

EMN:SDD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

██████████,

Defendant.

----- X

EASTERN DISTRICT OF NEW YORK, SS:

CHRISTOPHER J. BUSCAGLIA, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI") assigned to the FBI's Joint Terrorism Task Force ("JTTF"), duly appointed according to law and acting as such.

PROVISION OF MATERIAL SUPPORT
TO A FOREIGN TERRORIST ORGANIZATION

Upon information and belief, in or about and between June 2014 and the present, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ██████████ did knowingly and intentionally provide material support and resources, as defined in 18 U.S.C. § 2339A(b), including personnel, including ██████████ himself, to a foreign terrorist organization, to wit: the Islamic State of Iraq and the Levant ("ISIL"), which has been designated by the Secretary of State as a

UNDER SEAL

COMPLAINT

Cr. No. _____
(T. 18, U.S.C., §§ 2339B(a)(1) and 2)

foreign terrorist organization since May 15, 2014, pursuant to Section 219 of the Immigration and Nationality Act.

(Title 18, United States Code, Sections 2339B(a)(1) and 3551 et seq.)

FACTUAL ALLEGATIONS

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I have been a Special Agent with the FBI since 2010, and I am assigned to the New York JTTF. I am responsible for conducting and assisting in investigations into the activities of individuals and criminal groups responsible for committing acts of terrorism, including, among others, those who associate with or are members of the foreign terrorist organization ISIL. As a Special Agent, I have participated in numerous investigations during the course of which I have conducted physical surveillance, executed court-authorized searches, and used other investigative techniques to secure relevant information regarding various crimes.

2. I have personally participated in the investigation of the offense discussed below. I am familiar with the facts and circumstances of this investigation from: (a) my personal participation in this investigation; (b) interviews with witnesses; (c) my review of records and reports generated by other law enforcement agents in the United States and elsewhere; (d) my review of communications recovered during the investigation; and (e)

¹ Because the purpose of this complaint is to provide only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

information provided to me by other agents and law enforcement officials.

3. Excerpts of documents, e-mails and other conversations and correspondence, when referred to herein, are drawn from summaries. Where statements of others are set forth, except as otherwise noted, they are set forth in sum and substance and in part.

A. Background on ISIL

4. United States law enforcement agents, including members of the New York JTTF, have been investigating individuals located in the United States and abroad who may have traveled to Syria to fight violent jihad and provide material support to designated foreign terrorist organizations, including ISIL, that are operating in that country.

5. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq, then known as Jam'at al Tawhid wa'al-Jihad, 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 May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq as a 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 ISIL as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham ("ISIS"), the Islamic State of Iraq and Syria ("ISIS"), ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. Although the group has never called itself

“Al-Qaeda in Iraq,” this name has frequently been used to describe it through its history. In an audio recording publicly released on June 29, 2014, ISIL announced a formal change of its name to Islamic State (“IS”).

B. Background on [REDACTED]

6. The defendant [REDACTED] is a United States citizen. [REDACTED] is approximately 25 years old, and was raised in Brooklyn, New York, where he resided until June 2014. On or about June 5, 2014, based on information indicating that [REDACTED] may have been considering traveling to Syria to support ISIL, investigators from the JTTF visited him at his residence in Brooklyn. During a brief consensual interview, [REDACTED] stated to the agents, in sum and substance and in part, that he was interested in events in Syria and generally supported “rebel groups” who were fighting against the Syrian government. The defendant also claimed that he lacked the resources to travel to Syria, and that he did not know what he would do if he got there.

C. Travel to Syria

7. According to airline records that I have personally reviewed, on or about June 12, 2014, the defendant [REDACTED] boarded a [REDACTED] flight from John F. Kennedy International Airport (“JFK”) [REDACTED] by way of Istanbul, Turkey. Investigators determined that [REDACTED] did not board his connecting flight in Turkey, and apparently made his way from Istanbul to Syria after his arrival in Turkey.

D. E-Mail to FBI

8. On or about October 31, 2014, an individual subsequently identified as the defendant [REDACTED] sent an e-mail to the FBI in which he stated, in sum and substance and in part, that he was overseas, and wanted to come home. More specifically, the defendant stated, in pertinent part:

I'm an American who's trying to get back home from Syria. The FBI has a file on me and I can verify who I am with random information you ask me. . . . I've coordinated a way to get to the border . . . in Turkey and near . . . Syria . . . by use of civilian smugglers. My problem is that I need a pickup from trusted sources because I'm without passport. It was taken, and they won't give it back. . . . If someone can pick me up safely from across the border before [Kurdish forces] get to me, then I'll be 100% in the right hands. . . . Please help. I had a week [sic] thought out letter, but it's too risky to have it saved on my device. I'll try to write to you soon in full explanation. But right now my window is closing. [REDACTED]

[REDACTED] I just want to get back home. All I want is this extraction, complete exoneration thereafter, and have everything back to normal with me and my family. . . . Please help me get home. . . . [REDACTED]

[REDACTED] I'm fed up with this evil. But please first coordinate our extraction as soon as possible.

The defendant also provided the name of a JTTF Task Force Officer who had interviewed him and his own social security number to authenticate that the message was indeed from him. In addition, the defendant requested that the U.S. government deliver to his family "a letter of promise of complete exoneration for them to submit to a lawyer by today." He concluded, "I'm doing my best to come back and give back to my government what trust I violated."

E. [REDACTED] Admissions Regarding Support to ISIL

9. Before the FBI could verify his identity and formulate a response to the defendant's email, on or about November 3, 2014, the defendant [REDACTED] made his way to a U.S. consulate office in Turkey, near the border with Syria, and asked to speak to officials from the U.S. government. [REDACTED]

[REDACTED] assigned to the consulate agreed to meet with the defendant. I have been informed that, during the meeting, the defendant told [REDACTED], in sum and substance and in part, that he had joined and worked for ISIL. More specifically, the defendant stated that, after arriving in Syria in or about the summer of 2014 and making contact with ISIL, he had served as a guard at an ISIL headquarters building, subsequently served in an administration and inventory position, and was then assigned to teach other ISIL members how to use computer software. The defendant further stated that he carried a firearm in connection with his service to ISIL.

10. During the meeting [REDACTED], the defendant [REDACTED] [REDACTED] also claimed that he was never involved in any fighting. In addition, the defendant reviewed a map of the region [REDACTED], and detailed how he was smuggled into Syria, and where he was stationed. The defendant also stated that he fully expected to go to jail in the U.S., but hoped that his cooperation would prevent him from spending the rest of his life in jail. [REDACTED]

[REDACTED] At the defendant's request, the interview was audio recorded. In addition, the defendant signed a written statement summarizing his purposes in meeting [REDACTED].

11. WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant [REDACTED] so that he may be dealt with according to law.

REQUEST FOR SEALING

It is further requested that this affidavit, arrest warrant, and other papers submitted in support of this application be sealed until further order of the Court so as to prevent notifying the defendant and his associates of the pending warrant, which might result in the destruction of evidence and the flight of coconspirators, with the exception that the complaint and arrest warrant shall be 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.

[REDACTED]

Christopher Buscaglia
Special Agent
Federal Bureau of Investigation

Sworn to before me this
31 day of November, 2014

[REDACTED]

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK