would -- you know, she
23 made the water situation difficult, too, because, you know,
24 you can't breathe in water. So she wasn't gently removing
25 it with water; she was drowning me in the water. That was

1 something.

2 That wasn't enough, though. It went on. She took
3 me to the other room that had no heating. It was in the
4 dead winter at the time. And she gave me like a really
5 light blanket. There was -- it had the warmth of a barn.
6 The door that went to the outside, there was a big gap, a
7 lot of the cold air came in from the door and the windows.
8 And I spent the night there alone, cold, and in pain. I
9 woke up, my face was all swollen and disgusting.

10 And, at this point, I hadn't spoken to my father
11 in a while just because I hated him for not standing up to
12 her. And he knew that, and he was embarrassed to speak to
13 me. But he came into the room, and because we hadn't spoken
14 in a while, and because I knew it pained him to speak to me,
15 and it pained me to speak to him, I knew that she had sent
16 him in to talk to me. And he opened the Quran, and he
17 said -- he opened it to a chapter, Maryam, which -- Mary was
18 what they called me. And he was like you need to be like
19 Mary. You need to be righteous. Blah-blah-blah. I don't
20 even remember his point.

21 THE COURT: All right. Ms. Ekren, we do have to
22 move this along; all right?

23 MS. LEYLA EKREN: I apologize. I'll keep --

24 THE COURT: Your letter is part of the record.

25 The only other incident I would like you to talk

1 about, if you can, is this marriage.

2 How old were you when you were married?

3 MS. LEYLA EKREN: 13.

4 THE COURT: And how long were you actually with
5 this man?

6 MS. LEYLA EKREN: A year, or --

7 THE COURT: Had you --

8 MS. LEYLA EKREN: -- and a half or something like
9 that.

10 THE COURT: Had you met him ever before you were
11 married to him?

12 MS. LEYLA EKREN: I met him maybe once or twice.
13 Allison attended the meeting. It was a short meeting, no
14 longer than 30 minutes or so.

15 She -- my father had died at that point, so -- and
16 she was in her mourning period, which, in Islam, you can't
17 leave the house to do anything in that period. So instead
18 of waiting to get a husband for herself to help her with the
19 battalion, and instead of being legally obligated to listen
20 to the husband, she thought why not just give me to some
21 random ISIS fighter as a sex slave so that she can -- she
22 can work with him to help her with the battalion.

23 THE COURT: All right. And when you were married
24 to him, then did you move out of your house with your mother
25 and move into his house?

1 MS. LEYLA EKREN: Yes.

2 THE COURT: Uh-huh. All right. Thank you.

3 We've got your letter in the record; all right?

4 Thank you.

5 MS. LEYLA EKREN: Okay.

6 MR. PAREKH: Your Honor, there's one more

7 incident. Specifically --

8 THE COURT: We've heard enough. Thank you. We've

9 heard enough. All right.

10 Does the defendant wish to make -- is there

11 another victim who wants to be heard? Yes? All right.

12 Come forward.

13 MR. PAREKH: And, Your Honor, for the record,

14 that's Gabriel Fluke.

15 THE COURT: All right.

16 MR. PAREKH: In candor to the Court, he was not in

17 Syria at the time.

18 THE COURT: Well, the only evidence that is truly

19 relevant to this case is conduct that went on in Syria. If

20 you had communications with the defendant while she was in

21 Syria and statements were made that you want the Court to

22 consider, that's fine. But the other situation, I'm not

23 going to hear; it's not relevant.

24 MR. GABRIEL FLUKE: Yes, Your Honor.

25 THE COURT: Can you take off your mask so we can

1 hear you.

2 MR. GABRIEL FLUKE: Oh, my apologies.

3 I did have a very small amount of communication in
4 2014 --

5 THE COURT: All right.

6 MR. GABRIEL FLUKE: -- with my mother as she was
7 trying to lure me to come over there. I believe that that
8 email is in the record. I did give it to -- right here. It
9 is dated Friday, 25th April 2014. It is the end of a series
10 of correspondence I had with her as she was attempting to
11 get me to move over there, because she believed that I had
12 information that might compromise her if I stayed here in
13 the U.S.

14 In it, I end the correspondence by saying: Every
15 single year of my life, you made me give up everything just
16 so you could go off on your next adventure. Piece by piece
17 you took away every friend and family member I had. Just so
18 I could try to stay with my brothers and sisters, not
19 because I loved you, but because if I didn't take the blame
20 for what they did, you would beat me instead of them.

21 She was attempting to hold my siblings over me,
22 particularly by referencing an incident in which one of my
23 brothers had both of his arms broken as a threat of what
24 might happen to my siblings if I did not come, but I
25 refused.

1 According to my sister, and based on previous
2 incidents, she was going to attempt to be rid of me so that
3 I could not help the U.S. Government in eventually finding
4 her. Unfortunately, I failed to get any attention, as I was
5 a pretty stupid child, in preventing what happened to my
6 siblings from happening.

7 THE COURT: All right. Thank you.

8 All right. Mr. King, I believe you said your
9 client wants to allocute.

10 MR. KING: Your Honor, we would ask for a very
11 brief recess, perhaps five minutes to consult with our
12 client prior to the allocution.

13 THE COURT: All right. All right. We'll take a
14 five-minute recess.

15 (A brief recess was taken.)

16 THE COURT: Mr. King.

17 MR. KING: Yes, Your Honor. Ms. Fluke-Ekren would
18 like to allocute to the Court, Your Honor.

19 THE COURT: That's fine. Yes, ma'am.

20 THE DEFENDANT: Your Honor, I would like to say
21 that I am absolutely shocked and horrified about some of the
22 accusations that were made today. Since I read the
23 Government's filing, I've been unable to eat or sleep. I
24 emphatically deny any claims that I abused my children in
25 any way. These claims are so outrageous and incredible, and

1 I would just like to point out that there's no evidence in
2 support of these claims.

3 For example, my children all attended the same
4 pediatric office in Kansas from 2001 to 2010, and there was
5 never a report made by these pediatricians of abuse or
6 neglect or mistreatment. I used to take my kids to my
7 parents for weekend visits at least monthly and on extended
8 holiday visits. The older ones visited their dad every
9 other weekend and were involved with his parents as well.
10 They attended school, and no teacher ever made a report of
11 abuse or neglect or mistreatment.

12 We all lived with my dad for a year and a half.
13 My brother-in-law lived with us for two years while he was
14 going to school in the U.S. Every summer after moving
15 overseas for the first three or -- three years, I think,
16 that we lived overseas, we spent at least a month with my
17 family in Kansas and another month with Volkan's family as
18 well. These kids were, by no means, isolated and, yet,
19 there is not one report of mistreatment.

20 Even in my 2002 divorce and all of the subsequent
21 proceedings in Kansas, there's not one mention of
22 misconduct. Additionally, my younger children have been in
23 CPS custody here in Virginia for nine months, and there have
24 been no allegations of abuse or mistreatment or anything
25 other than the fact that I've been incarcerated in any of

1 those proceedings.

2 In the last few weeks since reading these
3 disgusting accusations, I've asked myself over and over why
4 they would say these things. And all I can think of is my
5 2020/2021 conversations with Leyla -- some of which were
6 played here today -- in which she made many similar
7 accusations against her older brother, Gabe, saying that she
8 was forced to sleep in the closet, that she was physically
9 and emotionally abused, that she was kept a prisoner in the
10 house, that she had her daughter forcibly taken from her.
11 All of these statements are in the conversations that were
12 recorded that I had with Leyla.

13 She told me at that time also in these recorded
14 conversations that her brother hated me and that he would
15 torment her by threatening to harm me, and that he would
16 blackmail her with videos that he kept specifically for that
17 purpose. These conversations are present in the
18 Government's evidence for your reference.

19 So is she really being abused now or coerced into
20 making these new allegations, or were those untruths, which
21 are strikingly similar to the new and heinous accusations
22 against me, also lies? I will probably never know, but I do
23 know that these new and disgusting accusations and abuse
24 against me are absolutely not true in any way.

25 It is also shocking to me the way that the

1 Government has brought these allegations. In their recent
2 filings, the Government almost sets aside the criminal
3 conduct and focuses extensively on these allegations, which
4 were never mentioned in tens of interviews over five years.

5 The prosecutor claims that this is somehow normal
6 for abuse survivors; however, that doesn't make sense at all
7 in this case. Those making these allegations, Leyla,
8 specifically, has been cooperating fully for more than five
9 years. Leyla especially gave testimony that is almost the
10 entire foundation of the criminal conduct in my -- in the
11 statement of facts.

12 If she said all of these things, if she gave all
13 of this testimony about what happened in Syria and my
14 conduct previously, why did she leave out all of these
15 horrible accusations? She wasn't shy about blaming me. She
16 wasn't shy about saying that I did wrong things. Why is it
17 that none of these abuse accusations came up until September
18 of this year?

19 Also, why did none of these new allegations come
20 up in the extensive investigation until mere weeks before
21 sentencing? It simply doesn't make sense. Why is the
22 Government so drastically shifting the focus at the last
23 hour to -- it just -- it seems to me far too sensational to
24 be fitting for a federal court.

25 I would like to address this narrative that I

1 somehow radicalized Volkan or somehow compelled him into
2 terrorism. It's simply not in accordance with the facts. I
3 was in Egypt, living in Egypt and working in Egypt, and we
4 separated. He went to Libya by himself, and I stayed in
5 Egypt. How could I have forced him to go to a completely
6 different country and do whatever it is that he was doing
7 there? I stayed in Egypt from May to December while he was
8 in Libya until he came. And, according to witnesses, when
9 he came -- we had separated, we had divorced, and he came
10 back to Egypt, and then we abruptly left. So this is much
11 more indicative of him doing what he wants and then coming
12 and grabbing me and taking me along.

13 As far as what happened in Libya, I was at home
14 asleep and Volkan brought this box from the consulate. I
15 had no knowledge of the attack before it happened. I didn't
16 even know there was a consulate in Benghazi until he woke me
17 up with this box.

18 Obviously this is conduct that he did by himself
19 and that I certainly did not compel him to do that. I left
20 Syria -- the first time that we entered Syria, I left Syria
21 after less than two months while he stayed there, and I
22 lived in Turkey for almost a year all by myself. But Volkan
23 didn't come with me. I was not controlling him. I was
24 multiple, multiple times trying to separate myself from him,
25 trying to not even be in the same country as him. It is

1 simply not reasonable to suggest that I forced him to do
2 what he did. I was at home with the kids almost all of the
3 time.

4 In terms of my comments and this conversation that
5 I had with Leyla, I'm really taken aback at how these
6 comments were taken out of context. As I just mentioned in
7 these conversations that I had in 2020/2021, I hadn't talked
8 to Leyla for three years, and I had no idea what had
9 happened to her. And when I said that I was on my knees
10 begging Abu Mariam to stay, I just want to point out to the
11 Court there are some real contradictions between what Leyla
12 is saying that I forced her to marry a rapist, and the fact
13 that I left Raqqa. My husband and my children and I were
14 leaving Raqqa. We were not staying there for the fight. We
15 didn't want to be there. We were not trying to fight; we
16 were trying to leave this battle. And I went to Leyla's
17 house where she --

18 MR. PAREKH: Your Honor, this is --

19 THE DEFENDANT: I went to Leyla's house, and I
20 begged her, I literally begged her to come with me, and she
21 refused. And so when Abu Mariam was going to leave Raqqa, I
22 was begging him that we could stay to try and get Leyla to
23 come with us. And then I told him, okay, you take the kids
24 and go; I'll stay here. And then, in reality, what
25 happened, Abu Mariam took me and my kids out of Raqqa, and

1 he, himself, came back to try to convince Leyla to leave.

2 So these conversations that I was having with
3 Leyla in 2021 and 2022 -- the end of 2020 and 2021, she's
4 telling me that she's being mistreated. She was telling me
5 that she's being abused. She was telling me that her
6 brother slammed her hand in the door and broke it. All of
7 these are in the recordings.

8 The overarching topic of all of these
9 communications was how horribly she's being treated. And I
10 did not pressure her to come back to Syria. I asked her. I
11 said, Leyla, what do you want to do? What's the solution?
12 What's the way out? It even went so far that I contacted a
13 domestic violence shelter in Wichita, Kansas and made
14 arrangements for Leyla to be able to go there. This is the
15 context that we were having these conversations in. And all
16 of these are present in these conversations.

17 One other thing I would like to point out is
18 there's a striking absence of my son, Nael, in both the --
19 he's my adult son as well -- in both the PSR and in the
20 victims.

21 The Government is fully aware of his whereabouts
22 and his phone number, because I talk to him almost every day
23 on the phone. Yet, he told me last week -- and I asked him
24 on two different occasions, two days -- that he had not been
25 informed that he had a right to speak today as a witness.

1 The PSR and the Government's arguments rely
2 heavily on people that I have had little to no contact with
3 for over a decade, but blatantly ignores my son who lived
4 with me for the entirety of the conduct.

5 So I've been in jail now here for nine months.
6 And, since that time, I have been thinking daily about what
7 I would say to you today -- excuse me. I'm sorry -- and I
8 couldn't come up with anything. About two months ago, my
9 six-year-old daughter, she told me, mommy, when are you
10 going to tell the Judge your story so you could come home?
11 I guess maybe, you know, the people at CPS explained to her
12 that I would come and talk to you and you would decide what
13 would happen.

14 So as I was thinking, all I could think about was
15 her advice. So I would like to tell you my story, but I
16 want to preface by taking full responsibility for my
17 actions. There were many forces outside and pressures
18 outside of my control, but I accept that my actions are my
19 decision alone; however, the reality is no one lives in a
20 vacuum.

21 I am, first and foremost, a mother. A vast
22 majority of my time -- a vast majority of my time has always
23 been spent taking care of my children. As the Government
24 notes -- as the Government notes in the statement of facts,
25 repeatedly, I always traveled among others, and that would

1 be my children.

2 The criminal conduct in my case began one morning
3 when I was woken to my husband bringing a box into our
4 bedroom. He asked me to take a look through it, and as I
5 looked through the documents, I realized they were from the
6 American consulate, and I was horrified. I would like to
7 mention that I had no idea about this attack prior to its
8 happening and that I was not a voluntary participant.

9 At that moment, I realized that I was now involved
10 entirely unwittingly in a shocking event, and I did not know
11 what to do. My fingerprints were on the documents, and I
12 saw no way to deal with this terrifying situation without
13 destroying my family and possibly serving a long prison
14 sentence for something that I wanted nothing to do with in
15 the first place. So I argued with my husband, and he took
16 them away.

17 THE COURT: Well, you know, that's inconsistent
18 with what you admitted to in paragraph 3 of the statement of
19 facts. There you said you assisted your second husband with
20 reviewing and summarizing the contents of the stolen U.S.
21 Government documents. The stolen documents, an electronic
22 device, along with the summaries that you helped prepare
23 were ultimately provided to the leadership of --

24 THE DEFENDANT: Yes.

25 THE COURT: Yes.

1 THE DEFENDANT: Yes, Your Honor. Yes, I did. I
2 read through them, and we discussed what was in them. And
3 in the process of this argument, he made a summary, and he
4 did return those. That's -- all of that is true.

5 But it wasn't in a context of me wanting this
6 event to happen or me planning this or me having really very
7 much agency in this process.

8 THE COURT: Well, it's called an accessory after
9 the fact in the criminal justice system.

10 THE DEFENDANT: So after this event happened,
11 after this, I began to try to convince Volkan to leave Libya
12 and to go to Turkey. He finally agreed to move.

13 And Number 4 of the statement of facts, Leyla said
14 that I went to Syria for Jihad. But I just want to point
15 out that she was nine years old at the time and did not
16 understand the situation or the adult conversations. We
17 were discussing our views on religion, on Jihad, and we're
18 both religious people. And I won't stand here and say that
19 I don't -- that I didn't believe in some of the tenets of
20 Islamic law or -- and that I do believe that these tenets of
21 Islamic law, if they were ever to be lived in a peaceful and
22 true way, then I believe that that would be a good form of
23 government; however, Leyla at that time was not part of
24 these conversations, and she could not have understood all
25 of the details.

1 So -- but I just would like to point out that
2 actions speak louder than words. And when we did go to
3 Syria, Volkan -- I stayed there a very short time, and then
4 Volkan stayed there alone, while I left and I went back to
5 Turkey, and at that time I tried -- I did try to come home
6 to America.

7 During this time when I was -- so Leyla became
8 sick, and we came to Turkey, and we lived in Turkey, the
9 children and I. I lived with my children happily in Turkey
10 for almost one year, and it was a really joyful time for all
11 of us.

12 It was just the children and I, and when my twins
13 were born -- I was pregnant -- I decided that I needed to
14 get away from Volkan and come home, and I wanted to start
15 over. So I went to the American Embassy to get passports
16 for my babies, but they refused to issue them without
17 Volkan's consent.

18 I was interrogated at that time about Volkan's
19 activities, and I became terrified and felt even more
20 trapped. I feared for my children if I was put in prison,
21 and I did not see a way out of my situation.

22 Some months later, Volkan showed -- about
23 six months after this, Volkan showed up and told me again
24 that I could come or -- come with him to Syria or stay, but
25 that he was taking the children. And I see how weak I was.

1 But, at the time, I was afraid of his criminal conduct and
2 it would spill over on me. I was afraid of what I had done
3 in Benghazi. I was afraid that if both of us went to jail,
4 who would take care of my children. And, in reality, if I
5 would have spoken up at that time, I would have been
6 standing probably here in this courtroom ten years ago. And
7 I just didn't see a way out.

8 So about six months after I had gone to the
9 embassy and tried to get passports, Volkan showed up, and he
10 told me again that I could stay or come with them, but he
11 was going to take the kids to Syria.

12 I had these six children, and I was living in a
13 foreign country where I didn't speak the language fluently.
14 I was afraid of Volkan, and I was terrified that he would
15 take my kids and I would lose them in Syria forever, and I
16 didn't see a way out.

17 I would like to address the statements that were
18 made about attacks in America. And people would show
19 videos -- I didn't have these, actually, and I didn't even
20 have a phone at that time of my own. But people would show
21 videos of attacks, you know, like in group settings. And
22 then there would be discussions, you know. And I often was
23 horrified, and I even encouraged my children not to watch
24 such videos. I didn't allow it. I didn't -- we didn't have
25 the phone in the -- me and the kids didn't have a phone.

1 This was not something that I encouraged.

2 But people would come, and people would -- other
3 ISIS members would make comments about, you know, praising
4 these attacks. And I would say things -- it's not even --
5 it's not -- I specifically remember saying that it wouldn't
6 even be that hard. You just take some bombs and put them in
7 a trashcan in a mall. And the context I was saying that in
8 is that it's not something praiseworthy. It's -- I -- I
9 don't find that killing random people in any place,
10 anywhere, even in a war zone, is something that's
11 praiseworthy.

12 In addition, I did, many times -- and I fully
13 admit -- make statements in reaction to the horrors of war
14 and collateral damage. And I think that that's something
15 that we can all relate to. And I think, you know, people
16 looking at the horrors of the war in Ukraine right now will
17 say many things about Russians or Russia or Putin. I'm sure
18 that -- you know, after 9/11, I heard -- and many people
19 make threats, and these are statements that are made -- you
20 know, they should pay or suffer somehow, whoever "they"
21 happens to be.

22 And I just want to say that no one can understand
23 the actual horrors of a bombing unless they've walked
24 through its aftermath. And, like, if -- I mean, we all know
25 how horrified we were when we saw what happened on

1 September 11th. But what I felt in Kansas is nothing
2 compared to what people felt in New York, or even here.
3 Because when you see the actual horrors of murder for no
4 apparent reason, it's a completely different thing. No one
5 can understand the horrors of a bombing unless they've
6 walked through its aftermath and you see entire walls of
7 buildings torn off to reveal people's living rooms,
8 bedrooms. You see the pieces of people's homes and lives
9 strewn about violently, unnaturally in the street.
10 Clothing, toys, beds. You can see the blood on the
11 mattress, and you know that someone was sleeping, just
12 sleeping there when a bomb fell and killed them.

13 I knew shopkeepers who were killed. Innocent
14 Syrians who had nothing to do with anything, they just
15 wanted to live their lives. My children played with some of
16 the children who died.

17 Anyone who has seen that would be angry, and they
18 should be angry. We should all be angry about senseless
19 violence and killing, no matter where it happens, no matter
20 who the victims are; however, over time as I lived in the
21 war, I realized that all sides in any war drop bombs and
22 kill innocent people. There's no right side to war and this
23 violence; there isn't. I've come to see violence, whether
24 perpetrated by terrorists, by Russia, even the United
25 States, is not an answer.

1 With regards to my involvement in Iraq, Number 11
2 and 12 in the statement of facts, what I -- one day I was at
3 my daughter's school, and a woman came to the school office
4 asking for help. I was actually upstairs in the daycare.
5 She spoke no Arabic and was a widow living in a widow's
6 guest house and was having trouble with the ISIS
7 administration. Because I could communicate with her, and
8 at that time I spoke passable Arabic -- and, actually, Leyla
9 helped me because she was fluent in Arabic -- I met with her
10 and the official in charge of their guest house and tried to
11 help her revolve her issues with food, housing and custody
12 of her son by translating and by advising them, this
13 official help, because they were not treating her well. It
14 was not a job, and it was a one-time meeting. While the
15 statement of facts is literally true, I feel it gives an
16 exaggerated impression of what really happened.

17 The bulk of what I -- the work that I actually did
18 in Syria spans over about eight months beginning in October
19 of 2016 until about May of 2017.

20 The first thing is personally and not financially
21 supported by ISIS in any way, or directed by ISIS in any
22 way. Although I did have to have ISIS approval to open the
23 Women's Center, it was a private venture. And it lasted
24 about four months from October until -- of 2016 until
25 February of 2017, the beginning of February.

1 We opened it, and when we opened the Women's
2 Center, we had -- it was meant to be a community center, and
3 that's, in fact, what it was. We had three divisions within
4 the Women's Center. There was a health division where there
5 were doctors and midwives and nurses that spoke a variety of
6 languages. They were able to service foreigners who could
7 not communicate in Arabic and had a really hard time getting
8 their health needs taken care of. We had an education
9 division, and I was personally responsible for that. We had
10 a preschool. We had language classes, we can cooking
11 classes. There was a CPR class. There was aerobics. And
12 that was the education division in the Women's Center.

13 Additionally, there was another woman who had a
14 social services division, which was another major issue that
15 people were facing in ISIS. There were many foreigners who
16 couldn't speak. And so -- for example, like this woman in
17 the -- in Iraq that I helped who were women who were being
18 oppressed in the Women's -- in the Widow's Bureau, and they
19 were not able to communicate, so we did translation, and we
20 did social services for these -- in these cases. That's
21 what the Women's Center was, and that's what it was most of
22 the time it was open only these four months.

23 Towards the end, it became clear that there was an
24 imminent attack by the PKK forces on Raqqa. And in this
25 imminent -- their bombings became overwhelming. There were

1 bombings every day, mostly on civilians, and mostly innocent
2 Syrians who were from Raqqa and had no reason to be killed
3 by any side. And women and children, many children, who
4 should never be victims of war.

5 So we developed a three-day program, and the first
6 day was like survival training kind of. So people would
7 lose their homes and their water sources and their gas
8 sources, so we were talking about how to cook, cooking using
9 a pressure cooker. Just basically like -- almost like
10 camping, basically. That was the first day. It was about
11 survival in a war zone.

12 The second day was self-defense. And we taught in
13 that how to use -- how -- we didn't even shoot a gun; we
14 just taught. And I did -- I fully accept, and I do not deny
15 the statement of facts that I did train people about suicide
16 belts. But the entire training that I gave on suicide belts
17 was to explain the range to tell which one was C-4 and which
18 one was TNT, so that -- because C-4, if I remember right,
19 explodes on impact. So if you give it a good impact, it
20 will explode. And I was trying to explain to people to be
21 more careful with their weapons and how the mechanism
22 worked. This was -- that was the extent of the training.

23 I have never seen a suicide bomb explode. I've
24 never exploded one. Personally, I know no women who have
25 ever exploded one, or a grenade. And that was also the

1 entirety of the training I gave in grenades. This is a
2 grenade, this is how you pull the plug, please don't do so
3 in a small room, you'll kill your children. This was the
4 extent of the training, as well as how it could be used if
5 someone was actually trying to invade their home. That, I
6 did tell, and the range. So this was the extent of the
7 training on suicide belts and grenades that I ever gave
8 or -- Khatiba Nusaybah, or at the Women's Center that we
9 gave to anyone.

10 In terms of the gun, a large part of what we
11 talked about was safety, because these were women, and there
12 were many, many accidents, horrible accidents, where
13 children, unfortunately, would get ahold of weapons that
14 people carelessly left around their house and would have
15 horrible accidents.

16 I particularly remember around this time when we
17 decided to start doing this training that I was having tea
18 at a friend of mine's house. And maybe there were about
19 five of us, and we were sitting there in her apartment, and
20 we heard a gunshot. And then we heard screaming. And we
21 run out the door, and it's the neighbor's house. And she's
22 carrying this five-year-old little boy. Blood is dripping
23 everywhere. So she's standing there in the hallway just
24 screaming. I mean, we didn't know what to do. And her 10-
25 or 11-year-old son is standing there behind her just

1 absolutely silent. The little boy died. And the tragedy is
2 that it was his older brother who shot him. And I just
3 can't imagine this mother's pain. Like, because she lost
4 both of her sons in the same day, because how could she ever
5 feel -- I mean, every time she looked at her older son, she
6 saw the person who killed her younger son. And these were
7 tragedies that really happened all the time.

8 And I understand ISIS is a terrorist organization,
9 and I understand -- and I accept that they did many violent
10 attacks in which innocent people died, but neither do these
11 children deserve to die because their parents were being
12 stupid and careless with weapons, and I couldn't just ignore
13 this. And I felt like I was able -- I mean, I'm a teacher,
14 and I care about children, and I care about families, and I
15 couldn't just ignore this situation.

16 There was many, many examples. Another person
17 that I personally know, the child took a grenade and threw
18 it at his mother, and his mother died. These are -- I
19 personally know these two examples. And there were many,
20 many, many more. And I felt like something needed to be
21 done about this.

22 And I also felt that people had a right to defend
23 themselves. In Syria, it has been documented that there are
24 untold violence against women and children. And the
25 prosecution would like to crucify for me for training 13-,

1 14-years-olds how to use a gun. But I would answer to that,
2 that when one of Bashar al-Assad's soldiers, or two or five
3 are breaking into a house and they see a young girl, and
4 Leyla's been this tall since she was 12, almost this tall,
5 they're not going to ask her how old are you? Are you 18?
6 The right and the need to defend themselves was real in that
7 situation, and it was horrifying.

8 And I personally know at least 20 women and girls
9 who were raped violently in this war. And it's something
10 that no woman should -- sexual violence is not okay in any
11 circumstance, and women have a right to defend themselves.

12 THE COURT: Well, you know, you mentioned the word
13 rape, and your daughter did as well.

14 Do you dispute that you allowed her to marry at
15 the age of 13 somebody who she did not know?

16 THE DEFENDANT: She was a few weeks away from 14,
17 Your Honor. And I --

18 THE COURT: That doesn't make much of a
19 difference.

20 THE DEFENDANT: No, she -- I don't dispute that.
21 She did get married when she was that age.

22 THE COURT: And did you arrange the marriage?

23 THE DEFENDANT: I mean, somebody came and
24 proposed, and I told her about it, and she sat and met with
25 him, which is the Islamic custom. And that's how I got

1 married. I met with him in a meeting, and then we got --
2 and this is very common in the Arab world and in many parts
3 of the world.

4 And, in fact, she agreed after the first meeting.
5 And I was very upset, and I told her -- I was crying, and I
6 told her, meet him again, make sure, make sure. And she
7 did. And I very much -- I mean, she -- it was her decision.
8 I never forced her.

9 THE COURT: That's not consistent with the
10 statement of facts.

11 THE DEFENDANT: About the marriage?

12 THE COURT: Where's the -- what paragraph is that?

13 THE DEFENDANT: To my knowledge, Your Honor, the
14 marriage is not in the statement of facts.

15 MR. PAREKH: Your Honor, it's not in the statement
16 of facts. Leyla was 13 years old. Her father just died.
17 Fluke-Ekren was her only parent and to say --

18 THE COURT: Right.

19 MR. PAREKH: -- it was her decision to --

20 MR. KING: Your Honor, this is the defendant's
21 allocution.

22 THE COURT: All right. Let the defendant finish.

23 MR. PAREKH: Your Honor, what she's saying,
24 though --

25 MR. KING: Your Honor, this is --

1 THE COURT: No. Let the defendant finish. We
2 need to wrap this up.

3 THE DEFENDANT: After my work at the Khatiba -- at
4 the Women's Center, I was asked to help with the Khatiba.
5 And as you saw, the document that the Government presented,
6 I would just like to point out that this document placed --
7 the first document that he showed, this document placed the
8 Women's Center under the (in Arabic), which is the office
9 for the prisoners and the -- and the --

10 THE COURT: Well, it says to the members of the
11 Detainees and Martyrs Center.

12 THE DEFENDANT: Yes. "Detainees," meaning it's
13 for the wives of the prisoners, and the wives of the people
14 who've been killed. The wives of the martyrs.

15 Actually, if you were a man, you couldn't be under
16 the (in Arabic). This office was for widows and for the
17 wives of prisoners. And it was not part of the military
18 operations of ISIS in any way. It was -- they distributed
19 the salaries, they ran the guest houses. That's what this
20 office was for. And that was the office that they put the
21 Khatiba under because it was never meant to be an offensive
22 branch. It was never meant to be -- and Leyla made the same
23 statements previously in other testimonies and other
24 interviews that it was never going to be an offensive unit.

25 THE COURT: But you understand you can give

1 material support to a terrorist organization without it
2 being part of the offensive element?

3 THE DEFENDANT: Absolutely, Your Honor, and I'm
4 not denying that.

5 THE COURT: All right.

6 THE DEFENDANT: I just want to tell you my story.
7 I want to tell you what happened, and I want to give the
8 context for why these things happened and how they happened.

9 So when I was asked to do -- to work on the
10 Khatiba, it was basically this three-day training that we
11 had done, but with more -- with some practical application
12 of the self-defense training. And I did this work for about
13 four months. And, all together, in this capacity over this
14 eight-month period, I trained about -- I would guess about
15 100 people.

16 But the Khatiba was not -- it was not something
17 offensive. There were babysitters. Out of the people who
18 were working in and with the Khatiba, there were
19 babysitters, there were cooks, there was a group of people
20 who were trained as nurses, as emergency responders because
21 of the increased bombing and violence that was happening.
22 And this was the work that we were doing in the Khatiba.

23 To summarize, I would just respectfully like to
24 refer back to the actual conduct that's in the statement of
25 facts, and that it includes what happened in Benghazi, which

1 was my unwitting and not planned examination of the
2 documents that were brought from the U.S. consulate in
3 Benghazi. This conduct lasted a few hours.

4 That I traveled to and lived in Syria. Although
5 my -- the evidence clearly shows that I went to the U.S.
6 embassy and that I tried to get passports and that I was
7 trying to get out of my situation. Additionally, the
8 conduct does include various statements that I made in times
9 of extreme sadness, fear and horror at the hundreds of
10 innocent people being killed in bombings, which I never
11 acted on in any way.

12 The conduct also includes a conversation that I
13 had to translate and assist a woman who was having problems
14 in an ISIS widow's home. My work at the Women's Center for
15 four months from October 2016 to January -- the end of
16 January 2017 and my work for the Widow's Bureau on Khatiba
17 Nusaybah for four months from February to May of 2016.

18 The statement of facts only describes a few months
19 time out of seven years that I was in Syria. I was a mom
20 raising my children. I homeschooled my children, and I
21 always opened my home to neighbors because schools were not
22 functioning. At times I taught 40 kids in my home. A vast
23 majority of my time was spent cooking, cleaning, taking kids
24 to doctors and putting antiseptic on scraped knees and
25 mediating sibling disputes.

1 I didn't do all of this because I wanted to be a
2 terrorist. I didn't teach preschool, start the Women's
3 Center or even work for the Khatiba because I supported
4 ISIS. I began and continued my work for women and children
5 because I saw a real need in the community. Kids were
6 injured and killed on a weekly -- kids were injured on a
7 weekly basis because these weapons were not stored safely in
8 homes. Weapons were reality in every single home in Syria.
9 And Syria is -- was and still is a dangerous war zone where
10 war crimes are not uncommon.

11 In addition to the accidental deaths that were a
12 regular occurrence, there were many acts of sexual violence
13 and war crimes perpetrated by all sides in the war. What
14 are innocent people supposed to do when they're faced with
15 this unimaginable threats? In war, all sides cause civilian
16 collateral damage, rape and murder.

17 Rape and murder are, unfortunately, a part of the
18 violence that is a cancer for humanity. Violence and
19 oppression breed violence and oppression. In any war,
20 Ukraine, Tigray or Syria, do we blame women for learning to
21 use a weapon to defend themselves or their children against
22 rape or murder? These are real questions, real problems
23 faced by thousands of innocent women and children around the
24 world. I, for one, do not know the answer. I deeply regret
25 my choices, but I also deeply sympathize with innocent women

1 and children victims of rape in Syria, mass murder in
2 Ukraine or school shootings in Texas.

3 I have been thinking about ways to use my
4 experiences as a voice against war, violence and extremism.
5 I'm not sure how that's going to look, but I hope to start
6 with my children by teaching them that my building peace and
7 understanding, we can live in a more just and safe world for
8 everyone. I turned myself in to authorities when no one had
9 found me, and I was under no threat or duress. I talked to
10 Leyla for the first time in the end of 2020 and beginning of
11 2021, and she was telling me all these horrible things were
12 being done to her and how she was suffering.

13 There was one call where she was just crying over
14 and over and calling herself horrible names and saying I
15 don't deserve a mom like you. I was worried about Leyla.
16 And these conversations where I was asking about the FBI and
17 whether I was wanted and what Leyla knew, I was trying to
18 understand the situation so that I could make a reasonable
19 decision about what I was going to do.

20 I felt like Leyla needed me, and I wanted to be
21 there for her, which sounds pretty crazy considering what
22 she's recently said. But what she's very recently said is
23 vastly different than what she was saying before.

24 In this case, I pled guilty and did not challenge
25 the charges against me. My case has been publicized

1 worldwide, and, therefore, it will be an example. On the
2 one hand, if my sentence is long, it will show that the U.S.
3 is harsh on terrorism. But that is already a
4 well-established fact; however, if my sentence allows me to
5 still care for my children, it will show something more
6 important and more beneficial in the war on terrorism. It
7 will show people like me who wanted out but were fearful of
8 such long prison sentences and the damage done to their
9 children by losing both parents, that there is an
10 alternative, and there is a way out of groups like ISIS.

11 I also feel that my case may become propaganda
12 that terrorist groups could use to prevent the thousands of
13 women and children worldwide from getting out of violent and
14 dangerous situations.

15 If these women do not see a way out, that will
16 only serve to pull them deeply into extremist mentalities.
17 I'm not advocating clemency, I'm not asking for this Court
18 not to punish me. But, rather, I'm asking and I'm
19 advocating for viable pathways which allow affected women to
20 truly transition back into society.

21 I would like to say to my daughter, Leyla,
22 although -- I would like to say to my daughter, Leyla,
23 although I'm heartbroken by the horrific false accusations
24 that you made about abuse, I love you, and I'm truly so
25 sorry for your pain. I really should have done better. I

1 hope that you can forgive me for what my actual mistakes
2 really were. God is forgiving, and God is merciful, and I
3 love you, Leyla. And my door and my heart will always be
4 open to you, and I pray for you every day, and I hope that
5 you can move past your hurt and live a life that you can be
6 proud of.

7 And to anyone who has been harmed by my actions, I
8 ask forgiveness. I cannot change the past, but I can only
9 work to be a better person in the future. I hope sincerely
10 for a more peaceful world for all people. I would like to
11 offer to this Court reasons why I feel that I'm not a threat
12 at this time.

13 First of all, I voluntarily turned myself in. I
14 had a good job in Syria. According to Syrian standards, I
15 made a lot of money. I was well known in the community. I
16 had a school. I was training teachers. I was working with
17 other schools to train teachers. I did not have a need to
18 turn myself in.

19 Secondly, I did not propagate on social media.
20 All my actions were localized responses to the situation
21 that I was actually living in. I never spread propaganda.
22 I didn't encourage people in other places to join fighting,
23 to do any kind of terrorist acts.

24 Third, my son, who is not here now, he lives
25 overseas still, he lives in Turkey. I sent my son out of

1 Syria rather than allow or encourage him to join ISIS. This
2 is something that, if I was the person that they're saying
3 that I am, that I'm so committed to violence and terrorism
4 and extremism, it doesn't make any sense that I would send
5 my son to his family in Turkey to get an education when he
6 was old enough that he could theoretically have gone to
7 fight. This simply doesn't compute with the picture that
8 they're trying to paint.

9 I never fought myself. If I was so interested in
10 Jihad and I wanted to commit violence, I never did. I never
11 committed any violence. I never shot or fired one bullet in
12 any kind of a fight, nor, to my knowledge, did anyone whom I
13 taught the use of weapons.

14 I lived in Syria for two and a half years after I
15 left the -- after I was able to leave ISIS, where I worked
16 hard for the benefit of the community by establishing two
17 schools and a training teacher, and I was no danger there.
18 The only thing that -- so I was no danger there in Syria.

19 If -- in that still unstable sectarian situation
20 where there were many different groups and ISIS was still
21 active, if I was such a committed terrorist, as the
22 Government is trying to portray me, I certainly would have
23 continued to do terrorist acts. I certainly -- it was an
24 easy -- and anybody who wanted to do violence, they had a
25 way. In a day, you could do whatever you wanted to do in

1 Syria, but I didn't do that. I worked hard in education to
2 try to better the community.

3 And, additionally, I didn't just try to benefit
4 ISIS children. The schools that I opened, they were open
5 for all kinds of children, even people who had supported
6 Assad who were -- which was responsible for my son's death.
7 The people -- all of the factions. And many of my very
8 beloved family members died in this war, and I did not
9 discriminate or treat these people in any way differently.
10 I built -- I worked hard to increase the education for all
11 the members of the community.

12 Another reason that I'm not a threat is the only
13 thing that I have left to live for is my six small children.
14 I want to raise them in safety and security to be productive
15 members of society. I came back to the United States
16 intentionally for them and for Leyla so that my small kids
17 could have a better life, and I would not put that at risk
18 again after all these sacrifices that I have made after I'm
19 facing 20 years in prison. If I ever get out, I would never
20 put that at risk again. Another reason I regret my actions
21 and I made deliberate steps to make amends and to take
22 responsibility and to deliberately choose the difficult path
23 to trying to make things better.

24 Number 7, I lived in the U.S. for 29 years without
25 any involvement with terrorist groups, and I cut my ties

1 with ISIS and with extremism four years ago.

2 Another very important illustrative example of why
3 I'm not a threat is, one of the witnesses in this case was
4 actually a woman who worked with me as an assistant director
5 from Day 1 until the Women's Center closed, including all of
6 the military training that we did. Not military. All of
7 the self-defense training that we did.

8 This woman now lives in the U.S. with her
9 children. In fact, after living for several years in the
10 Syrian camp, she was brought back to the U.S. and not
11 charged at all. She, along with multiple other women, whom
12 I personally know from my time in Syria, are living in the
13 U.S. and were never charged. These women have never
14 committed any crimes since their return and are an example
15 for how the U.S. can create pathways out of extremism for
16 families.

17 In my legal research, I found that if an inmate's
18 children -- that if an inmate has children and the caretaker
19 for those children dies, it is grounds for a Judge to
20 consider compassionate release. In this case, I would ask
21 the Court rather for compassionate sentencing, because my
22 children don't have anyone but me. And I -- and I suggest
23 that this compassionate sentencing would help not only my
24 six children, but to potentially many children of other
25 women who would see a viable way out of extremism.

1 I respectfully ask the Court to sentence me to
2 24 months in prison, plus ten years home confinement and
3 then a lifetime of probation. This sentence punishes me.
4 It also incentivizes women to turn themselves in to
5 authorities, which prevents children from growing up in
6 extremism and becoming terrorists in the future.
7 Additionally, this sentence gives consideration to the six
8 small children who are sad and separated from each other
9 because I did what I thought was right and turned myself in.

10 I would just like to ask the Court to just take a
11 look at those pictures. And those pictures of my children
12 are from when we were in Syria, and that's how we lived.
13 Not -- we just lived a very normal life. And the pictures
14 reflect how my children were taken care of and how they were
15 loved and their health.

16 Finally, I would just like to read these -- this
17 is a picture my daughter drew. It's a picture. This is
18 just like the bus that they picked them up from at the
19 airport. It says, stop, help. Hey, I'm jacked. And it has
20 a picture here of a little girl wearing a backpack like the
21 one that she had when they brought her here. And it has an
22 X over this child.

23 This is -- my four-year-old daughter wrote for me.
24 The only thing she knows how to write is her name and I love
25 you, mommy. My son wrote me this. He's nine. Dear mom, I

1 wish we were with you. We got to talk -- it says their
2 brother's name here -- today, and I got to play with them.
3 He's referring to toys that I sent to him.

4 Another letter that the same son wrote. As-salamu
5 alaykum -- that's the Islamic greeting -- I love you so
6 much. I wish I was with you in jail. Are you okay? I'd
7 love it if I was with you. If I visit with you. I got this
8 letter just last week from my nine-year-old daughter. I
9 wish you were with me. Heart. I miss you very much. I
10 wish you were with me and we could talk more. I love you
11 very much. Allah will help us. I wish I was with you.
12 Mom, I love you.

13 My -- other daughter, not the same as these. How
14 are you doing? It's been so long since I see you. Do you
15 remember the days we used to go to um imro (phonetic)? She
16 used to teach us Quran, and she was all our friend. I wish
17 I was with you again. Please, can I come with you? I love
18 you. And this one is just love you, mom.

19 Thank you.

20 THE COURT: Well, I would normally not permit this
21 much discussion of motherhood and raising children in a
22 criminal case, but this was made as a major mitigating
23 argument in the defendant's papers, and, therefore, it had
24 to be addressed. But, as I said in my earlier order in this
25 case, the defendant was going to be sentenced for what she

1 has admitted to doing, and that is how she will be sentenced
2 today.

