

DMP:SK/JMH
F. #2015R00517

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

RUSLAN MARATOVICH ASAINOV,

Defendant.

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TO BE FILED
UNDER SEAL

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF ARREST WARRANT

(18 U.S.C. § 2339B(a)(1))

Case No. 18-MJ-606

EASTERN DISTRICT OF NEW YORK, SS:

KEVIN MARTIN, being duly sworn, deposes and states that he is a Detective with the New York City Police Department ("NYPD") and Task Force Officer with the Federal Bureau of Investigation New York Joint Terrorism Task Force ("the JTTF"), duly appointed according to law and acting as such:

In or about and between December 2013 and the present, within the Eastern District of New York and elsewhere, the defendant RUSLAN MARATOVICH ASAINOV did knowingly and intentionally provide and attempt to provide "material support or resources," as defined in Title 18, United States Code, Section 2339A(b)(1), including training, services and personnel (including himself), to a foreign terrorist organization, to wit, the Islamic State of Iraq and al-Sham (hereinafter "ISIS"), which at all relevant times was designated by the Secretary of State as a foreign terrorist organization, knowing that ISIS was a designated foreign terrorist organization and that ISIS engages and has engaged in terrorist activity and terrorism.

(Title 18, United States Code, Section 2339B(a)(1))

The source of your deponent's information and the grounds for his belief are as follows¹:

1. I am a Detective with the New York City Police Department and Task Force Officer with the Federal Bureau of Investigation ("FBI") New York Joint Terrorism Task Force ("JTTF"), and have been assigned to the JTTF for approximately sixteen years. As a Detective and Task Force Officer, I have investigated numerous matters during the course of which I have conducted physical surveillance, interviewed witnesses, executed court authorized search warrants, and used other investigative techniques to secure relevant information. During my tenure with the JTTF, I have participated in investigations that have included, among other crimes, terrorism and related activity. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the investigative file, and from reports of other law enforcement officers involved in the investigation.

2. The defendant RUSLAN MARATOVICH ASAINOV is a 41-year-old naturalized citizen of the United States who was born in Kazakhstan and who resided in Brooklyn, New York, between the years 1998 and 2013.

A. The Islamic State of Iraq and al-Sham ("ISIS")

3. ISIS is a foreign terrorist organization that, since 2013, has claimed credit for numerous terrorist activities, including attacks against Americans in the United States and against Westerners abroad. These terrorist activities are part of ISIS's broader

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

goal of forming an Islamic state or “caliphate” in Iraq and Syria. On or about October 15, 2004, the United States Secretary of State designated al-Qaeda in Iraq, then known as Jam ‘at al Tawid wa’ al-Jahid, as a Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224. On or about May 15, 2014, the Secretary of State amended the designation of al-Qaeda in Iraq as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (“ISIL”) as its primary name. The Secretary of State also added the following aliases to the FTO listing: the Islamic State of Iraq and al-Sham (“ISIS” – which is how the FTO will be referenced herein), the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furquan Establishment for Media Production. On September 21, 2015, the Secretary of State added the following aliases to the FTO listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

B. ASAINOV's Support of ISIS and Travel to Join ISIS

4. During the course of this investigation, the FBI interviewed

stated, in sum and substance, that

[REDACTED]

[REDACTED]

[REDACTED]

5. A review of airline reservation records revealed that on December 24, 2013, ASAINOV boarded a one-way flight from John F. Kennedy International Airport in Queens, New York, to Istanbul Ataturk Airport in Istanbul, Turkey. He arrived in Turkey on December 25, 2013. Records obtained from the airlines booking service revealed that ASAINOV purchased a hotel stay in Istanbul, Turkey, with a check-in date of December 25, 2013, and a check-out date of December 27, 2013. [REDACTED]

[REDACTED]

[REDACTED]

6. Based on my knowledge, training, and experience, I know that Turkey is a common transit point to obtain entry into Syria. Many citizens of Western countries who have travelled from the United States and Europe to join ISIS in Syria have done so by entering Turkey legally and then working with facilitators who smuggle them across the border into Syria.

7. [REDACTED] ASAINOV sent [REDACTED] a message attaching a photograph that depicted three dead soldiers. In the message, ASAINOV stated that "we are dying here" and that "these are young men, friends, who died in the last battle."² Law enforcement agents have reviewed the photograph in

consultation with an Arabic linguist and have determined that one of the soldiers depicted in the photograph is wearing a patch that identifies him as an ISIS fighter.

8. [REDACTED] in or about January 2015, ASAINOV [REDACTED]

[REDACTED] stated [REDACTED]:

You will be fucking scared for the rest of your life. We will get you. We will fucking kill you. You heard of ISIS [REDACTED] We will get you. You need to obey. You need to be punished you fucking [REDACTED] We will find you and teach you how to behave.³

[REDACTED] ASAINOV sent [REDACTED] another message stating that “we are the worst terrorist organization in the world that has ever existed” and noting that there are “infidel planes flying around.” ASAINOV further informed [REDACTED] that he wished to die on the battlefield.

