

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>DECLARATION</u>
- v. -	:	98 Cr. 1023 (LAK)
	:	98 Cr. 539
USAMA BIN LADEN,	:	
a/k/a "Usamah Bin-Muhammad	:	
Bin-Ladin,"	:	
a/k/a "Shaykh Usamah Bin-Ladin,"	:	
a/k/a "Abu Abdullah,"	:	
a/k/a "Mujahid Shaykh,"	:	
a/k/a "Hajj,"	:	
a/k/a "Abdul Hay,"	:	
a/k/a "al Qaqa,"	:	
a/k/a "the Director,"	:	
a/k/a "the Supervisor,"	:	
a/k/a "the Contractor,"	:	

Defendant.

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GEORGE Z. TOSCAS hereby declares, under penalty of perjury and pursuant to Title 28, United States Code, Section 1746, as follows:

1. I am the Deputy Assistant Attorney General for Counterterrorism and Counterespionage in the National Security Division of the United States Department of Justice. I have served in the Department of Justice since October 1993, and have exercised the functions of my current position since March 2009. As the Deputy Assistant Attorney General, I am responsible for, among other things, the headquarters-level management, supervision, and coordination of all federal counterterrorism investigations, prosecutions, and policy matters, including

liaison with the U.S. intelligence community.

2. I am familiar with the information contained in this Declaration based on my review of documents and other materials, and conversations and other communications that I have had with officials of the Central Intelligence Agency ("CIA") and the Department of Defense ("DoD").

3. I submit this Declaration in connection with the Government's request for an order of nolle prosequi as to defendant USAMA BIN LADEN, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah Bin-Ladin," a/k/a "Abu Abdullah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "Abdul Hay," a/k/a "al Qaqa," a/k/a "the Director," a/k/a "the Supervisor," a/k/a "the Contractor" ("USAMA BIN LADEN" or "BIN LADEN").

4. I set forth herein facts relevant to the conclusion of the CIA that USAMA BIN LADEN was killed during a raid conducted on a compound in Abbottabad, Pakistan on May 1, 2011 ("Abbottabad Raid").¹

5. Shortly after the Abbottabad Raid, U.S. forces collected DNA samples from the body of the deceased individual assessed to be BIN LADEN. Those DNA samples were then transported from Abbottabad, Pakistan to U.S. military facilities in Afghanistan, where they were immediately provided to DoD and

¹ The raid occurred on May 2, 2011, in Pakistan. Due to the difference in time zones, it was May 1, 2011, in the United States.

CIA personnel for processing and comparison. CIA and DoD conducted DNA tests, during which the sample from the Abbottabad Raid was compared with a comprehensive DNA profile derived from DNA collected from multiple members of BIN LADEN's family. These tests confirmed that the sample from the Abbottabad Raid genetically matched the derived comprehensive DNA profile for USAMA BIN LADEN. The possibility of a mistaken identification is approximately one in 11.8 quadrillion.

6. In addition, facial recognition analysis was conducted. Facial recognition technology compares unique facial features, such as bone structure, age spots, hair growth patterns, and the size and shape of the eyes, ears, and nose, as well as the relative positioning of facial features. The CIA compared historic photographs of BIN LADEN with photos of the deceased individual assessed to be BIN LADEN and concluded with high confidence that the deceased individual was BIN LADEN.

7. In the immediate aftermath of the Abbottabad Raid, one of BIN LADEN's wives, who was co-located with him on the 3rd floor in the main compound during the Abbottabad Raid, confirmed to U.S. forces that BIN LADEN lived there. She further confirmed that the deceased individual assessed to be BIN LADEN was, in fact, BIN LADEN.

8. A significant quantity of al-Qa'ida-related material was recovered during the Abbottabad Raid. This material

included, for example, correspondence between USAMA BIN LADEN and other senior al-Qa'ida leaders that concerns a range of al-Qa'ida issues, as well as at least one previously unreleased video depicting BIN LADEN, which video appears to have been filmed in the compound that was the target of the Abbottabad Raid.

Dated: Washington, D.C.
June 16, 2011



~~GEORGE Z. TOSCAS~~
GEORGE Z. TOSCAS
Deputy Assistant Attorney General
National Security Division
United States Department of Justice