3 And I am satisfied that a sentence at the high end
4 of the sentencing guidelines is appropriate. First of all,
5 I must say, in all candor, that I don't find this allocution
6 to be wholly credible. It is inconsistent with statements
7 that you made when you were not under the pressure of facing
8 justice. You've used the term "regret" several times in
9 your allocution. You said you regret, you regret. And yet,
10 in the letter -- I'm sorry, in the conversation you had with
11 your daughter back in 2021 -- in fact, I think it's one of
12 the last quotes in the Government's opposition as well --
13 you say: I might feel sad, but I don't regret what I did.
14 I think that is a more accurate statement of your true
15 mindset than what you have expressed today.

16 I'm also very troubled by the way in which you, I
17 think, downplayed the impact of the Benghazi situation.
18 You're obviously a very intelligent woman. You're a very
19 articulate woman. And I don't accept the argument that you
20 were somehow an almost passive dupe in the Benghazi matter.
21 I don't believe there's any evidence you planned it or
22 participated in it, but, as I've said before, you would have
23 been, in my view, a knowing and voluntary accessory after
24 the fact in the extent that you were helping to translate
25 and summarize those documents. And you admitted in the

1 statement of facts the documents did get into ISIS's hands.
2 So that is a problem.

3 And then you mentioned that the Women's Brigade --
4 that's what I'm going to call it -- only existed between
5 October of 2016 and February or so of 2017. But the
6 Government began this -- or their -- its allocution with
7 these two exhibits, Exhibits 1 and 2. Exhibit 1,
8 apparently, was a letter or a communication October 3rd of
9 2016, within that time frame. This is the one that you
10 wrote to the officer in charge of the Detainees and Martyrs
11 Center --

12 THE DEFENDANT: Your Honor, excuse me. I didn't
13 write that.

14 THE COURT: I'm sorry. His response to your
15 request.

16 THE DEFENDANT: Your Honor, I didn't write that
17 document.

18 THE COURT: Well, whatever it is, it was
19 apparently related to this operation. And it says: We ask
20 Allah to make it beneficial for Islam and Muslims.

21 And then, in your letter, which was from you, as I
22 understand it, right, the one that's Government Exhibit
23 Number 2? December 2nd of 2016, you say to the Wali: I
24 require the following --

25 THE DEFENDANT: No, Your Honor, I didn't write

1 that document.

2 THE COURT: Was that not written by the defendant?

3 MR. PAREKH: No, Your Honor. It's at that time
4 where the defendant is certainly -- when she's admitted that
5 she's organized and led this Khatiba, but this document
6 wasn't written by the defendant.

7 THE COURT: But it was written on behalf of that
8 organization?

9 MR. PAREKH: That's correct, Your Honor.

10 THE DEFENDANT: Prior to my involvement with it,
11 Your Honor. I was running the Women's Center at that time.

12 THE COURT: This was December of 2016.

13 THE DEFENDANT: Yes, Your Honor. I was running
14 the Women's Center.

15 THE COURT: But the Women's Center becomes part of
16 that group.

17 THE DEFENDANT: If you'll note, Your Honor, the
18 other document is the end of January 2017, and that's when
19 the Women's Center became part of -- there was no actual
20 Khatiba before.

21 THE COURT: In any case, though, you have admitted
22 that suicide vests were something that was discussed.

23 THE DEFENDANT: Yes, it was.

24 THE COURT: All right. And suicide vests cannot
25 possibly be considered a type of self-defense. They are an

1 offensive weapon used by terrorists to create havoc.

2 In any case, the issue in a case of this sort is
3 the appropriate sentence. There's no question that you were
4 providing material support to a terrorist organization, that
5 you knew you were assisting ISIS, and I think there is no
6 question as well that you've not cooperated with the United
7 States. These examples you gave of other women who may have
8 returned and who perhaps have not been sentenced, I think
9 one of the other differences is, most likely, they've been
10 cooperating, and you have not, according to what the
11 Government has said.

12 I don't find any tremendously mitigating
13 circumstances in your case. And, quite frankly, in terms of
14 the argument about the precedent this might set, as I said
15 at the very beginning, the guidelines in this case are 360
16 to life. The Government chose to work with you all on a
17 plea bargain that exposes you to a maximum of 240 months,
18 basically cutting off the potential for a life sentence, and
19 actually giving you a sentence significantly lower than what
20 you otherwise could easily have been facing.

21 And so I am satisfied that a sentence of
22 240 months is sufficient but not greater than necessary to
23 achieve the purposes of Section 3553(a) of Title 18 of the
24 United States code. I'm not at all satisfied, frankly, that
25 this would be a case in which the two levels for acceptance

1 of responsibility should even have been given, because I
2 don't really find that your allocution today was credible
3 based upon everything else that's in this record, as well as
4 what I think were your admissions during this statement of
5 facts.

6 Now, I'm going to also find that the amount of
7 credit you should get would begin on January 28 of 2022,
8 that that's -- that is the appropriate time. You either
9 turned yourself in or were arrested by foreign forces.
10 Nobody has given me any direct evidence one way or the
11 other. The Government disputes your argument, and I'm not
12 making a finding one way or the other. But the only
13 evidence I have that's solid that the U.S. Government
14 actually at some point got involved such that you were being
15 held under U.S. authority, so to speak, would be the
16 January 28, 2022 date. So that's the date the sentence --
17 for which credit will be given on this sentence.

18 I'm not going to make a recommendation as to a
19 designation. I think, given the sensitivity of this case
20 and the potential need for maybe some mental health
21 treatment, that's up to the Bureau of Prisons to make the
22 designation. So I will not include a recommendation, other
23 than the Bureau of Prisons should take into consideration
24 any mental health needs that the defendant may have. Other
25 than that, it will be up to them to decide.

1 The sentence of 240 months in the custody of the
2 Bureau of Prisons will be followed by a period of 25 years
3 of supervised release. And the terms and conditions of
4 supervision are, first of all, spelled out on pages 33
5 through 36 of the presentence report, which I assume you
6 read; yes?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. And, Mr. King, you went
9 over those with your client as well?

10 MR. KING: Yes, Your Honor.

11 THE COURT: All right. So all those conditions
12 will apply. And, in particular, you obviously cannot
13 violate any federal, state or local laws while on
14 supervision; do you understand that?

15 THE DEFENDANT: I do.

16 THE COURT: And you must follow all the conditions
17 of supervision that will be printed on the judgment order;
18 do you understand that?

19 THE DEFENDANT: I do.

20 THE COURT: Now, among those conditions, Number 1
21 will be that you must participate in a program approved by
22 the United States Probation Office for mental health
23 treatment. You will have to fully comply with any
24 directions that the mental health people provide, such as
25 therapy, medication, in or outpatient treatment; do you

1 understand that?

2 THE DEFENDANT: I understand.

3 THE COURT: All right. You will have to waive any
4 privacy rights that you have to the mental health evaluation
5 and treatment so the probation officer can monitor your
6 compliance and progress. And because of your financial
7 situation, any and all fees for evaluation or treatment will
8 be waived; do you understand that?

9 THE DEFENDANT: I do.

10 THE COURT: Secondly, you must comply with the
11 requirements of the computer monitoring program that's
12 administered by the probation office. And you will have to
13 consent to the installation of computer monitoring software
14 on any computer or Internet-capable device to which you have
15 access. And the installation will be performed by a
16 probation officer, and it may restrict or record any and all
17 activity on the computer, including the capture of key
18 strokes, application information, Internet use history,
19 email correspondence and chat conversations; do you
20 understand that?

21 THE DEFENDANT: I do.

22 THE COURT: There will be a notice placed on the
23 computer at the time of installation to warn others of the
24 existence of the monitoring software, and you shall notify
25 all others of the existence of the monitoring software. You

1 will not be permitted to remove, tamper with, reverse
2 engineer, or, in any way, circumvent the software. And the
3 costs of that monitoring will be paid by you, to the extent
4 you are able; do you understand that?

5 THE DEFENDANT: I do.

6 THE COURT: You will also have to submit to a
7 search of your person, property, house, residence, vehicle,
8 papers, computer or other electronic communications or data
9 storage devices or media at any time by any law enforcement
10 officer or probation officer with reasonable suspicion
11 concerning any unlawful conduct or violation of any of the
12 conditions of supervision upon prior notification to and
13 approval by the Court or with a warrant; do you understand
14 that?

15 THE DEFENDANT: I do.

16 THE COURT: Your written communications online
17 must be conducted in the English language unless you have
18 received permission from your supervising officer to
19 communicate in any other language; do you understand that?

20 THE DEFENDANT: I do.

21 THE COURT: You are not permitted to communicate
22 or otherwise interact, and that includes in-person, through
23 a third-party, by telephone or mail, electronic or
24 otherwise, or through social media websites and
25 applications, with any individual known to be associated

1 with an extremist organization, including, but not limited
2 to, the Islamic State of Iraq and al-Sham, which is ISIS; do
3 you understand that?

4 THE DEFENDANT: I do.

5 THE COURT: All right. You shall not promote or
6 disseminate any terrorist views; do you understand that?

7 THE DEFENDANT: I do.

8 THE COURT: And you must provide access to any and
9 all of your financial information to the probation officer
10 at the officer's request; do you understand that?

11 THE DEFENDANT: I do.

12 THE COURT: All right. The Court finds that you
13 are financially unable to afford the costs of any of the
14 statutory fines, any costs of supervision other than what
15 I've indicated, or any costs of incarceration. But the
16 mandatory \$100 special assessment must be paid; do you
17 understand that?

18 THE DEFENDANT: I do.

19 THE COURT: And my understanding is there's no
20 request for restitution, and there's no issue of forfeiture
21 in this case; is that correct?

22 MR. PAREKH: That's correct, Your Honor. I did
23 check with the victims.

24 And just to correct the public record, what the
25 defendant stated, as Your Honor noted, was not credible, and

1 she neglected to tell you --

2 MR. KING: Your Honor, I believe the Court's made
3 its --

4 THE COURT: Mr. King, just a second.

5 MR. PAREKH: I've waited patiently until she was
6 finished.

7 What she stated about there being other women who
8 assisted her that are now in the United States and weren't
9 charged, those women were minors, they were extremely young
10 at the time. She admitted in the statement of facts, some
11 were as young as 10 or 11 years old. So, no, we didn't
12 charge a 10-year-old.

13 But anyone else, as I've noted repeatedly in
14 pleadings, who were co-conspirators, were adult women. That
15 may or may not be the case in the future. I'm not going to
16 speak as to any ongoing investigation. But I don't want the
17 public record to stand on her statement that these other
18 women who assisted her weren't charged, because they were
19 extremely young at the time; and other women, that may not
20 be the case.

21 THE COURT: Again, I'm announcing the sentence at
22 this point.

23 MR. PAREKH: Yes, Your Honor.

24 THE COURT: Are there any other conditions of
25 supervision the Government is requesting?

1 MR. PAREKH: Yes, Your Honor. The defendant's
2 United States-based family members, namely her two children
3 in the courtroom, her mother, her father, her stepmother,
4 her brother, and her first husband would like there to be no
5 contact. And we've already seen her husband -- her current
6 online husband went to Kansas to try to look for Leyla.
7 We've taken certain security measures, and we want to make
8 sure that never happens again.

9 So we would ask Your Honor also to make sure the
10 defendant does not reach out to them whether -- within jail,
11 I believe they can -- if we provide them the phone numbers,
12 they can put it into their system so she can't use her PIN
13 code to reach out to them. That she cannot have any third
14 parties, such as her online husband, reach out to them. And
15 then when she gets out of prison after 20 years, that she
16 not be permitted to contact them.

17 THE COURT: I think that's a reasonable request.

18 Obviously, if, for some reason, your son or
19 daughter changes their mind and wants to contact you,
20 they're free to do that, but you cannot reach out to them
21 yourself, nor anybody on your behalf that you've directed to
22 do so; do you understand that?

23 THE DEFENDANT: I do.

24 THE COURT: All right.

25 MR. PAREKH: And, Your Honor, I have a list of

1 those individuals I can pass up.

2 THE COURT: It will help my -- yes.

3 MR. PAREKH: Thank you, Your Honor.

4 THE COURT: Is there anything else you wanted
5 added to the conditions of supervision?

6 MR. PAREKH: No, Your Honor.

7 THE COURT: All right. Mr. King, was there
8 anything else you wanted the Court to address in terms of
9 the sentence?

10 MR. KING: No, Your Honor. Well, one thing, Your
11 Honor.

12 I wanted to be sure --

13 THE COURT: All right. The defendant should have
14 a seat.

15 MR. KING: Your Honor, I just want to be clear of
16 the Court's order. The way I understood it, she's not going
17 to receive credit for being in foreign custody in Turkey?

18 THE COURT: She starts --

19 MR. KING: -- or in Syria?

20 THE COURT: Not in Syria; in Turkey. She starts
21 to get it as of January 28 of 2022.

22 MR. KING: All right. Thank you, Your Honor.
23 That was the only -- I just wanted to make sure I understood
24 that, and I understood it correctly.

25 I have nothing further, Your Honor.

1 THE COURT: All right.

2 MR. PAREKH: And, Your Honor --

3 THE COURT: Yes.

4 MR. PAREKH: -- I know she has a waiver of appeal,
5 but --

6 THE COURT: I'm going to go through that.

7 MR. PAREKH: Yes, Your Honor.

8 THE COURT: All right. Ms. Fluke-Ekren, I want to
9 tell you, under your plea agreement, you waived your right
10 to appeal your sentence. And even though you did that --
11 and your conviction, for that matter. Even though you did
12 that, I'm advising you that you still have a right to file a
13 notice of appeal of either your conviction or your sentence.
14 If you plan to do so, it must be noticed within 14 days of
15 today's date. You have the right to be represented by
16 counsel.

17 Mr. King, you'll need to explain to your client
18 the uphill battle she would have because of the nature of
19 the law of waiver. Nevertheless, if your client wants to
20 appeal, it's your obligation to file the notice of appeal.

21 You have a right to be represented by counsel at
22 the appeal. If you cannot afford an attorney, one will be
23 appointed for you. Whether it would be your same counsel or
24 others, that's down the road.

25 Mr. King, do you understand that?

1 MR. KING: I do, Your Honor.

2 THE COURT: All right. Make sure you have that
3 conversation with your client.

4 MR. KING: I will, Your Honor.

5 THE COURT: Anything further for this case?

6 MR. PAREKH: No, Your Honor.

7 THE COURT: All right. We'll recess court for the
8 day.

9 (Proceedings adjourned at 2:24 p.m.)

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11 I certify that the foregoing is a true and accurate
12 transcription of my stenographic notes.

13 Stephanie Austin

14 Stephanie M. Austin, RPR, CRR

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