

Case by Case ISIS Prosecutions in the United States

March 1, 2014 – June 30, 2016

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FROM THE DIRECTOR

One year ago, in June of 2015, the Center on National Security at Fordham Law released a report on the first 59 ISIS cases in U.S. federal courts. That report documented the charges, the overall biographical characteristics of the subjects, and the dispositions of those cases.

Now, one year later, there have been a total of 101 ISIS-related cases. Ninety-four were indicted in federal courts. In the remaining seven, the suspects were killed by law enforcement. As before, these cases present a wealth of information, both about the ways in which the criminal justice system is processing these investigations and prosecutions and about the accused individuals themselves. This July 2016 report updates the prior one and adds new avenues of analysis to the understanding of the threat posed by ISIS in the United States.

THE CASES

All told, the ISIS cases make up a fraction of a percent of federal criminal cases. Moreover, in 2016 the number of ISIS arrests to date has been significantly lower than it was last year. However, the seriousness of the allegations, the heightened concern about the growth of ISIS worldwide, and the elusiveness of individuals who self-recruit over the Internet make the information surrounding these cases of vital concern. Although there are only 101 publicly known cases, the Director of the FBI, James Comey, has noted that over 900 investigations are open and that they span all 50 states.

Eighty percent of the subjects were indicted on material support charges. The 50 charts and figures included in this report, to an extent, discern some of the trends in terms of recruitment, threats, counter-recruitment strategies, and motivations.

THE INDIVIDUALS

The wide range of individuals attracted to ISIS remains a constant, yet there are some overarching trends. They are predominantly male, young, and U.S. citizens, with more than half born in the United States. All but one were Muslim at the time of arrest. Most were attracted at least in part by social media, and many had expressed some form of social alienation, loneliness or identity issues.

Despite the trending youthfulness of these individuals, those who conducted lethal attacks, such as the San Bernardino, Garland, and Orlando attackers and the individual who tried to attack a policeman in Boston – all of whom were killed by law enforcement – were older. The average age of those who conducted attacks was 29 years old. The average age overall of those indicted for ISIS-related crimes is

26 and the most common age among them is 20.

Their young age contributes to lower education levels, as many are still in high school or

college. Their youth also contributes to the lack of a criminal record overall, though many may have had informal encounters with police prior to their arrest on ISIS charges. These encounters have often included traffic violations and only in a couple of cases in-

cluded arrests on more serious charges. Finally, their age coincides with the use of social media, including watching and sharing graphically violent videos, as a consistent element across the cases.

In addition to being young, and relatively unmarked by prison or criminal enterprise, these individuals are often seekers. Some are seeking religious attachment. One third of the in-

dicted individuals are converts to Islam. The ISIS recruits are attracted to the idea of serving the larger purpose of the caliphate. They are also political seekers. Many have gone from an interest in joining or identifying with al Qaeda or another terrorist organization to a focus on ISIS. Several were searching for a spouse.

Overall, there is a sense of identity crises and alienation from society across the wide range of cases. Anxieties over not fitting in, examples of personal isolation and social anger are frequent. Several have expressed homophobia, anti-semitism, or anger at non-ISIS Muslims. Of the 97 individuals who were either in the

United States or who were arrested after leaving the United States, nearly 80% of the cases indicated dissatisfaction with the United States.

Average age is 26 77% are U.S. citizens 87% are male

1/3 are converts to Islam

5 individuals are charged with

joining ISIS in Syria

42% are accused of plotting

against U.S. targets

50% were involved in

discussing, procuring, or

possessing firearms

der some kind of treatment for mental illness, or have been diagnosed as schizophrenic, bipolar or suspected of suffering from acute anxiety. Nearly 10% were alleged to have some history of recreational drug use.

More than 10% have been un-

Despite the fact that nearly 80% of the charged defendants are U.S. citizens, an identification with foreign conflicts rather than with American politics and society is apparent across the sample of indicted individuals.

Also related to the youth of these individuals, and their generation's facility with the Internet,

> ment and expressions of support for ISIS. At least 90% of the ISIS-related cases involve some form of Internet communication, and 60% of the cases involve two-way communication between ISIS associates or sympathizers, including FBI informants.

Family has played a prominent role in these cases. Because of

the young age of those indicted on ISISrelated charges, many still live at home with their parents. In several of the cases, parents tried to intervene to prevent their children from fleeing to join ISIS abroad or from identifying with the group at all. Sixteen percent of the accused have been indicted alongside relatives.

social media has played a large role in recruit-

THE PLOTS

There are some striking differences from last year's report. The rate of indictments is down.

So too the alleged interest in joining the ranks of foreign fighters in Syria has dropped measurably, with only 6 out of 16 cases, or 38%, in 2016, including allegations of wanting to fight abroad for ISIS. Instead, their focus, as described in criminal complaints, is on remaining in the United States and carrying out acts of violence here. Those allegedly planned attacks, according to the complaints, are aimed primarily at government and mili-

tary officials and personnel. Planning for specific civilian attacks along the lines of the Garland, San Bernardino and Orlando shootings rarely shows up in the other indictments.

Moreover, there has been a noticeable trend

towards the use of guns and

blades.

In last year's report, there appeared to be no well-documented ties to ISIS abroad. There remain frequent references to Abu Bakr al-Baghdadi, the leader of ISIS, and to Anwar al-Awlaki, the social media guru who led the

promotional campaign of AQAP until his killing by a U.S. Predator drone in September 2011. But there were no actual ties alleged in the complaints. This year, recent court filings have alleged that a New England ISIS plot involving 3 individuals in the U.S. had direct ties to a known ISIS associate overseas. This plot, involving 4 of the ISIS cases in total, represents the first disclosed instance of direct ties to ISIS.

The preventive model that took hold after 9/11

remains strong in the counterterrorism strategy of law enforcement. The newer ISIS cases involve FBI informants and undercover agents with greater frequency than in last year's report. The use of social media monitoring and interaction has been combined with face-to-face contact with informants and undercover agents.

Nearly half of the cases have been resolved, and to date have resulted in a 100% conviction rate, with only seven go-

ing to trial, and the rest resulting in guilty pleas. The average sentence is 9.2 years, remaining largely steady since the first ISIS-related indictment in March of 2014.

1/3 lived with their parents at time of arrest

16% involved relatives

10% tried to join the military or law enforcement

10% involved recreational drug use

89% used social media

45% mentioned Baghdadi and/or al-Awlaki

26% expressed a desire for martyrdom

59% of the cases involved government informants or undercover agents

OFF-RAMPS

Both before trial and after conviction, there has been a small but discernible trend towards intervention, diversion, and rehabilitation in these cases. Two defendants have received on pre-trial release to the custody of their parents. One was held in a halfway house rather than

in jail pending resolution of his case. Two were released on probation following their convictions. Judge Michael J. Davis, presiding over several cases in Minneapolis, has called for a more formal off-ramp program for those who have been convicted, and has brought in the services of Dr. Daniel Koehler from Berlin, Ger-

many, to perform risk assessments and to help design rehabilitation programs for these individuals.

Given the recent attacks at home and abroad, these patterns may change, but it is important to have the relevant facts at hand. ISIS-related cases in the U.S. involve mostly American citizens, many of whom are converts, the majority of whom are 26 or under. This report suggests that efforts to intervene with or redirect these late adolescents towards more constructive futures will require focus on individual needs and circumstances, rather than on predictive large scale socio-economic determinants.

Karen J. Greenberg Director Center on National Security Fordham University School of Law

METHODOLOGY

We present the most detailed and definitive analysis of ISIS cases in the United States available to the public today. These findings are based on publicly disclosed ISIS-related incidents, prosecutions, and investigations in the United States.

STANDARDS

The data for this report was collected, organized, and coded by a team of researchers in consultation with an advisory panel of terrorism trial experts. As categorical and methodological questions arose, the research team drew upon the experience and knowledge of the advisory panel to ensure that the most objective and stringent standards were incorporated into the research and analytical process.

CASES

We refer to each accused individual as a separate "case," even though multiple individuals may have been involved in a single common criminal matter or terrorist incident.

The cases in our database consist of individuals accused of violating statutes that are traditionally regarded as being directly related to international terrorism. Such statutes prohibit the use of weapons of mass destruction, conspiracy to kill persons overseas, providing material support for terrorists or terrorist organizations, receiving military-style training from terrorist organizations, and bombing public

places or government facilities. Additionally, the database also includes individuals accused of violating other statutes not inherently associated with terrorism, but where the investigation alleges a link to international terrorism. These cases include violations involving fraud, immigration, firearms, drugs, false statements, perjury, and obstruction of justice.

A third class of cases includes individuals who died in the course of carrying out plots to attack individuals within the United States.

These individuals have not faced federal charges because they are deceased. Nevertheless, they constitute ISIS-related terrorist incidents that must be included in the database.

For each of these general categories, it must also be alleged by federal investigators or established by known facts that these violations occurred on behalf of ISIS or in support of ISIS-inspired conduct.

CRITERIA

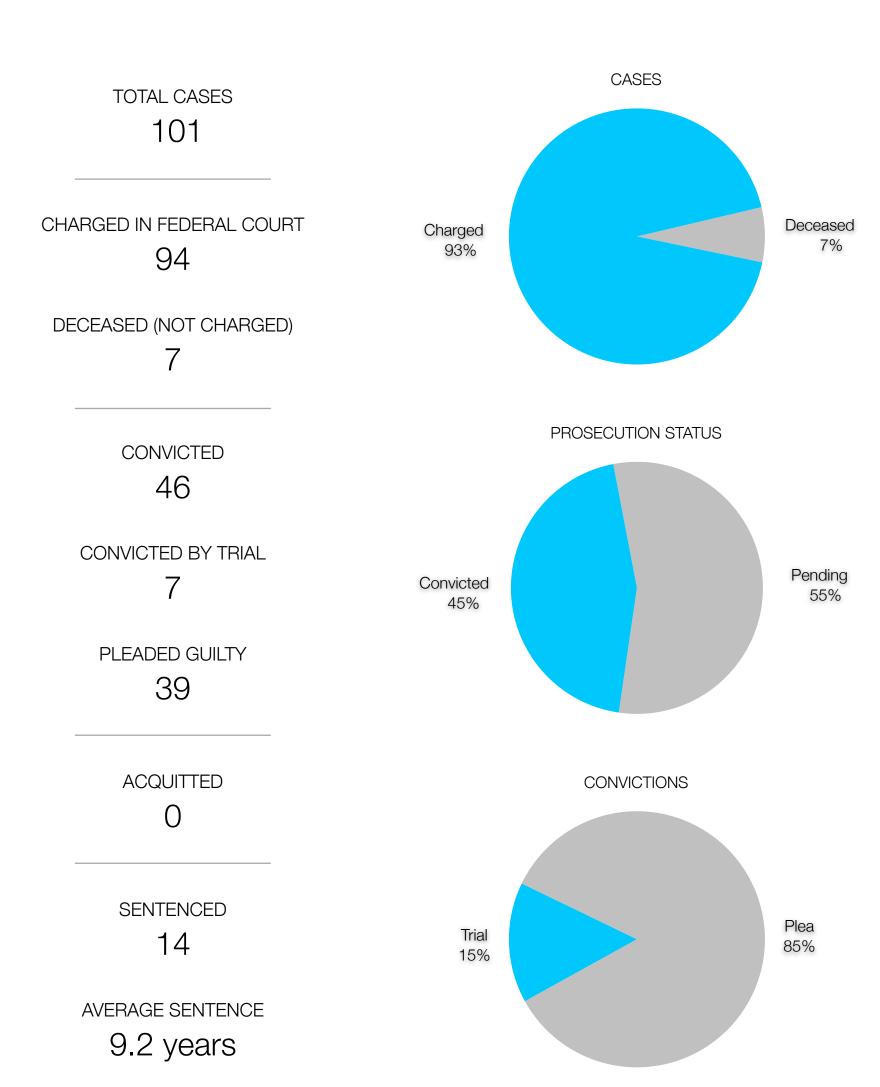
Our criteria for adding cases to the ISIS database are pegged to Department of Justice criteria for filing federal charges in ISIS-related cases. Incidents of suspected ISIS-inspired crimes that did not involve the federal legal system were not included in this dataset.

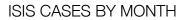
PROCESS

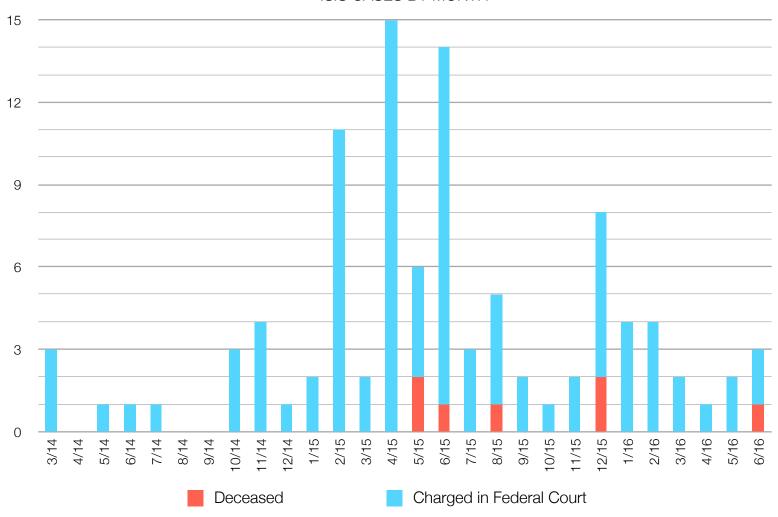
The process for categorizing the cases, sifting the documents, and coding the data was highly iterative, yielding a steady flow of new methodological questions requiring careful determinations as new cases came to light and as new sources became available for existing cases. While certain attributes were consistently found in court documents for every case (i.e. charges, gender, and location), other attributes required additional research into each person's background and circumstance (i.e. immigration status, family status, or history of mental illness). We assessed the reliability of firsthand interviews published in press accounts on a case-by-case basis. Information from reputable news media sources has been incorporated into our dataset.

Having categorized and indexed the wide array of relevant facts available for each case, we then analyzed the database as a whole, comparing and correlating attributes in the aggregate and then dissecting the resulting subcategories to identify patterns and anomalies. This analytical process, entailing the sorting and sifting of thousands of data points from thousands of pages of documents, yielded the findings presented herein.

PART ONE: STATISTICAL OVERVIEW

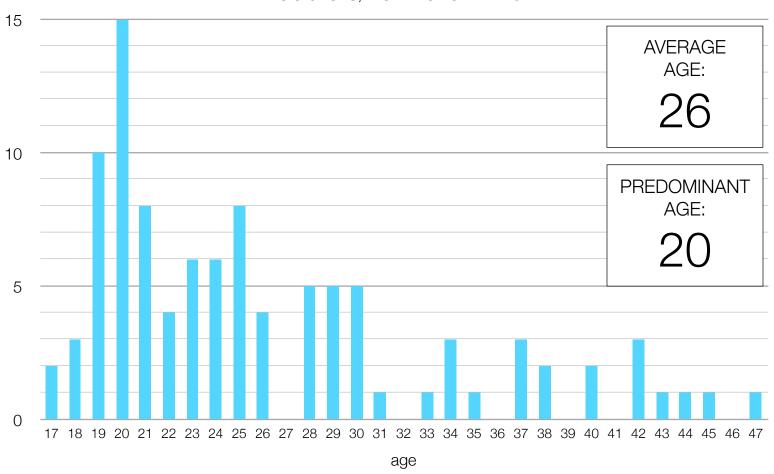






U.S. RESIDENCY STATUS	CASES
U.S. CITIZEN	78
LAWFUL PERMANENT RESIDENT	8
REFUGEE/ASYLEE	5
OVERSTAYED VISA	1
RESIDENCY STATUS UNKNOWN	5
NO U.S. RESIDENCY	4

ISIS CASES, DISTRIBUTION BY AGE



ISIS CASE CATEGORIES	INDIVIDUALS	AVERAGE AGE
FOREIGN FIGHTER	48	24.2
FACILITATOR	19	29.3
DOMESTIC PLOTTER	42	25.9
CYBER TERRORIST	5	24.6
ISIS ASSOCIATE	2	23.0

CATEGORY DEFINITIONS

FOREIGN FIGHTER Allegedly joined or took steps to join ISIS abroad.

FACILITATOR Allegedly aided others in attempting to join ISIS abroad but did not take steps to travel themselves.

PLOTTER Allegedly took steps or planned to harm U.S. persons or property on behalf of ISIS.

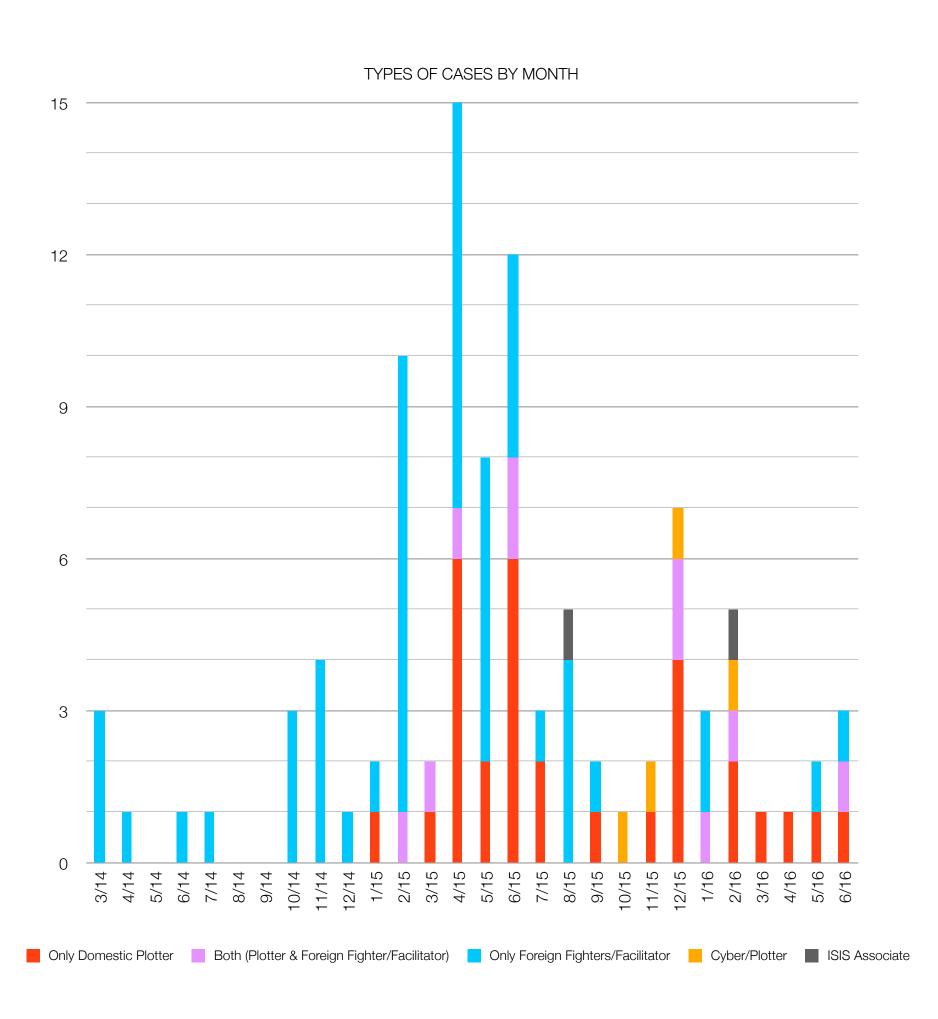
CYBER TERRORIST Allegedly accessed protected computer networks or participated in a related plot.

ISIS ASSOCIATE Individuals who have attained leadership status within ISIS.

ISIS Cases in the United States

1.	Abdulkadir, Khaalid Adam	36.	Farah, Mohamed Abdihamid	71.	Rovinski, Nicholas
2.	Abdurahman, Zacharia Yusuf	37.	Farrokh, Joseph Hassan	72.	Saadeh, Alaa
3.	Abood, Bilal	38.	Ferizi, Ardit	73.	Saadeh, Nader
4.	Abu-Rayyan, Khalil	39.	Franey, Daniel Seth	74.	Said, Mahamed Abukar
5.	Ahmed, Hamza	40.	Goldberg, Joshua	75.	Saidakhmetov, Akhror
6.	Al Hardan, Omar	41.	Habibov, Abror	76.	Saleh, Ali
7.	Al-Ghazi, Amir Said Rahman	42.	Harcevic, Armin	77.	Saleh, Munther Omar
8.	al-Jayab, Aws Mohammed Younis	43.	Hassan, Mohamed	78.	Salkicevic, Mediha Medy
9.	Ali-Skelton, Abdul	44.	Hodzic, Ramiz Zijad	79.	Siddiqui, Asia
10.	Alimehmeti, Sajmir	45.	Hodzic, Sedina Unkic	80.	Suarez, Harlem
11.	Amin, Ali Shukri	46.	Ismail, Yusra	81.	Sullivan, Justin Nojan
12.	Aziz, Jalil Ibn Ameer	47.	Jordan, Akba Jihad	82.	Teausant, Nicholas Michael
13.	Badawi, Muhanad	48.	Juraboev, Abdurasul Hasanovich	83.	Thomas, Keonna
14.	Bahar, Nisreen	49.	Kareem, Abdul Malik Abdul	84.	Topaz, Samuel Rahamin
15.	Bhuiya, Mohimanul	50.	Kasimov, Dilkhayot	85.	Van Haften, Joshua
16.	Blair, Alexander E.	51.	Khan, Asher Abid	86.	Velentzas, Noelle
17.	Booker, John T., Jr.	52.	Khan, Mohammed Hamzah	87.	Warsame, Abdirizak Mohamed
18.	Brown, Avin Marsalis	53.	Khweis, Mohamad Jamal	88.	Wolfe, Michael Todd
19.	Ciccolo, Alexander	54.	Lutchman, Emanuel	89.	Wright, David
20.	Coffman, Heather Elizabeth	55.	Marquez, Enrique	90.	Yassin, Safya Roe
21.	Conley, Shannon Maureen	56.	McNeil, Terrence J.	91.	Young, Jaelyn Delshaun
22.	Cornell, Christopher Lee	57.	Medina, James	92.	Yusuf, Abdullahi
23.	Dakhlalla, Muhammad Oda	58.	Morgan, Donald Ray	93.	Zakirov, Akmal
24.	Dandach, Adam	59.	Mumuni, Fareed	94.	Zuhbi, Mohamed
25.	Daud, Abdurahman Yasin	60.	Musleh, Akram		
26.	Davis, Leon Nathan	61.	Musse, Hanad Mustofe	KILLI	ED (NOT CHARGED)
27.	Diaz, Miguel Moran	62.	Nagi, Arafat	95.	Farook, Syed
28.	Edmonds, Hasan R.	63.	Niknejad, Reza	96.	Hussain, Junaid
29.	Edmonds, Jonas M.	64.	Nur, Abdi	97.	Malik, Tashfeen
30.	El Gammal, Ahmed Mohammed	65.	Omar, Guled Ali	98.	Mateen, Omar
31.	Elfgeeh, Mufid A.	66.	Pugh, Tairod Nathan Webster	99.	Rahim, Usaamah
32.	Elhassan, Mahmoud	67.	Rabbani, Imran	100.	Simpson, Elton
33.	Elhuzayel, Nader	68.	Rakhmatov, Azizjon	101.	Soofi, Nadir Hamid
34.	Elshinawy, Mohamed	69.	Ramic, Jasminka		
35.	Farah, Adnan Abdihamid	70.	Rosic, Nihad		

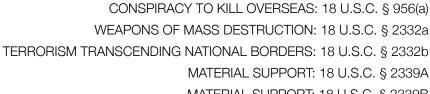
PART TWO: INVESTIGATIONS & PROSECUTIONS



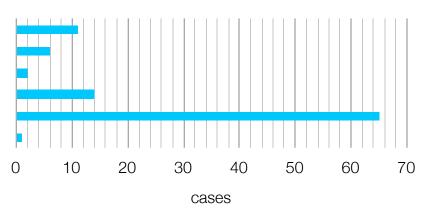
Federal Charges

(For statute descriptions, see Appendix, page 30.)



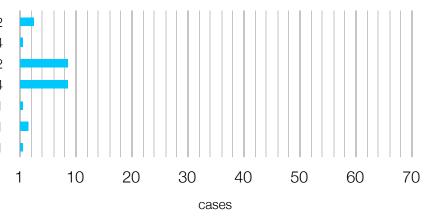


MATERIAL SUPPORT: 18 U.S.C. § 2339B MATERIAL SUPPORT: 18 U.S.C. § 2339D

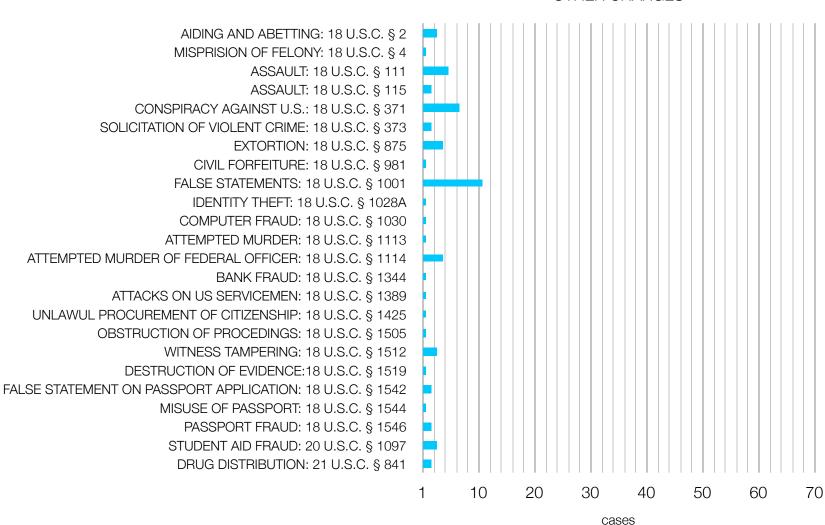


WEAPONS CHARGES

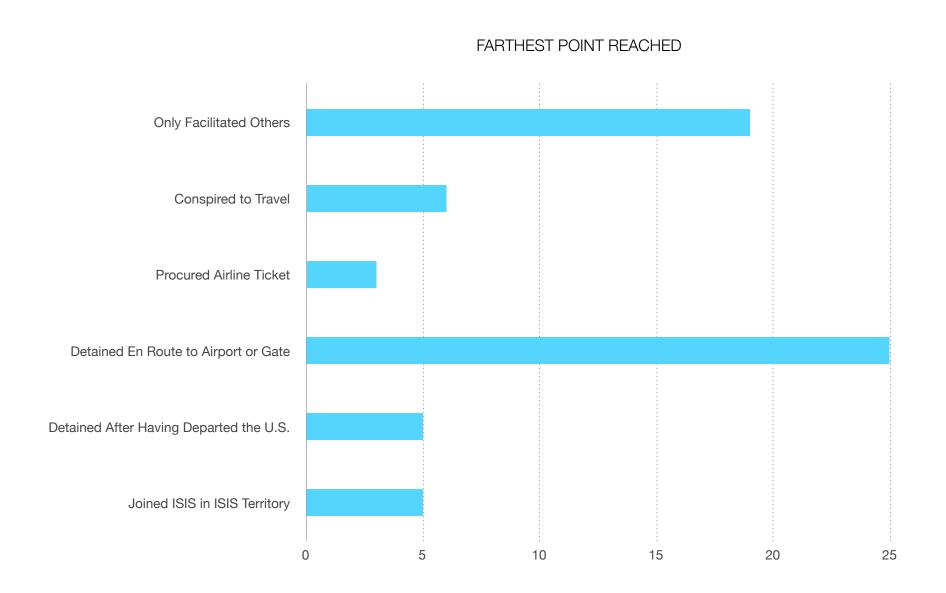
EXPLOSIVES VIOLATION: 18 U.S.C. § 842 EXPLOSIVES VIOLATIONS: 18 U.S.C.§844 FIREARMS VIOLATIONS: 18 U.S.C. § 922 FIREARMS VIOLATIONS: 18 U.S.C. § 924 OTHER FIREARMS VIOLATIONS: 26 U.S.C. § 5841 OTHER FIREARMS VIOLATIONS: 26 U.S.C. § 5861 OTHER FIREARMS VIOLATIONS: 26 U.S.C. § 5871



OTHER CHARGES

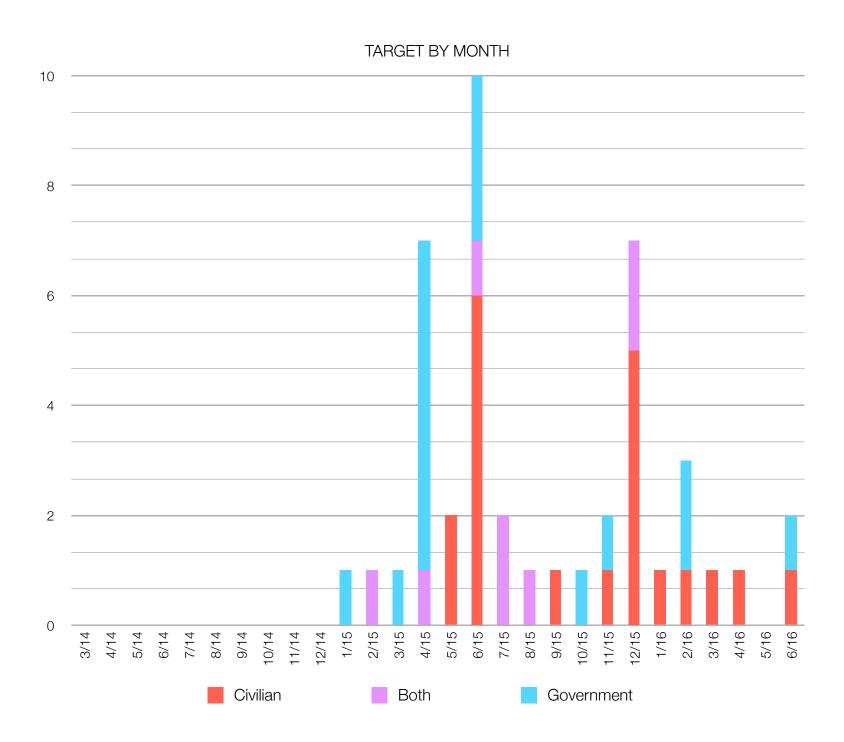


Foreign Fighters & Facilitators



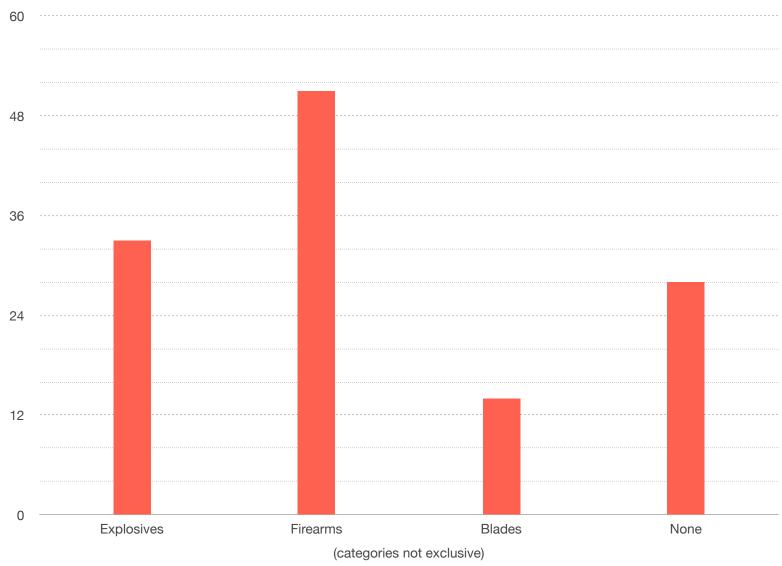
There has been a decrease in the number of individuals seeking to go abroad to fight on behalf of ISIS in Syria. The CNS July 2015 *By the Numbers* report found that 52% of the cases were foreign fighters. From July 2015 to July 2016, foreign fighters have comprised just 26% of the cases.

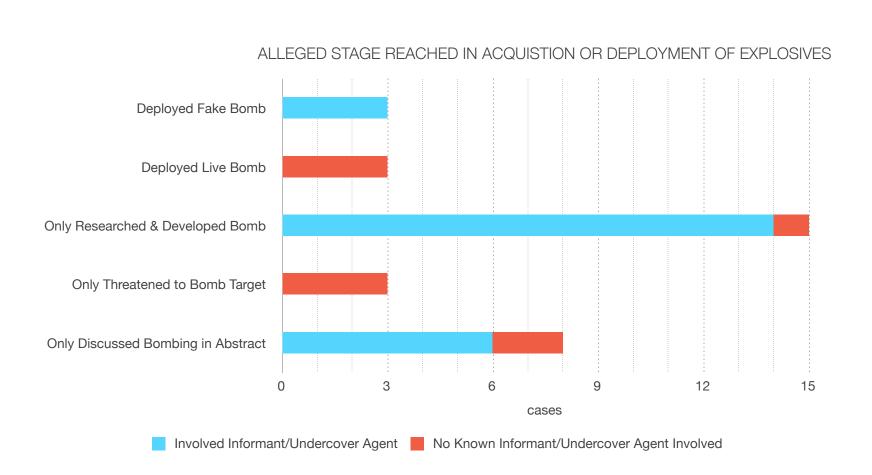
Alleged Plots Against U.S. Targets



Of the 43 cases with known targets, there has been a shift from primarily government targets to mostly civilian targets. The overall trend suggests a movement towards a desire to attack public spaces.



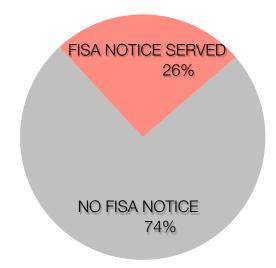




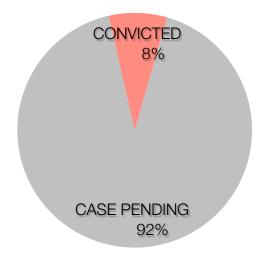
Foreign Intelligence Surveillance Act (FISA)

FISA, the Foreign Intelligence Surveillance Act, is the legal mechanism through which the government gets authorizations, through classified courts, for surveillance of those suspected of being agents of a foreign power. Its use has been controversial since the passage of the Patriot Act, which lowered the standards for obtaining the warrant, and since the passage of the FISA Amendments Act of 2008 and 2013, which allowed for the ever-broader application of the statute.

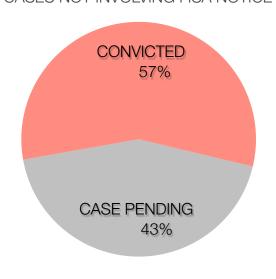
FISA NOTICE ISSUED TO DEFENDANT



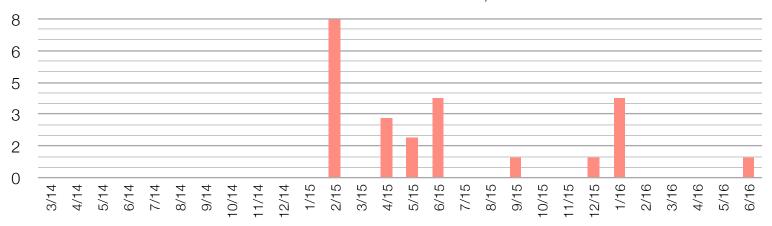
CASES INVOLVING FISA NOTICE



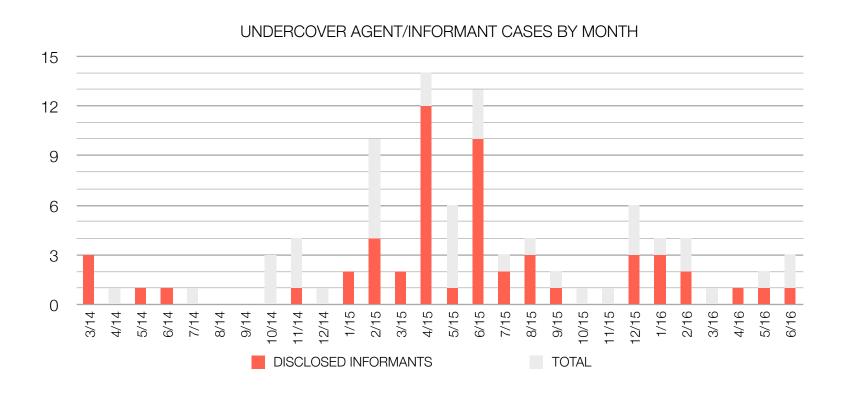
CASES NOT INVOLVING FISA NOTICE



FISA NOTICE ISSUED IN ISIS CASES, BY MONTH



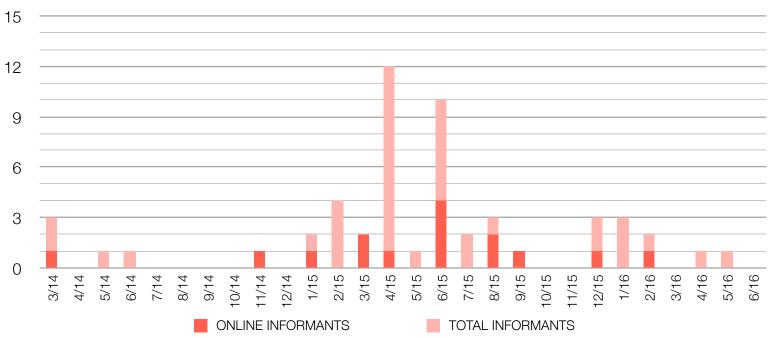
Informants & Undercover Agents



Total Share of Cases Known to Have Involved Government Informants or Undercover Agents: 59%

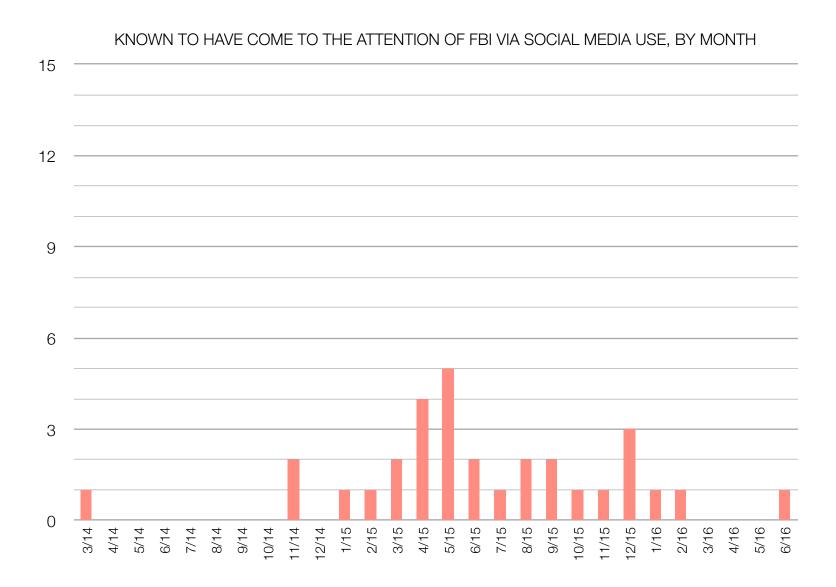
Domestic Plot Cases Known to Have Involved Government Informants or Undercover Agents: $71\,\%$





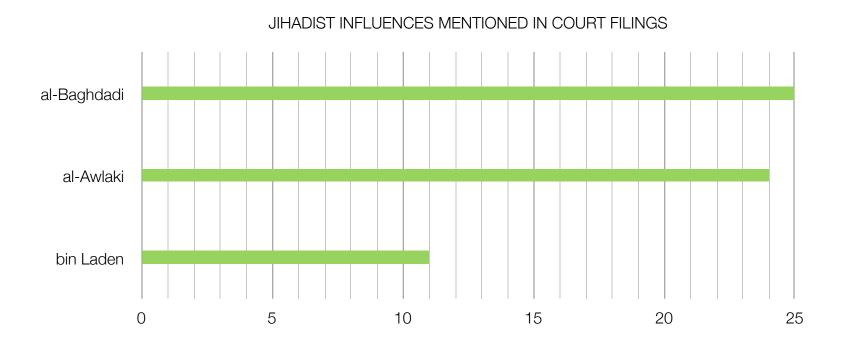
Social Media in Investigations

(For a breakdown of social media applications, see page 26.)

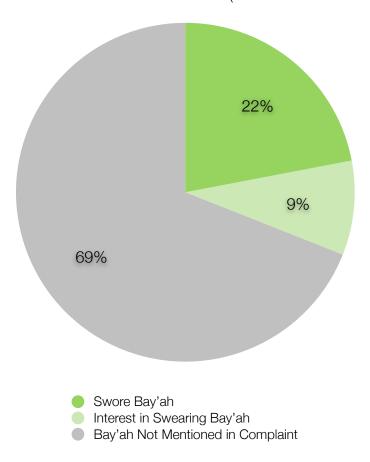


Social media is a common means for law enforcement to detect those suspected of ISIS-related crimes. At least 33% of prosecutions have come to the attention of law enforcement throughout these means.

Overseas Influences



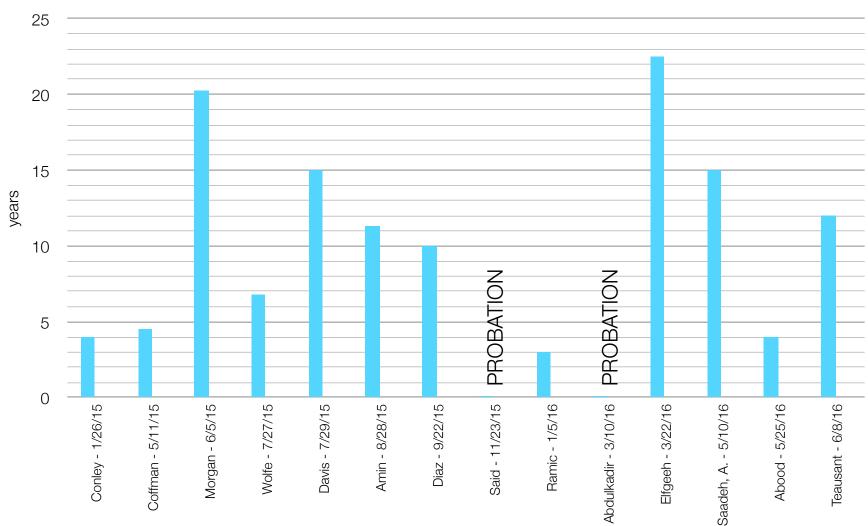
PLEDGING ALLEGIANCE TO ISIS (SWEARING BAY'AH)



Average Sentence:

9.2 years

SENTENCING - CHRONOLOGICAL ORDER



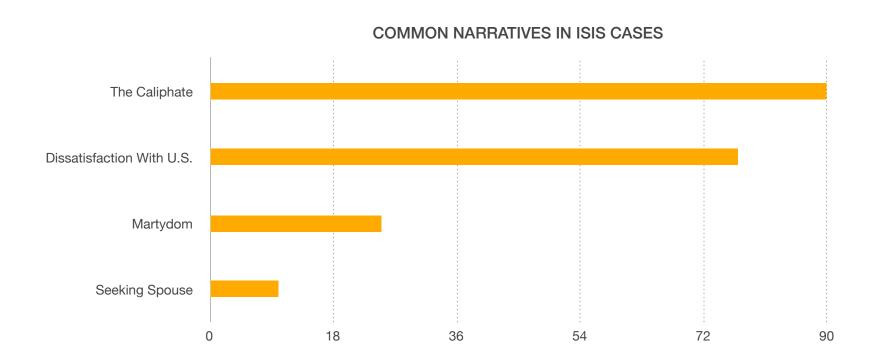
Average sentences for individuals convicted of ISIS-related crimes are five years lower than those convicted of al Qaeda-related crimes in the years 2001-2014.

The granting of probation to convicted individuals has no precedent in al Qaeda cases.

PART THREE: PERSONAL DETAILS

Examination of the individuals in these ISIS related indictments and attacks yields few shared characteristics in terms of understanding the path to extremism and/or violence. Eighty percent are Americans, one-third are converts to Islam, and two-thirds are 26 years of age and under. Few have any criminal record. Many are drawn into ISIS either on the

Internet or along with close friends or family members. Ninety percent of the individuals allegedly expressed an interest in supporting or joining the caliphate. Almost 80% indicated dissatisfaction with the U.S. Over 25% allegedly expressed a desire for martyrdom. At least 10% were looking to ISIS for a spouse.



OF THE 97 INDIVIDUALS WHO WERE INSIDE THE U.S. PRIOR TO ARREST:

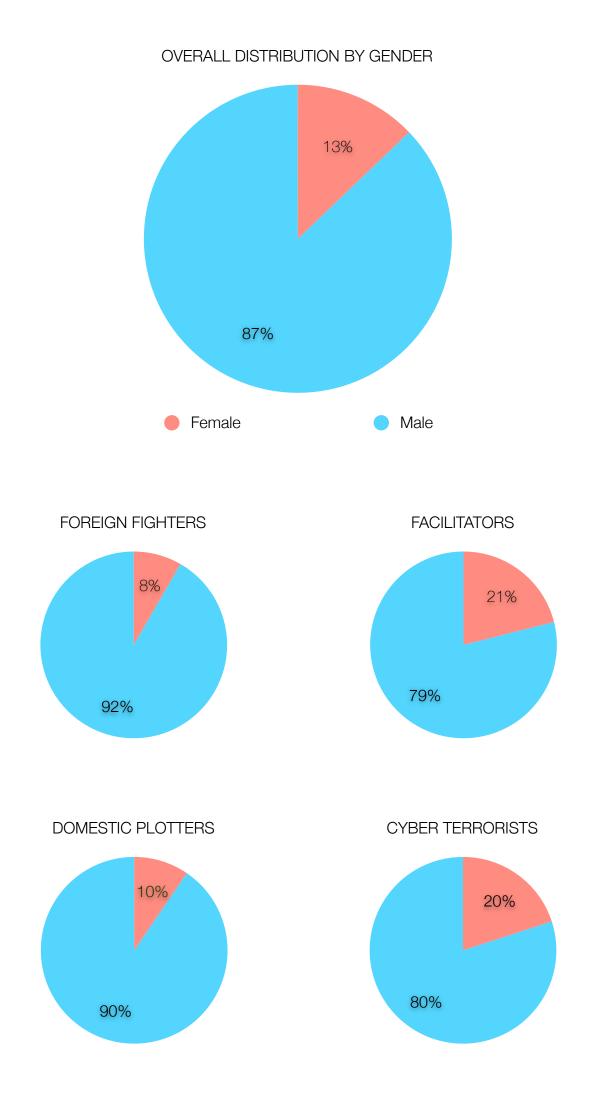
At least 77 of them (79%) expressed dissatisfaction with U.S.

32 of them (33%) indicated belief that Islam is not compatible with the U.S.

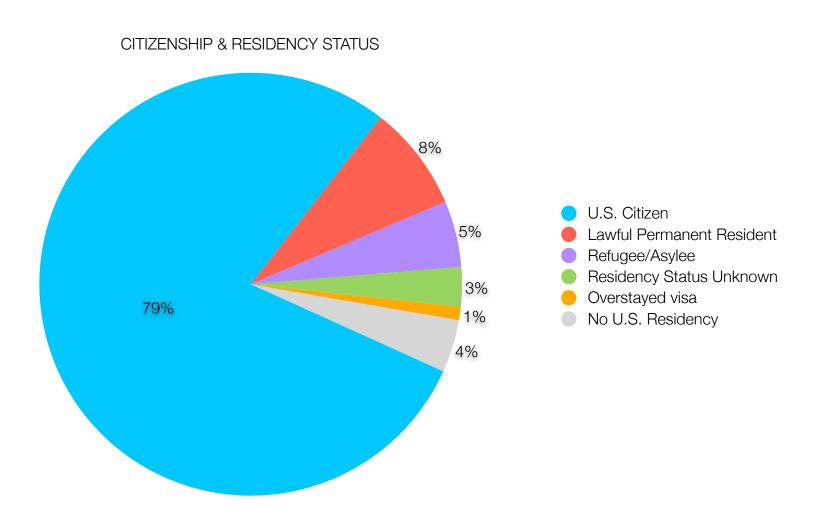
28 of them (29%) indicated dissatisfaction with U.S. society.

17 of them (18%) indicated dissatisfaction with U.S. government policy.

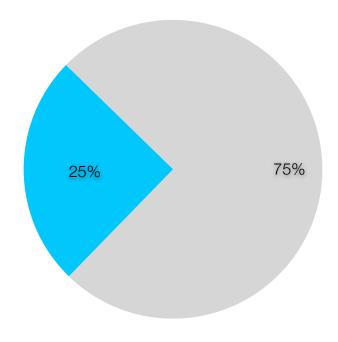
Gender

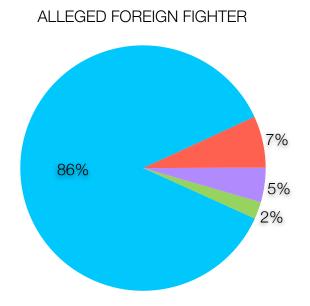


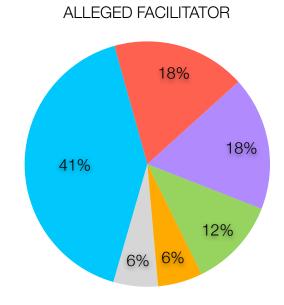
Citizenship & Residency

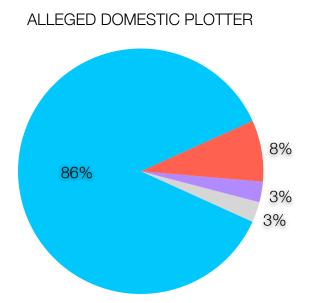




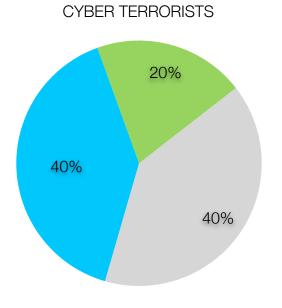


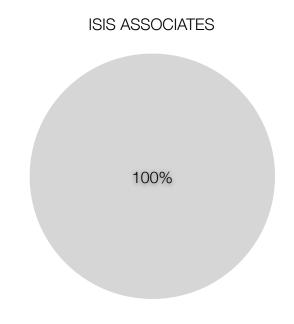




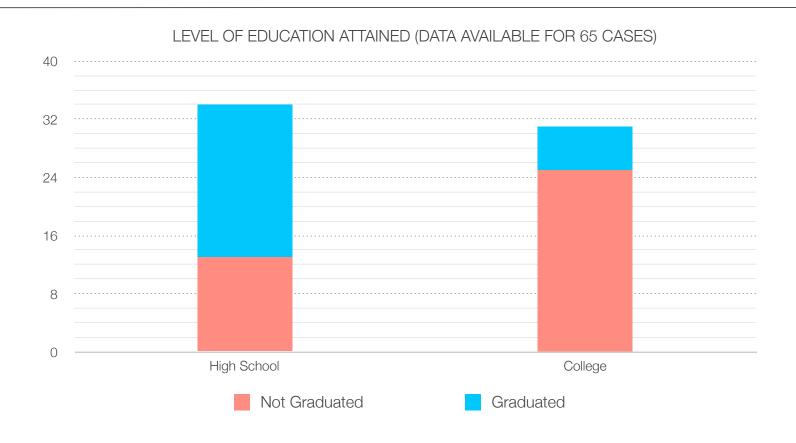




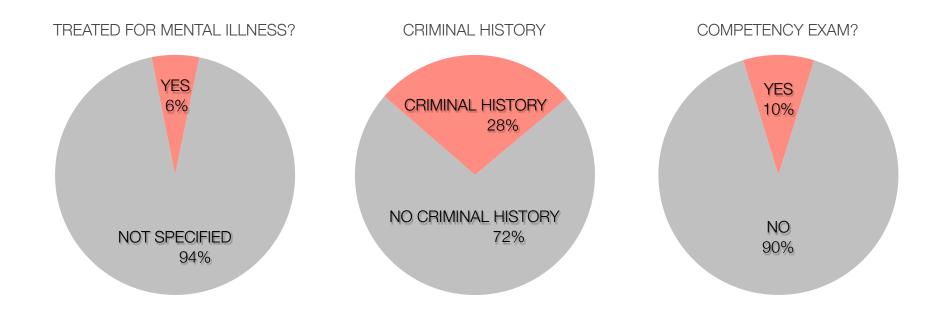




Personal History



At least 10 individuals attempted to join or succeeded in joining the military or law enforcement.

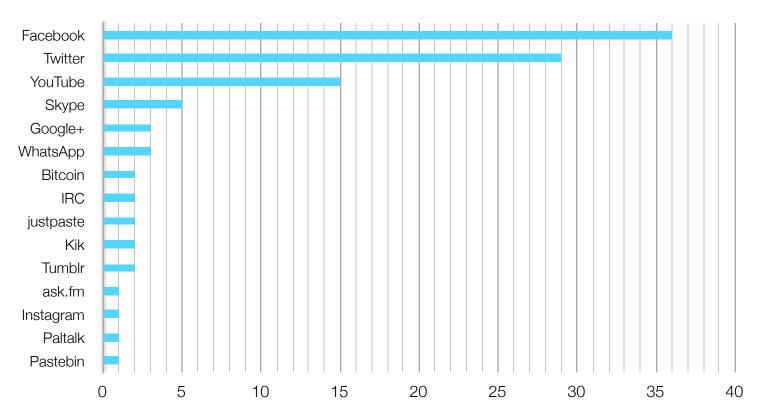


Approximately 10% of cases involved medication for mental illness.

Approximately 10% of cases involved drug and/or alcohol abuse.

Competency exams were ordered in 10% of the cases. One has been declared incompetent to stand trial.





Cases Involving Social Media Use:

89%

Cases Involving Two-Way Internet Communication:

55%

Cases Involving Consumption of ISIS Messaging:

69%

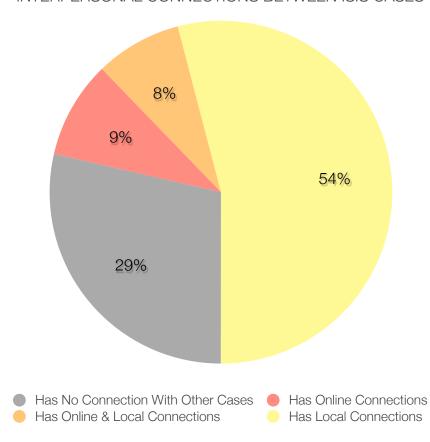
Of the Cases Involving ISIS Messaging:

58%

Featured Graphic Violent Content

Interpersonal Networks

INTERPERSONAL CONNECTIONS BETWEEN ISIS CASES

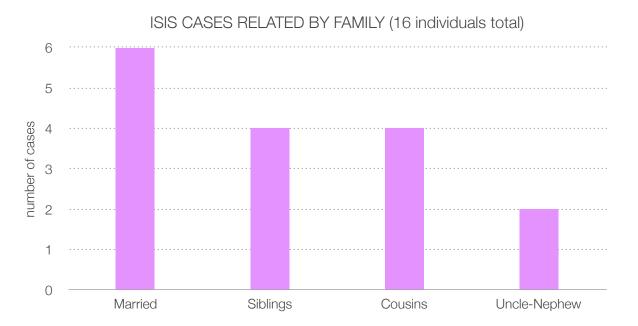


Related By Family:

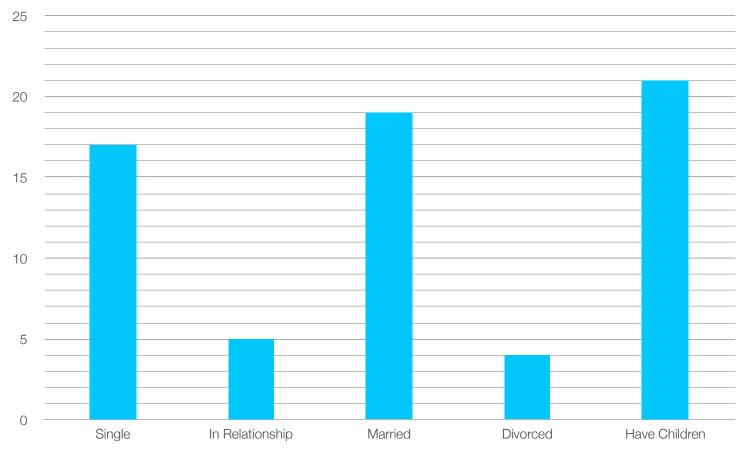
16%

Related By Domicile: Housemates & Neighbors

10%

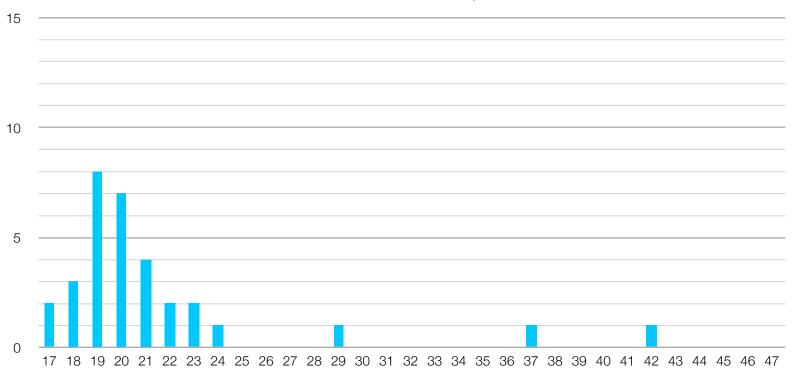






At least 35 are from two-parent households.

RESIDING WITH PARENTS, BY AGE



31 individuals are known to have been residing with their parents during their alleged conduct.

APPENDIX: STATUTES

TERRORISM CHARGES

- 18 U.S. Code § 956 Foreign Relations: Conspiracy to Kill, Kidnap, Maim, or Injure Persons or Damage Property in a Foreign Country
- **18 U.S. Code § 2332a** Terrorism: Use of Weapons of Mass Destruction
- **18 U.S. Code § 2332b** Terrorism: Acts of Terrorism Transcending National Boundaries
- 18 U.S. Code § 2339A Providing Material Support to Terrorists
- **18 U.S. Code § 2339B** Providing Material Support or Resources to Designated Foreign Terrorist Organizations
- **18 U.S. Code § 2339D** Receiving Military-type Training from a Foreign Terrorist Organization

WEAPONS CHARGES

- 18 U.S. Code § 842 Importation, Manufacture, Distribution and Storage of Explosive Materials: Unlawful Acts
- **18 U.S. Code § 844** Importation, Manufacture, Distribution and Storage of Explosive Materials: Penalties
- 18 U.S. Code § 922 Firearms: Unlawful Acts
- 18 U.S. Code § 924 Firearms: Penalties
- 26 U.S. Code § 5841 Machine Guns, Destructive Devices, and Certain Other Firearms: Registration of Firearms
- 26 U.S. Code § 5861 Machine Guns, Destructive Devices, and Certain Other Firearms: Prohibited Acts
- 26 U.S. Code § 5871 Machine Guns, Destructive Devices, and Certain Other Firearms: Penalties

OTHER CHARGES

- 18 U.S. Code § 2 General Provisions: Principals
- 18 U.S. Code § 4 General Provisions: Misprision of Felony
- **18 U.S. Code § 111** Assault: Assaulting, Resisting, or Impeding Certain Officers or Employees
- 18 U.S. Code § 115 Assault: Influencing, Impeding, or Retaliating Against a Federal Official by Threatening or Injuring a Family Member

- **18 U.S. Code § 371** Conspiracy to commit offense or to defraud United States
- 18 U.S. Code § 373 Solicitation to commit a crime of violence
- 18 U.S. Code § 875 Extortion and Threats Interstate Communications
- 18 U.S. Code § 981 Forfeiture: Civil Forfeiture
- **18 U.S. Code § 1001** Fraud and False Statements: Statements or Entries Generally
- 18 U.S. Code § 1028A Fraud and False Statements: Aggravated Identity Theft
- **18 U.S. Code § 1030** Fraud and False Statements: Fraud and Related Activity in Connection with Computers
- 18 U.S. Code § 1113 Homicide: Attempt to Commit Murder or Manslaughter
- **18 U.S. Code § 1114** Homicide: Protection of Officers and Employees of the United States
- **18 U.S. Code § 1344** Mail Fraud and Other Fraud Offenses: Bank Fraud
- 18 U.S. Code § 1389 Military and Navy: Prohibition on Attacks on United States Servicemen on Account of Service
- **18 U.S. Code § 1425** Nationality and Citizenship: Procurement of Citizenship or Naturalization Unlawfully
- **18 U.S. Code § 1505** Obstruction of Justice: Obstruction of Proceedings Before Departments, Agencies, and Committees
- 18 U.S. Code § 1512 Obstruction of Justice: Tampering with a Witness, Victim, or an Informant
- **18 U.S. Code § 1519** Obstruction of Justice: Destruction, Alteration, or Falsification of Records in Federal Investigations and Bankruptcy
- 18 U.S. Code § 1542 Passports and Visas: False Statement in Application and Use of Passport
- 18 U.S. Code § 1544 Passports and Visas: Misuse of Passport
- **18 U.S. Code § 1546** Passports and Visas: Fraud and Misuse of Visas, Permits, and Other Documents
- 20 U.S. Code \S 1097 General Provisions Relating to Student Assistance Programs: Criminal Penalties
- 21 U.S. Code § 841 Drug Abuse Prevention and Control: Offenses and Penalties: Prohibited Acts A

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