C. ASAINOV's Attempts to Recruit and Train ISIS Fighters

9. During the course of this investigation, the FBI interviewed a confidential informant (“the CI”),⁴ who met ASAINOV in approximately 2008 and communicated with him intermittently thereafter.

10. The CI reported that, in or about August 2014, ASAINOV posted a

³ [REDACTED]
[REDACTED]

⁴ The CI is a confidential informant working with the NYPD Intelligence Division. [REDACTED]
[REDACTED]. The CI has previously received payments from law enforcement. The CI has provided reliable information in the past and the information that the CI has previously provided has been independently corroborated by law enforcement officers.

message in an online group chat room stating, “congratulating all Muslims on their gains in Syria.” Based on my knowledge, training, and experience, and my discussions with other officials and agents involved in counter-terrorism activities, I know that, during the previous month, ISIS had expanded its control of territory in Syria, including by taking control of oil and gas fields in Syria and conquering multiple Syrian towns.

11. ASAINOV posted the message using a specific telephone (“ASAINOV’s telephone”) number that the CI recognized as ASAINOV’S. The CI subsequently contacted ASAINOV by sending messages to ASAINOV’S telephone, using a particular mobile messaging application (“the Application”). ASAINOV requested that the CI prove the CI’s identity. The CI changed the profile photograph associated with the CI’s Application account to a photograph of the CI (so that ASAINOV would see a photograph of the CI when using the Application to communicate with the CI). The CI and ASAINOV then proceeded to communicate on a regular basis between August 2014 and March 2015. Law enforcement agents have reviewed screenshots and recordings of these communications, some of which are quoted or summarized below, and have confirmed their contents.

12. In or about August 2014, the CI asked ASAINOV whether ISIS was the “real deal.” ASAINOV responded “yes” and that his “faith in Islam had been renewed since arriving in Syria.”

13. In subsequent conversations, ASAINOV attempted to recruit the CI to travel to Syria and join ISIS. ASAINOV further explained that because the CI was fluent in English, ISIS could use the CI in support of its media operations. ASAINOV advised the CI that once in Syria, ISIS would give the CI a job, housing, food, and a \$50 stipend per month.

ASAINOV also encouraged the CI to bring the CI's family to Syria stating that "even grandmothers are coming." ASAINOV also explained to the CI that when the CI arrived in the region, ASAINOV would provide the CI with an escort from Turkey into Syria.

14. In or about March 2015, ASAINOV asked the CI to send him approximately \$2,800 for military equipment, so that ASAINOV could purchase a scope for his rifle to aid him in his armed support for ISIS. The CI did not send ASAINOV any money.

15. In or about April 2015, the CI asked ASAINOV about his involvement on the battlefield. ASAINOV responded that he had been fighting for a year since he arrived in Syria and that "it's been pretty hot since they started bombing us." Based on my knowledge, training, experience, discussions with officials and agents involved in counter-terrorism activities, and open source information, I know that, between August 2014 and April 2015, U.S. and other forces carried out airstrikes against ISIS forces in Iraq and Syria.

16. In this same time period, ASAINOV sent the CI two photographs depicting ASAINOV holding a firearm that, based on my training and experience, appears to be a large-caliber assault rifle, fitted with a scope. In my opinion, these photographs depict ASAINOV's face. ASAINOV appears to be wearing combat fatigue-style clothing.

17. In his text communications accompanying the photographs, ASAINOV stated to the CI the following:

I thoght you asked for this kind of picture))

Didnt mean to do show off cause here is just normal

But for you its motivation)

I mean normal look like this

Everyone is with the weapons in the masjid on Jumah, in the store on the playground with kids))

(This text is presented as in the original, including spelling errors, grammatical errors, and punctuation marks.)

18. ASAINOV specifically referenced the areas of Kobani, Derezor, and Tabka in his conversations with the CI. Based on my knowledge, training, experience, discussions with officials and agents involved in counter-terrorism activities, and open source information, I know that the foregoing areas are located in Syria and, at various times in 2014 and 2015, were under the control of ISIS.

WHEREFORE, your deponent respectfully requests that the defendant RUSLAN MARATOVICH ASAINOV be dealt with according to law. The government respectfully moves for the complaint and arrest warrant to remain sealed – with the exception that the complaint and arrest warrant are unsealed for the limited purpose of disclosing the existence of or disseminating the complaint and/or arrest warrant to relevant United States, foreign, or intergovernmental authorities, at the discretion of the United States and in connection with efforts to prosecute the defendant or to secure the defendant's arrest, extradition or expulsion, or as otherwise required for purposes of national security. I further request that this affidavit and the arrest warrant be filed under seal as disclosure of this application would give the defendant an opportunity to destroy evidence, harm or threaten

victims or other witnesses, change patterns of behavior, notify confederates and flee or evade prosecution.

[REDACTED]

KEVIN MARTIN
Detective / Task Force Officer
NYPD / JTTF

Sworn to before me this
2 day of July, 2018

[REDACTED]

THE HONORABLE SANKET J. BULSARA
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK