

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DR. SAAD ALJABRI,

Plaintiff,

v.

MOHAMMED BIN SALMAN BIN
ABDULAZIZ AL SAUD, *et al.*

Defendants.

Civil Action No. 1:20-cv-02146-TJK

**AFFIDAVIT OF THOMAS MUSTERS AS
PROOF OF SERVICE OF SUMMONS AND COMPLAINT ON THE ALTERNATIVE
SERVICE DEFENDANTS VIA WHATSAPP AND SIGNAL**

I, THOMAS MUSTERS, declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a Forensic Investigator at Computer Forensics Inc. On September 22, 2020, I effected service on the Alternative Service Defendants¹ via WhatsApp and Signal.

2. Specifically, on September 22, 2020, at the request of counsel for Plaintiff Dr. Saad Aljabri, I sent the following documents, in both English and Arabic, to each Alternative Service Defendant via WhatsApp: Summons (Dkt. 4); Complaint (Dkt. 1); Civil Cover Sheet (Dkt. 1-1); Notice of Errata (Dkt. 3); and the Court's Standing Order (Dkt. 5) (the "Service Package"). Along

¹ The Alternative Service Defendants include Defendants Mohammed bin Salman Bin Abdulaziz Al Saud ("Defendant bin Salman"), Prince Mohammed Bin Salman Abdulaziz Foundation d/b/a MiSK Foundation ("Defendant MiSK Foundation"), Bader Alasaker ("Defendant Alasaker"), Saud Alqahtani ("Defendant Alqahtani"), Ahmed Alassiri ("Defendant Alassiri"), Khalid Ibrahim Abdulaziz Algasem ("Defendant Algasem"), Mishal Fahad Alsayed ("Defendant Alsayed"), Bandar Saeed Alhaqbani ("Defendant Alhaqbani"), Ibrahim Hamad Abdulrahman Alhomid ("Defendant Alhomid"), Saud Abdulaziz Alsaleh ("Defendant Alsaleh"), and Mohammed Alhamed ("Defendant Alhamed").

with the Service Package, I also sent each Alternative Service Defendant messages (the “Service Messages”), in both English and Arabic, via WhatsApp, which explained that they were being served as a Defendant in the *Aljabri v. bin Salman* case.²

3. WhatsApp allows a user to see when a message that the user transmitted has been successfully sent, when the message was successfully delivered to the recipient’s phone, and, in some cases, when the recipient has read the message (known as “read receipts”). If a recipient has disabled read receipts, the sender will only be able to determine whether the message has been delivered. Additionally, information about whether a recipient has disabled read receipts is not accessible to other users.³

4. A user must be connected to the internet in order for a message to be successfully delivered. After a message is delivered, a user may read that message by opening WhatsApp while offline—*i.e.*, in airplane mode or otherwise not connected to the internet.

5. I was able to confirm that the Service Package and the Service Messages were delivered to each Alternative Service Defendant via WhatsApp, meaning that the message was successfully delivered to the recipient’s phone. Additionally, I was able to confirm that the Service Package and the Service Messages were opened by Defendants bin Salman, MiSK Foundation (served through Defendant bin Salman), Algasem, Alsaleh, and Alhamed, because WhatsApp displayed read receipts for the Service Package and the Service Messages.

² Jenner & Block LLP informed me that the Arabic language materials were verbatim translations of the English language materials.

³ See *How to Check Read Receipts*, WhatsApp, <https://faq.whatsapp.com/android/security-and-privacy/how-to-check-read-receipts/> (Android); *How to Check Read Receipts*, WhatsApp, https://faq.whatsapp.com/iphone/security-and-privacy/how-to-check-read-receipts (iPhone).

6. I was also able to confirm that ten of the eleven Alternative Service Defendants⁴ opened WhatsApp soon after the Service Package and the Service Messages were delivered, which I could determine because the Defendants opened WhatsApp and appeared online.⁵ WhatsApp allows users to see when other WhatsApp users have opened the WhatsApp application and are currently “online.” There is no way to prevent other users from seeing whether a WhatsApp user has opened the application while connected to the internet. I created a JavaScript program that, relying on this functionality, monitored each Alternative Service Defendant’s WhatsApp account and recorded the time that each Alternative Service Defendant appeared online after the Service Packages and Service Messages were delivered. Exs. B, D, I, K, M, O, Q, T, and W (screenshots showing ten of the eleven Alternative Service Defendants were using WhatsApp while online soon after the Service Package and Service Messages were delivered, as indicated by the red box added to the screenshots showing the console logs of the JavaScript program or the WhatsApp messages).

7. In order to appear “online” on WhatsApp, users must have opened the WhatsApp application while their device was connected to the internet. Any Alternative Service Defendant who opened the WhatsApp application following my transmission of the Service Package and Service Messages would necessarily have encountered both the Service Package and Service Messages upon opening the application.

⁴ Including Defendant MiSK Foundation, which was served by WhatsApp through Defendants bin Salman and Alasaker.

⁵ The remaining Defendant, Defendant Alqahtani, nonetheless has the Service Package and Service Messages since the messages were successfully delivered to him and thus available to him even without logging into WhatsApp while connected to the internet.

8. On September 22, 2020, I also sent the Service Package and Service Messages via Signal to five Alternative Service Defendants: Defendants Alasaker, Alqahtani, Alhomid, Alsaleh, and Alhamed.

9. Signal allows a user to see when a message that the user transmitted has been successfully sent and when the message has been successfully delivered to the recipient's device.⁶

10. Using this functionality within Signal, I was able to confirm that the Service Package and the Service Messages were sent to Defendants Alasaker, Alqahtani, Alhomid, Alsaleh, and Alhamed, and delivered to Defendants Alasaker and Alsaleh.

11. To capture the delivery status of each WhatsApp and Signal message, I took screenshots showing the message was delivered (and in some cases read). True and correct copies of these screenshots for each Alternative Service Defendant are attached hereto as Exhibits A, C, E-H, J, L, N, P, R-S, U-V, and X.

Defendant bin Salman

12. On September 22, 2020 at 4:05 PM ET (UTC-4) and 4:06 PM ET (UTC-4), I sent the Service Package and Service Messages to Defendant bin Salman via WhatsApp. The Service Package and Service Messages were delivered to Defendant bin Salman at 4:05 PM ET (UTC-4) and 4:06 PM ET (UTC-4). Defendant bin Salman opened the messages used to transmit the Service Package and the Service Messages on September 22, 2020 at 4:26 PM ET (UTC-4), which is indicated by the read receipts for each message. Ex. A (screenshots of the WhatsApp messages to Defendant bin Salman). Defendant bin Salman accessed WhatsApp and was online on

⁶ Unlike WhatsApp, a sender of a Signal message will only receive a read receipt if: (1) the recipient has enabled read receipts, and (2) the recipient adds the sender's phone number to their contacts. Unless both occur, the sender will only see that the message has been delivered, even if the recipient has read the message.

September 22, 2020 at 4:25 PM ET (UTC-4), just 20 minutes after the Service Package and Service Messages were delivered to him. Ex. B (screenshot showing Defendant Bin Salman's WhatsApp activity).⁷

Defendant Alasaker

13. On September 22, 2020 at 4:09 PM ET (UTC-4), I sent the Service Package and Service Messages to Defendant Alasaker via WhatsApp. The Service Package and Service Messages were delivered to Defendant Alasaker at 4:09 PM ET (UTC-4) and 4:10 PM ET (UTC-4). Ex. C (screenshots of the WhatsApp messages to Defendant Alasaker). Defendant Alasaker accessed WhatsApp and was online on September 22, 2020 at 4:22 PM ET (UTC-4), just 13 minutes after the Service Package and Service Messages were delivered to him. Ex. D (screenshot showing Defendant Alasaker's WhatsApp activity).

14. On September 22, 2020 at 4:48 PM ET (UTC-4), I sent the Service Package and Service Messages to Defendant Alasaker via Signal. The Service Package and Service Messages were delivered. Ex. E (screenshot of the Signal messages to Defendant Alasaker).⁸

Defendant MiSK Foundation

15. On September 22, 2020, I sent the Service Package and Service Messages for Defendant MiSK Foundation via WhatsApp to Defendant bin Salman at 4:05 PM ET (UTC-4) and 4:06 PM ET (UTC-4) and to Defendant Alasaker at 4:09 PM ET (UTC-4). The Service Package and Service Messages were delivered to Defendant bin Salman on September 22, 2020 at 4:05 PM

⁷ Exhibits B, D, I, K, M, O, Q, T, and W have been marked for clarity—specifically, the red box indicates the record of the defendant's activity following successful delivery of the Service Package and Service Messages.

⁸ The personal phone numbers of the Alternative Service Defendants have been redacted in the exhibits when visible. At the Court's request, Plaintiff will submit the personal phone numbers referred to in this affidavit for review in camera.

ET (UTC-4) and 4:06 PM ET (UTC-4). Defendant bin Salman opened the messages used to transmit the Service Package and the Service Messages on September 22, 2020 at 4:26 PM ET (UTC-4), which is indicated by the read receipts for each message. Ex. A (screenshots of the WhatsApp messages to Defendant bin Salman). Defendant bin Salman accessed WhatsApp and was online on September 22, 2020 at 4:25 PM ET (UTC-4), just 20 minutes after the Service Package and Service Message were delivered to him. Ex. B (screenshot showing Defendant Bin Salman's WhatsApp activity). The Service Package and Service Messages were delivered to Defendant Alasaker on September 22, 2020 at 4:09 PM ET (UTC-4) and 4:10 PM ET (UTC-4). Ex. C (screenshots of the WhatsApp messages to Defendant Alasaker). Defendant Alasaker accessed WhatsApp and was online on September 22, 2020 at 4:22 PM ET (UTC-4), just 13 minutes after the Service Package and Service Messages were delivered to him. Ex. D (screenshot showing Defendant Alasaker's WhatsApp activity).

Defendant Alqahtani

16. On September 22, 2020 at 4:13 PM ET (UTC-4), I sent the Service Package and Service Messages to Defendant Alqahtani via WhatsApp. The Service Package and Service Messages were delivered to Defendant Alqahtani on September 23, 2020 at 5:15 PM ET (UTC-4). Ex. F (screenshot of the WhatsApp messages to Defendant Alqahtani).

17. On September 22, 2020 at 4:50 PM ET (UTC-4) and 4:51 PM ET (UTC-4), I sent Defendant Alqahtani the Service Package and Service Messages via Signal. Ex. G (screenshot of the Signal messages to Defendant Alqahtani).

Defendant Alassiri

18. On September 22, 2020 at 4:16 PM ET (UTC-4) and 4:17 PM ET (UTC-4), I sent the Service Package and Service Messages to Defendant Alassiri via WhatsApp. The Service

Package and Service Messages were delivered to Defendant Alassiri on September 22, 2020 at 4:17 PM ET (UTC-4). Ex. H (screenshot of the WhatsApp messages to Defendant Alassiri). Defendant Alassiri accessed WhatsApp and was online on September 22, 2020 at 4:17 PM ET (UTC-4), immediately after the Service Package and Service Messages were delivered to him. Ex. I (screenshot showing Defendant Alassiri's WhatsApp activity).

Defendant Algasem

19. On September 22, 2020 at 4:20 PM ET (UTC-4), I sent the Service Package and Service Messages to Defendant Algasem via WhatsApp. The Service Package and Service Messages were delivered to Defendant Algasem at 4:20 PM ET (UTC-4). Defendant Algasem opened the messages used to transmit the Service Package and the Service Messages on September 22, 2020 at 4:23 PM ET (UTC-4), which is indicated by the read receipts for each message. Ex. J (screenshot of the WhatsApp messages to Defendant Algasem). Defendant Algasem accessed WhatsApp and was online on September 22, 2020 at 4:23 PM ET (UTC-4), just three minutes after the Service Package and Service Message were delivered to him. Ex. K (screenshot showing Defendant Algasem's WhatsApp activity).

Defendant Alsayed

20. On September 22, 2020 at 4:22 PM ET (UTC-4) and 4:23 PM ET (UTC-4), I sent the Service Package and Service Messages to Defendant Alsayed via WhatsApp. The Service Package and Service Messages were delivered to Defendant Alsayed on September 23, 2020 at 3:28 AM ET (UTC-4). Ex. L (screenshot of the WhatsApp messages to Defendant Alsayed). Defendant Alsayed accessed WhatsApp and was online on September 23, 2020 at 4:20 AM ET (UTC-4), just 52 minutes after the Service Package and Service Message were delivered to him. Ex. M (screenshot showing Defendant Alsayed's WhatsApp activity).

Defendant Alhaqbani

21. On September 22, 2020 at 4:26 PM ET (UTC-4), I sent the Service Package and Service Messages to Defendant Alhaqbani via WhatsApp. The Service Package and Service Messages were delivered to Defendant Alhaqbani on September 22, 2020 at 4:26 PM ET (UTC-4). Ex. N (screenshot of the WhatsApp messages to Defendant Alhaqbani). Defendant Alhaqbani accessed WhatsApp and was online on September 22, 2020 at 4:28 PM ET (UTC-4), two minutes after the Service Package and Service Message were delivered to him. Ex. O (screenshots showing that Defendant Alhaqbani appeared online on WhatsApp at 4:28 PM ET (UTC-4)).

Defendant Alhomid

22. On September 22, 2020 at 4:30 PM ET (UTC-4), I sent the Service Package and Service Messages to Defendant Alhomid via WhatsApp. The Service Package and Service Messages were delivered to Defendant Alhomid on September 22, 2020 at 4:30 PM ET (UTC-4). Ex. P (screenshot of the WhatsApp messages to Defendant Alhomid). Defendant Alhomid accessed WhatsApp and was online on September 22, 2020 at 9:42 PM ET (UTC-4), fewer than six hours after the Service Package and Service Message were delivered to him. Ex. Q (screenshot showing Defendant Alhomid's WhatsApp activity).

23. On September 22, 2020 at 4:53 PM ET (UTC-4), I sent Defendant Alhomid the Service Package and Service Messages via Signal. Ex. R (screenshot of the Signal messages to Defendant Alhomid).

Defendant Alsaleh

24. On September 22, 2020 at 4:32 PM ET (UTC-4), I sent the Service Package and Service Messages to Defendant Alsaleh via WhatsApp. The Service Package and Service Messages were delivered to Defendant Alsaleh at 4:49 PM ET (UTC-4). Defendant Alsaleh

opened the messages used to transmit the Service Package and the Service Messages on September 22, 2020 at 4:58 PM ET (UTC-4), which is indicated by the read receipts for each message. Ex. S (screenshot of the WhatsApp messages to Defendant Alsaleh). Defendant Algasem accessed WhatsApp and was online on September 22, 2020 at 4:49 PM ET (UTC-4), immediately after the Service Package and Service Message were delivered to him. Ex. T (screenshot showing Defendant Alsaleh's WhatsApp activity).

25. On September 22, 2020 at 4:55 PM ET (UTC-4) and 4:56 PM ET (UTC-4), I sent Defendant Alsaleh the Service Package and Service Messages via Signal. The Service Package and Service Messages were delivered. Ex. U (screenshot of the Signal messages to Defendant Alsaleh).

Defendant Alhamed

26. On September 22, 2020 at 4:34 PM ET (UTC-4), I sent the Service Package and Service Messages to Defendant Alhamed via WhatsApp. The Service Package and Service Messages were delivered to Defendant Alhamed at 4:34 PM ET (UTC-4). Defendant Alhamed opened the messages used to transmit the Service Package and the Service Messages on September 22, 2020 at 4:36 PM ET (UTC-4), which is indicated by the read receipts for each message. Ex. V (screenshot of the WhatsApp messages to Defendant Alhamed). Defendant Alhamed accessed WhatsApp and was online on September 22, 2020 at 4:35 PM ET (UTC-4), just one minute after the Service Package and Service Message were delivered to him. Ex. W (screenshot showing Defendant Alhamed's WhatsApp activity).

27. On September 22, 2020 at 4:57 PM ET (UTC-4), I sent Defendant Alhamed the Service Package and Service Messages via Signal. Ex. X (screenshot of the Signal messages to Defendant Alhamed).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 28th day of October 2020, in Oakville, Canada.



Thomas Musters



MANDIP KAUR BAINS
Notary Public in the Province
of Ontario.

