

AO 91 (Rev. 11/11) Criminal Complaint

ASH 12/8/17

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

December 8, 2017

David J. Bradley, Clerk of Court

Sealed
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prohibited by court order

United States of America)

v.)

Kaan Sercan Damlarkaya)
DOB: 12/1998)

Case No. 17-1871-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 8, 2017 to present in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section	Offense Description
18 U.S.C. § 842(p)(2)(A)	Unlawfully Distributing Explosives Information
18 U.S.C. § 2339B	Attempt to Provide Material Support to a Designated Foreign Terrorist Organization

This criminal complaint is based on these facts:

See Affidavit

Continued on the attached sheet.

Complainant's signature

FBI Special Agent Keith Fogg

Printed name and title

Sworn to telephonically and signed electronically.

Date: Dec 8, 2017

Judge's signature

City and state: Houston, Texas

US Magistrate Judge Dena Hanovice Palermo

Printed name and title

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT**

I, Keith Fogg being duly sworn, hereby depose and state the following:

I.

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (“SA”) with the Federal Bureau of Investigation (“FBI”), and have been so employed since June 2010. I am currently assigned to the Houston Field Office. I have been trained in the preparation, presentation, and service of criminal complaints and arrest and search warrants, and have been involved in the investigation of numerous types of offenses against the United States, including crimes of terrorism, as set forth in Title 18, United States Code, Section 2331, *et seq.*

2. This affidavit is intended to show merely that there is probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter.

II.

PURPOSE OF THE AFFIDAVIT

3. I make this affidavit in support of an application for a complaint against Kaan Sercan Damlarkaya, an 18-year-old Houston resident who is planning either to travel overseas to fight for a terrorist organization, or if he is unable, to conduct an attack in the United States. Damlarkaya has also provided guidance to prospective terrorists on how to conduct attacks with explosives and other means, with the purpose of supporting terrorists and terrorist organizations, including the Islamic State of Iraq and al-Sham (hereinafter “ISIS”). Based on my training and experience, and the facts as set forth in this affidavit, I believe there is probable cause that Damlarkaya committed violations of 18 U.S.C. § 842(p)(2)(A) (Unlawfully Distributing

Explosives Information) and 18 U.S.C. § 2339B (Attempt to Provide Material Support to a Designated Foreign Terrorist Organization).

III.

CHARGES

4. On or about October 15, 2004, the United States Secretary of State designated al-Qaeda in Iraq (“AQI”), 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.

5. On or about May 15, 2014, the Secretary of State amended the designation of AQI 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-Furqan Establishment for Media Production. On September 21, 2015, the Secretary added the following aliases to the FTO listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

Count One

(Unlawfully Distributing Explosives Information)

6. Beginning on or about August 8, 2017, within the Southern District of Texas, and elsewhere within the jurisdiction of the Court, the defendant,

KAAN SERCAN DAMLARKAYA

did knowingly and intentionally distribute information pertaining to, in whole and in part, the manufacture and use of an explosive, destructive device, and a weapon of mass destruction with the intent that the information be used for, and in furtherance of, an activity that constitutes a federal crime of violence, including: violations of 18 U.S.C. § 956 (conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country); 18 U.S.C. 2332a (conspiracy and attempt to use a weapon of mass destruction); 18 U.S.C. § 2332b (conspiracy and attempt to engage in acts of terrorism transcending national boundaries); 18 U.S.C. § 2339A (conspiracy and attempt to provide material support to terrorists); and 18 U.S.C. § 2339B (conspiracy and attempt to provide material support to a designated FTO).

All in violation of Title 18, United States Code, Section 842(p)(2)(A).

Count Two

(Attempting to Provide Material Support to a Designated Foreign Terrorist Organization)

7. Beginning on or about August 1, 2017, and continuing through the present day, within the Southern District of Texas, and elsewhere within the jurisdiction of the Court, the defendant,

KAAN SERCAN DAMLARKAYA

did knowingly and intentionally attempt to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b)(1), including services, to a designated FTO, namely ISIS, knowing that ISIS has engaged, and engages in terrorist activity and terrorism.

All in violation of Title 18, United States Code, Section 2339B(a)(1).

IV.

STATEMENT OF PROBABLE CAUSE

A. Investigation of Damlarkaya

8. Damlarkaya was born in Houston, Texas and currently resides there with his parents and an older brother. Damlarkaya's online communications with reliable FBI sources and FBI Undercover Employees (“UCEs”), as well as with those seeking to commit acts of terror, show that he has sought ways to provide support to ISIS, including travel to Syria or elsewhere, to fight with ISIS. To that end, Damlarkaya took steps to travel to Turkey, and even prepared an e-mail which I believe was in anticipation of a successful plan to travel to Syria to join ISIS, explaining his reasoning for joining the FTO.

9. Damlarkaya’s online communications with FBI sources and UCEs also reveal Damlarkaya’s willingness to conduct a terrorist act in the United States, if he is unable to travel overseas to fight with ISIS. Damlarkaya has been active in online discussions with prospective terrorists, including likely ISIS supporters, about ways to kill the “kuffar” (in this context, a derogatory term used to describe non-Muslims), and, in that regard, he has provided information to those ISIS supporters about the use of machetes, the homemade construction of an automatic weapon, and, on two occasions, the construction of explosives. Damlarkaya indicated that he was planning an operation involving firearms in the United States, but did not follow through because he thought the FBI was following him after he bought parts to construct an AK-47 firearm.

B. Damlarkaya’s Support for ISIS and Desire to Commit Violent Jihad

10. In or about early August 2017, Damlarkaya engaged in online conversations with a reliable FBI source (“Source #1”) over a messaging platform during which Damlarkaya shared

information about his intention to travel overseas to fight for ISIS and, alternatively, to commit an attack in the United States.

1. Damlarkaya's Two Previous Attempts to Travel to ISIS

11. Damlarkaya made clear to Source #1, that it was Damlarkaya's desire to join ISIS, and that he wanted to either go to "sham [Syria]" or "khurasan [Afghanistan]" to fight for ISIS. In that context, Damlarkaya discussed his plans with Source #1 to travel overseas for "hijrah," which in my training and experience I believe was a reference to violent "jihad [holy war]."¹ Damlarkaya sought assistance from Source #1 in traveling to join ISIS. Damlarkaya admitted to Source #1 that he had previously contacted other individuals to obtain assistance in traveling overseas to support ISIS and he provided details about his two prior failed attempts to get to Syria. Damlarkaya revealed his first attempt occurred in 2014, about two to four months after "the khalifa [caliphate]" had been announced, but couldn't get to the border because he didn't have a contact and was "very young."² According to Damlarkaya, his second attempt was a year later, in 2015, and although that time he had a good contact, he was unsuccessful in making it to Syria. Damlarkaya believed a friend, who Damlarkaya had solicited to travel with him, told the friend's mother who then, according to Damlarkaya, informed the FBI. Damlarkaya then complained that his parents were watching him all the time as a result of these failed attempts.

¹ "Hijrah" typically refers to a Muslim's desire to immigrate from non-Muslim controlled lands to an area controlled by Muslims. It does not always mean the individual is traveling for the purpose of committing violent jihad, however in the above context, it's my assessment based on Damlarkaya's statements that "hijrah" for him includes committing violent "jihad."

² A "caliphate" is a territory ruled under Islamic Sharia law, and "khalifa" is the title of person in charge of the Caliphate (i.e. Baghdadi).. On or about June 29, 2014, ISIS declared a caliphate.

2. Damlarkaya's Intention to Attack the "Kuffar" Over There or Over Here

12. Damlarkaya told Source #1 that he "hate[d] living in this world" and instead wanted "shahada [martyrdom]". After again recounting his failed attempts to join ISIS, Damlarkaya explained that, if he "[could not] make hijrah to any wilayah [state or province]...[he would] **attack the kuffar here** (emphasis added)." Based on my training and experience, I believe that Damlarkaya was stating that, if he could not successfully travel to an ISIS-controlled territory, he would conduct an attack here, in the United States.

13. Damlarkaya asked Source #1 if he could give Source #1 a farewell video, should Damlarkaya follow through with an attack resulting in his death. Damlarkaya's purpose was to "inspire other bros who cannot make hijrah." When Source #1 suggested that Damlarkaya try the "hijrah option" first, Damlarkaya said: "Yes, akhi,³ I want to support the khalifa with my blood." Damlarkaya explained that it was his "dream" to be an "instishadi [martyr] [a]nd have the biggest explosion" and "[s]end the kuffar flying."

3. Damlarkaya's 2017 Plan to Join ISIS Overseas

14. On or about November 4, 2017, Damlarkaya had a conversation online with an FBI employee acting in an undercover capacity ("UCE #1") about going overseas to join ISIS. In that conversation, Damlarkaya explained that he had twice tried to join "dawlah."⁴ Damlarkaya told UCE #1 that his plans for travel were thwarted because, as he believed, a friend had informed the FBI, which is consistent with his statement to Source #1. As a result, Damlarkaya

³ "Akhi" is an Arabic term that means "brother" or "friend."

⁴ "Dawla" means "state" and, in this context, it was a colloquial reference to ISIS. An alias for ISIS is Dawla al Islamiya.

stated, his family started keeping a close eye on him, but, after putting up “a good show,” Damlarkaya believed he could start making plans to travel to ISIS in Syria via Turkey with the purpose of “support[ing] the deen [religion] of Allah” and “d[ying] [w]ith Allah’s permission.” Damlarkaya claimed that traveling to Turkey was less risky for him because he had a “lot of excuses. . . if cops stop[ped] [him] on the way,” likely because he has relatives who reside in Turkey.

15. After UCE #1 mentioned that Damlarkaya could support the “deen” without having to travel overseas, Damlarkaya explained that “if I buy a gun or supplies for a bomb, they [presumably law enforcement] will heat up pressure [j]ust like a few months ago when I was trying an operation but they found out.” Damlarkaya told UCE #1 that he had bought “parts and pieces to make an ak.” Based on my training and experience, it is my assessment that a homemade AK-47 was part of a planned “operation” in the United States.

4. Damlarkaya’s Plan to Make “Hijrah” with UCE #2

16. On or about November 15, 2017, Damlarkaya had an online conversation with a second FBI employee acting in an undercover capacity (“UCE #2”). In that conversation, Damlarkaya explained that he had tried on multiple occasions to go to Syria to join ISIS, echoing admissions he made to Source #1 and UCE #1. Damlarkaya also explained to UCE #2 that he had scrapped the later plan after coming to believe that a friend’s parents had informed the FBI. Damlarkaya also explained to UCE #2 that he was in love with the friend’s sister, but as a result of his plans to commit “hijrah” and join ISIS, the girl’s parents prohibited any contact because “of course they won’t let their daughter marry a terrorist.”

17. In early November 2017, Damlarkaya explained how he is waiting on a Syria based ISIS “smuggler” to return from a training camp, but that if UCE #2 wanted to join ISIS, UCE #2

should consider joining ISIS in “khurasan,” which I believe to be a reference to ISIS’s presence in the Afghanistan/Pakistan region. Damlarkaya explained to UCE #2 that he would: “help [UCE #2] as much as [he could]” and that they could “make hijrah together at the same time.”

Damlarkaya further stated: “I’m also in america so visa problem is for me as it is for you.”

18. A few days later, Damlarkaya discussed, in detail, his plans to join ISIS, and gave UCE #2 advice on how to get to ISIS, including what cover story to provide authorities. After UCE #2 explained that he/she tried to contact an Afghanistan-based ISIS facilitator provided by Damlarkaya, UCE #2 asked Damlarkaya about a “backup” plan that Damlarkaya had to get to ISIS in Syria. Damlarkaya revealed the back-up plan. Damlarkaya explained that it involved a ruse, in which, after gaining the trust of a facilitator for a Syria-based terrorist group not affiliated with ISIS, known as “HTS,”⁵ Damlarkaya would travel to Syria and abandon HTS for ISIS. Finally, he explained: “[n]ow I don't care if I live or die as long as I die as a Shaheed.”

5. Damlarkaya’s Cover Plan to Travel with His Mother

19. In or about October 2017, Damlarkaya engaged in text message conversations with his mother about travel plans to Turkey. He proposed that they travel to Turkey in December, and they discussed how she would return after a few days, and that he would return after a couple of months, in time for the beginning of school. Damlarkaya’s current plans to travel to Turkey are consistent with Damlarkaya’s expressed intention to travel to Syria and join ISIS.⁶

20. In or about October 2017, the Turkish government stopped issuing visas to Turkey for U.S. passport holders. In the wake of that news, Damlarkaya, whose father is of Turkish origin,

⁵ In or about January 2017, al-Nusrah Front, a designated foreign terrorist organization, merged with several other hardline opposition groups to form Hayat Tahrir al-Sham (HTS). As of this date, ISIS is not affiliated with HTS.

⁶ Syria borders Turkey, and Turkey is a common thoroughfare for those wanting to join ISIS.

took steps, with the help of his mother, to gain Turkish citizenship so he could still travel to Turkey. Damlarkaya subsequently inquired about obtaining Turkish citizenship, and planned on going to the consulate to start that citizenship process.

6. Damlarkaya's Farewell Letter

21. As described above, Damlarkaya explained to UCE # 2 that he was in love with the sister of someone he intended to take to join ISIS. On or about October 25, 2017, Damlarkaya sent himself an email, which I believe to be a letter he intended to send to his love interest, and which I believe presumes he had made it to Syria successfully. In the letter, Damlarkaya stated that, since he was "not in america any more," he was "free" to tell her the "truth." Damlarkaya explained that he "escaped" from the "oppressive place" and stated: "now I am in sham (you may know it as syria) And I'm on my way to pledge allegiance to the Islamic State."

Damlarkaya further wrote: "my brothers in the Islamic State have been helping me to make hijrah (to migrate) to sham (you know it as syria) and now I am in the best place on earth in sham."

22. Damlarkaya then turned his attention to the concepts of "jihad" and "martyrdom." He wrote that: "there is no action better than jihad, and no person better than the mujahid."

Damlarkaya wrote further: "Allah has promised me and all mujahideen either one of the 2 best outcomes . . . [e]ither victory or shahada (martyrdom/becoming a sehit⁷) . . . [a]nd if I die, then gardens and rivers await me, and the smiling face of Allah my Creator is what I will see."

Towards the end of the email, Damlarkaya stated that, although the love interest might be "thinking that [he was] a terrorist, and that the Islamic State is a bunch of terrorists [sic]. . . in reality [they were] the best creation of Allah."

⁷ "Sehit" is a Turkish word that is translated to "martyr" or "casualty."

C. Damlarkaya's Provision of Instructions on the Manufacture of Explosives

23. Damlarkaya also provided information regarding ways to manufacture a bomb to ISIS supporters, via a social media platform, which was observed by two other sources ("Source #2" and "Source #3") on two separate days in or about August 2017. The communications from Damlarkaya were made to likely ISIS supporters using this social media platform to discuss attack concepts.

24. On or about August 10, 2017, Source #2 observed a conversation between Damlarkaya and another user ("User #1") over a social media messaging platform. User #1 had posted a screenshot of "mixtures" saying "any one can made 5kg of them or maybe more without afraid that it will explode by it selfie [sic]." User #1 then posted a picture of two plastic soda bottles duct-taped together with wires coming out of them, and batteries and what appears to be a timer attached. After Damlarkaya complimented User #1 for posting User #1's recipe for making explosives, User #1 stated it was a "[m]ixte [sic] of hydrogene [sic]." After some questions by Damlarkaya, User #1 then provided more detail about User #1's formula for the explosives. Damlarkaya then posted his own explosives formula, which the FBI opined that, if done correctly, is a viable recipe for the improvised explosive known as triacetone triperoxide ("TATP").

25. After another user ("User #2") asked why ice was needed, Damlarkaya explained to the group that ice kept the solution cool, otherwise "it could blow up in your face" and advised the group to "take safety seriously while you make this" to be "useful until you can strike." After that, a long discussion ensued between User #1 and Damlarkaya about User #1's formula for what he calls "hydrogene peroxide," where User #1 compared that type of explosive to another one, "TATP" (triacetone triperoxide). Damlarkaya asked about the relative powers of the two

explosives to each other, and after User #1 answered his questions and gave advice about how one could use TATP as a detonator for a "hydrogen peroxide" bomb, Damlarkaya complimented User #1 on the "beautiful ideas" he was sharing with the others taking part in the conversation.

26. The conversation observed by Source #2 was not the first time that Damlarkaya discussed explosives, nor was it the first time he had shared his explosives formula. A few days earlier, on or about August 8, 2017, Source #3 observed a conversation of ISIS supporters over Platform #1, which included Damlarkaya. During the discussion, Damlarkaya provided the group with a "Quick TATP recipe," which is similar to the one that was provided on or about August 10, 2017, as discussed above. After another user ("User #3") complained that s/he was "[n]ot good with chemistry," Damlarkaya explained that he had just given the group the "easiest recipe." Damlarkaya then augmented his recipe with a reminder that people should add shrapnel to the "pressure cooker" bomb. After that, Damlarkaya explained that he needed to learn how to make a detonator before claiming that they "[could] find dozens of videos on how to make detonator[s] on youtube."

D. Damlarkaya's Other Attack Concepts

1. Machetes & Samurai Swords

27. During the same exchange, which was observed by Source #3 on or about August 8, 2017, Damlarkaya explained to the group that he could buy a "GIANT machete for \$15" and stated: "a lot of us are poor, or are seeing [probably "being"] watched, or we don't have experience. So not all of us can get a gun or make explosives, but we can afford to buy a \$15 knife." After that, Damlarkaya bragged about how his machete could cut through the arm of the "kuffar," and if sharpened, such a weapon could cut through body armor. Damlarkaya then discussed the virtues of a Samurai sword and advised that there were Youtube videos that

provided training on how to use the sword. Damlarkaya further explained how someone, from "5 or 7 feet away," could use the Samurai sword to cut a human in half. According to Damlarkaya, the Samurai sword was a "very cheap easy and affordable option" in the event someone "can't get a gun or make explosives." Others users in the group then built on Damlarkaya's idea of using a bladed weapon to conduct an attack. Other users instructed the group to "[n]ever put your weapon down" and to "[c]hoose a big bridge and attack."

2. Home-Built Firearms

28. On or about August 4, 2017, Damlarkaya provided instructions (including a digital manual) directly to Source #1 on how to build an AK-47 or AR-15 assault rifle from readily available parts in order to avoid detection by the authorities. Damlarkaya then told Source #1 that he would provide Source #1 with information on how to obtain the parts. Damlarkaya also advised that Source #1 how to make the purchases in a way to avoid law enforcement detection.

29. During the exchange on or about August 7, 2017, which was observed by Source #3, Damlarkaya provided the group a document on "[h]ow to build a homemade ak47." He promoted the instructional paper by explaining that this was a way to possess an AK-47 without having to go through a background check. He then offered to provide a similar manual for an AR-15.

E. Plans to Confront Law Enforcement

30. Consistent with the conversation captured by Source #3, and his conversation with UCE #1, Damlarkaya explained that he carries a knife in the event he is stopped by law enforcement, and sleeps with a machete under his pillow in case his house is raided.

F. Connecting Damlarkaya to his Online Activity

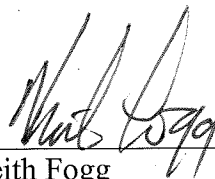
31. In or about August 2017, Damlarkaya provided Source #1 with multiple social media account usernames. One of those usernames was identified by Source #2 and Source #3 as

having posted the bomb-making instructions in or about August 2017, as discussed above. The FBI was then able to obtain information which connects Damlarkaya to other accounts. As such, I believe, based on my training and experience, that Damlarkaya is the person who made the statements that were made to Source #1, Source #2, and Source #3, which are recounted herein.

32. Based on my training and experience, and all the foregoing information, I further believe that Damlarkaya was the person communicating with the UCE #1 and UCE #2. In or about October 2017, a company provided information to the FBI which indicated that Damlarkaya secured use of an identified telephone number. That identified telephone number is linked to the social media account that was used to communicate with both UCE #1 and UCE #2. Damlarkaya also provided biographical data to UCE #1 and UCE #2. Based on my training and experience, I believe that Damlarkaya is the person who communicated with UCE #1 and UCE #2 in the above-recounted conversations.

CONCLUSION

Based on the foregoing, which I affirm is true and correct to the best of my knowledge and belief, I respectfully submit that probable cause exists to support charges of 18 U.S.C. § 842(p)(2)(A) (Unlawfully Distributing Explosives Information) and 18 U.S.C. § 2339B (Attempting to Provide Material Support of a Designated Foreign Terrorist Organization), and that the nature of these crimes, combined with other facts and circumstances, further supports the issuance of a warrant by this court for the arrest of Kaan Sercan Damlarkaya.



Keith Fogg
Special Agent
Federal Bureau of Investigation

Sworn to telephonically and signed electronically.

Date: Dec 8, 2017

Dena Palermo
Judge's signature

Dena H. Palermo
United States Magistrate Judge