United States District Court

SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

V.

AKRAM I. MUSLEH

CRIMINAL COMPLAINT

CASE NUMBER: 1:16-mj-00444

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Beginning in and at least November 2015 and continuing through and including the present, within the Southern District of Indiana, in Hendricks County, Akram I. Musleh did,

knowingly and willfully attempted to provide material support and resources, namely, personnel (to wit: himself), to a Foreign Terrorist Organization, to wit, the Islamic State of Iraq and Levant ("ISIL"), knowing that the organization was a designated Foreign Terrorist Organization and that organization had engaged in and was engaging in terrorist activity and terrorism. In furtherance thereof, the defendant did engage in one or more substantial steps as set forth in the attached affidavit,

in violation of Title 18, United States Code, Sections 2 and 2339B(a)(1). I further state that I am a Special Agent, and that this complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof.

Special Agent Michele Denise Holley

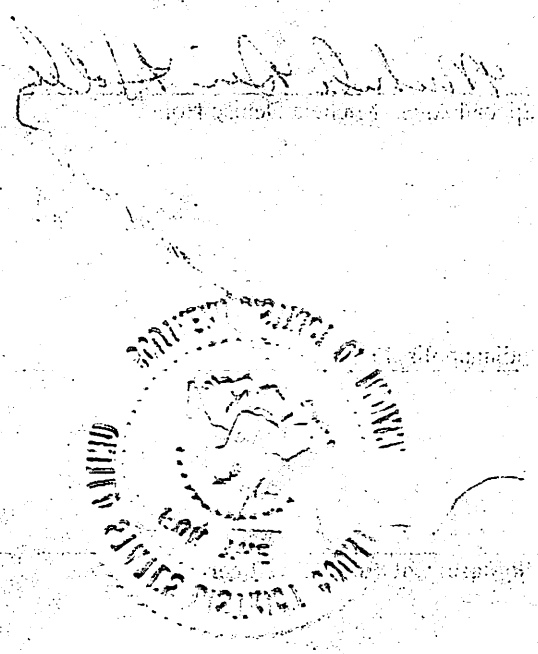
Sworn to before me, and subscribed in my presence

June 21, 2016
Date

at Indianapolis, Indiana

Tim A. Baker, U.S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer



1. I, Michele Denise Holley, am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been so employed since September 20, 2015.

2. As part of my duties as an FBI Special Agent, I investigate criminal violations relating to international terrorism, including the provision and attempted provision of material support or resources to foreign terrorist organizations, in violation of Title 18, United States Code, Section 2339B(a)(1).

3. This affidavit is submitted for the limited purpose of establishing probable cause to support a criminal complaint charging that from on or about May 5, 2016 through the present, Akram Musleh, a United States citizen, with knowingly and willfully attempting to provide material support and resources, namely, personnel (to wit: himself), to a foreign terrorist organization, namely, Islamic State of Iraq and the Levant ("ISIL"), knowing that the organization was a designated Foreign Terrorist Organization and that organization had engaged in and was engaging in terrorist activity and terrorism, in violation of Title 18, United States Code, Sections 2 and 2339B(a)(1).

4. The statements in this affidavit are based on my personal knowledge, information from other law enforcement personnel, and from persons with knowledge regarding relevant facts, and on my training and experience, which includes receiving information from other law enforcement personnel and sources of information regarding relevant facts.

5. As set forth herein, this affidavit summarizes certain recorded communications that occurred, in part, in the Arabic language. While translators

have attempted to translate the substance of those portions of the conversations, the translations of referenced foreign language communications are preliminary, not final. Similarly, certain quotations referenced herein are taken from preliminary, not final, transcripts of recorded conversations that transpired in English. References to all recorded conversations set forth in this affidavit do not reflect the entirety of those conversations. In most instances, identifications of individuals referenced in this affidavit are based on online screen names used during the subject communications.

6. In addition, this affidavit includes summaries, quotations of, and references to communications made through social media and instant messaging applications. These social media and instant messaging communications frequently contain grammatical errors, spelling errors, abbreviations, and, at times, words or phrases in foreign languages, especially Arabic. Bracketed words and phrases have been inserted into the communications to provide either: (a) my understanding of such communications based on my training and experience, and the context of the communications; and/or (b) the preliminary English language translations done by FBI personnel familiar with the foreign language words and phrases used.

7. This affidavit also describes various types of online communication applications, including social media and instant messaging.

Facts Supporting Probable Cause

The Islamic State of Iraq and the Levant

8. On or about October 15, 2004, the United States Secretary of State designated al-Qaeda 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.

9. On or about May 15, 2014, the Secretary of State amended the designation of al-Qaeda in Iraq as a Foreign Terrorist Organization 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 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 the Islamic State ("IS"). To date, ISIL remains a designated FTO.

10. Since 2013, ISIL has claimed credit for numerous terrorist activities, including seizing Mosul, a city in northern Iraq, and launching rocket attacks on

eastern Lebanon in March 2014. These terrorist activities are part of ISIL's broader goal of forming an Islamic state or "caliphate" in Iraq and Syria.

11. Based on my training and experience, I know that: (a) Sunni extremists, who are not citizens or residents of Syria, Iraq, or Libya, are traveling to Syria, Iraq, and/or Libya to join ISIL and commonly enter these countries by crossing the border from a neighboring country; (b) foreign fighters from Western countries are traveling to locations in Turkey, including Istanbul, and then traveling to towns closer to the border where they are brought into Syria to join ISIL; (c) Abu Bakr al-Baghdadi is the current leader of ISIL; (d) the online magazine *Dabiq* is a recruitment publication for ISIL; and (e) the following flag is flown by ISIL:

Musleh's Background and Ideological Commitment to ISIL

12. According to State of Indiana Bureau of Motor Vehicles records, Akram Musleh ("Musleh") is an 18 year old male United States citizen born on October 28, 1997. Musleh resides in Brownsburg, Indiana.

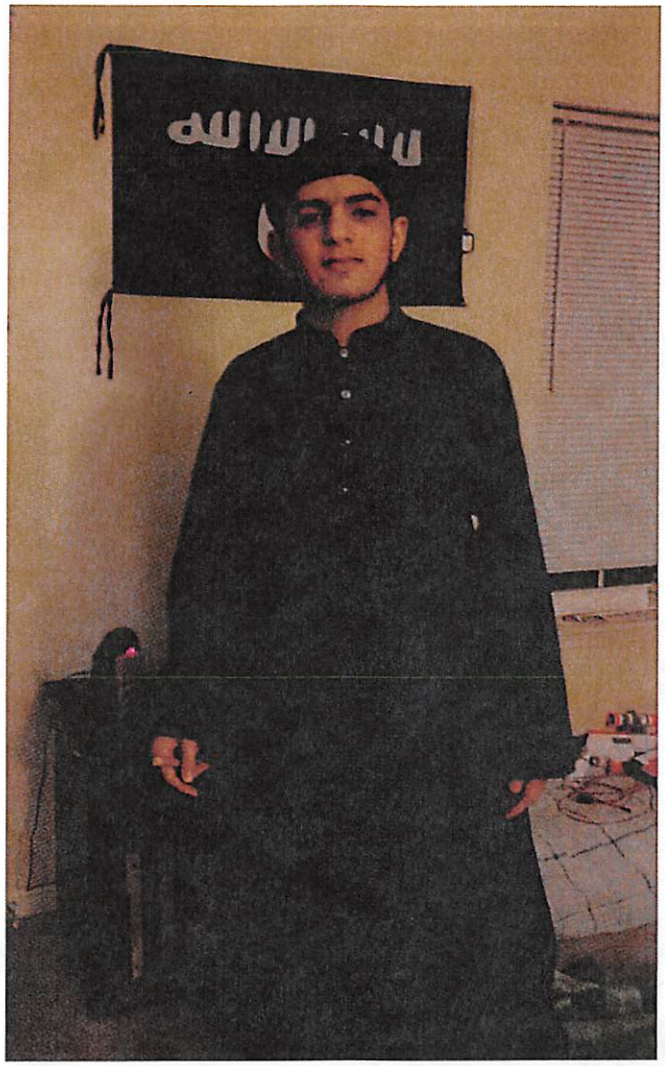
13. Law Enforcement has confirmed that, in or around August 2013, an individual with YouTube username "akram165" posted three videos of Anwar Al-

Awlaki[1] to YouTube. The YouTube username was registered to an individual named Akram Musleh whom the FBI identified as a student at Brownsburg High School located in Brownsburg, Indiana.

14. Based on this information, on or around December 11, 2013, the FBI met with school officials and Musleh at Brownsburg High School. Musleh advised that a close family member had introduced him to the Al-Awlaki videos, which he would watch at his home. Musleh acknowledged that he was aware of Al-Awlaki's "history" and that he used the videos to further his understanding of the history of Islam. Following this interview, the school, in coordination with the FBI took steps to dissuade Musleh form engaging in radical extremeism.

15. Approximately nine months later, in or around September 2014, Musleh purchased the flag flown by ISIL from an online retailer. On or around June 17, 2015, Musleh was photographed posing in front of the ISIL flag as follows:

[1] Anwar Al-Awlaki was an Islamic lecturer and a leader of Al-Qaeda in the Arabian Peninsula ("AQAP"), a Yemen-based designated foreign terrorist organization that has claimed responsibility for terrorist acts against targets in the United States, Saudi Arabia, Korea and Yemen since its inception in January 2009. Pursuant to a Presidential Executive Order, Al-Awlaki was designated by the United States as a "Specially Designated Global Terrorist" on July 12, 2010. Al-Awlaki was reportedly killed in Yemen in September 2011.



16. On April 12, 2015, the Brownsburg Police Department responded to an incident in Williams Park in Brownsburg, Indiana, regarding allegations that persons at the park were asking juveniles if they wanted to join Daesh.[2] From the ensuing investigation, the FBI determined that Musleh was one of the persons who asked the juveniles if they wanted to join Daesh.

Musleh's Prior Attempts to Travel to Join ISIL

[2] "Daesh" is another name for ISIL. See paragraph 9.

17. In 2015, Musleh made five reservations to travel to Iraq or Turkey, as follows:

a. In April 2015, Musleh purchased a one-way airline ticket from Chicago O'Hare International Airport ("ORD") in Chicago, Illinois, to Erbil International Airport ("EBL") in Erbil, Iraq. Musleh did not, however, complete this travel.

b. In May 2015, Musleh purchased a one-way airline ticket from ORD to Istanbul Ataturk Airport ("IST") in Istanbul, Turkey. Musleh did not, however, complete this travel. The credit card used to book the airfare was declined.

c. In June 2015, Musleh booked at least three separate one-way airline tickets from Chicago, Illinois, to Istanbul, Turkey.

18. Based on my knowledge, training, and experience, 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 ISIL in Syria have followed the route of entering Turkey legally and then being smuggled by facilitators across the border into Syria.

19. On June 23, 2015, Musleh attempted to travel to Istanbul, Turkey. Upon arrival at the airport, Musleh obtained his boarding pass for Alitalia Flight 629 scheduled to depart from Chicago at 2:50 p.m. to Rome, Italy, and then on to Istanbul, Turkey. Prior to boarding his flight, Musleh was interviewed by U.S. Customs and Border Protection ("CBP"). When questioned regarding his final

destination, Musleh stated that he was traveling to Istanbul, Turkey, to visit family and friends. A short time later, Musleh explained that he was traveling to Istanbul to get married, and would be meeting his fiancée and her family upon his arrival in Turkey. From the investigation the FBI is not aware of Musleh having any family or friends in Turkey. The FBI has, however, learned that the alleged fiancée is an ISIL sympathizer who resided in Sweden.

20. CBP advised Musleh that he would not be allowed to travel to Turkey on his current passport, which expired on August 25, 2015, because Turkey requires a minimum of six months of validity on passports of travelers who visit there.

21. The FBI conducted an authorized search of Musleh's checked baggage and electronic devices. In Musleh's checked baggage there was a journal that contained quotes from Abu Musab Zarqawi, Abdullah Azzam, Anwar Al-Awlaki, and Usama bin Laden (all individuals who are or have been associated with terrorist organizations).

Musleh's Self-Proclaimed Affiliation with ISIL through Social Media

22. As further described below, beginning in or around June 2015 and to the present, Musleh has used several online communication applications, including social media accounts, instant messaging, and mobile device messaging platforms, to indicate his affiliation with and support for ISIL.

23. When the communications below are read together, I believe that there is probable cause to believe that Musleh is attempting to travel to foreign countries

to provide material support to ISIL, specifically to joining and provide himself as personnel.

24. On or about April 4, 2016, Musleh purchased a one-way airline ticket for June 23, 2016, from John F. Kennedy International Airport in New York, New York, to Casablanca, Morocco, and then on to Nador, Morocco. On April 21, 2016, Musleh purchased a one-way Greyhound bus ticket from Indianapolis, Indiana to New York, New York with departure on June 21, 2016.

25. On May 2, 2016, Musleh viewed a 2006 news article titled "Indiana tops lists for terror targets." The article discussed an Indiana Department of Homeland Security list of approximately 8, 500 potential terror targets in Indiana. On May 5 and May 6, 2016, Musleh accessed multiple commercial websites for pressure cookers. On May 6 and May 7, 2016, Musleh also conducted extensive internet searches on explosive materials, including: dynamite, flash powder, explosive precursors, instructions on constructing explosive devices, and explosive chemical recipes. On May 9, 2016, while conducting physical surveillance of Musleh, a FBI agent observed Musleh enter Wal-Mart located at 400 West Northfield Drive, Brownsburg, Indiana 46112. While in the store, the FBI agent observed Musleh appearing to shop for pressure cookers, but left without making a purchase. In my training and experience I know that pressure cookers have been used as a component in an improvised explosive devices.

26. On May 5, 2016, Musleh began a conversation on a social media platform with another user of the same social media platform ("User #1"). During

the conversation, Musleh expresses his interest in attempting to travel again to join ISIL stating:

- Musleh: How are you akhi [brother][?] I missed you so much[.] Inshallah [God willing] youre okay.
- Musleh: You might not know me but I'm the akhi [brother] that talked to you about a year ago and [redacted]. . . and you talked to my Bro and all[.] Remember?
- User #1: Naam [Yes][.] I remember[.] How are you[?]
- Musleh: Subhanallah [Glory be to Allah][.] I missed you so much.
- User #1: How's things[?]
- Musleh: Alhamdullah man [Thank God, things are well.] As I renewed my passport[.]
- User #1: I see[.]
- Musleh: And made money[.]
- User #1: But time ain't on your side[.]
- Musleh: Ya I heard[.]
- User #1: But sabr [patience][.]
- Musleh: How about a different balad [country][?] Like masr [Egypt] or lybia [sic][.] I wanted to go there maybe[.] Can you help?

In the context of these communications, I believe that Musleh refreshes User #1's memory by explaining that he is the person that worked with User #1 approximately a year ago to travel to join ISIL. To distinguish himself, Musleh

explains that he got his passport renewed assuming that this was the reason that Musleh offered to User #1 for why he was not allowed to board his flight in June 2015. After his memory is refreshed, User #1 expresses his concern for Musleh attempting to travel to Syria to join ISIL. In response, Musleh inquires whether traveling to Egypt or Libya to join ISIL would be a more viable option, and whether User #1 could assist him with travel. User #1 instructs Musleh to be patient.

27. (S//NF/FISA) On May 5, 2016, Musleh continues his online conversation with User #1 stating:

- User #1: How about operations there[?]
- Musleh: What kind[?] As many people [k]ept on telling me that[.]
- User #1: Kill few kufr [non-Muslims or non-believers] or go to a drone place and blow the boots [u]p[.]
- Musleh: Where is a drone place[?] Do you know where?
- User #1: Find out yourself[.] Florida maybe[.]
- Musleh: Damn that's far as hell[.] I dunno [w]here it is[.] And I think lookin for it would be suspicious[.]
- Musleh: I was talking to this akhi [brother] [a]nd he kept on asking me to send money[.] And after that he will tell me missions[.] I didn't trust that crap [s]o I was looking for you[.] So can you help or you think operation best solution[?]

In the context of these communications, I believe that User #1 is suggesting that Musleh conduct an act of violence on behalf of ISIL in the United States. In

response to User #1's directive, Musleh expresses concerns but questions whether an attack in the United States would be best or whether User #1 can assist Musleh with traveling to Egypt or Libya to join ISIL. User #1 suggests that Musleh travel to Florida to carry out an attack against members of the U.S. Military.

28. On May 14, 2016, at 8:00 a.m. EDT, Musleh began a conversation on the social media platform with another user of the same social media platform ("User #2"). During the conversation Musleh expresses his continued interest to travel to join ISIL, stating:

- Musleh: Just a few questions[,] [a]s I trust you[.] As I remember I talked to you a while back about this subject[.] I wanted help with h[hijrah][3] to lybia [sic]. Do you know anyone that can help? Lybia [sic] or masr [Egypt][.]
- User #2: Akhi [Brother] its better you talk to my bro [user name redacted – User #3] he'll know alot more on this and will be alot more help in shaa Allah [God willing][.]
- Musleh: Is he authentic[?]
- User #2: Y[es] hes my blood brother. Authentic as it gets[.]

In the context of these communications, I understand that Musleh and User #2 previously discussed Musleh's attempts to travel and join ISIL. After refreshing the memory of User #2," Musleh requests if User #2 knows anyone who can assist Musleh with traveling to Libya or Egypt to join ISIL. In an effort to assist with

[3] In the context of these communications, and based on later communications, I understand "h" to refer to "hijrah." According to an FBI linguist fluent in Arabic, "hijrah" is the Arabic term for migration but is frequently used by ISIL as a term to describe foreign fighters/supporters traveling to ISIL-controlled territory to join ISIL.

travel, User #2 refers Musleh to his/her brother, "User #3," who is an ISIL sympathizer or member.

29. On May 14, 2016, at 8:16 a.m. EDT, Musleh began a conversation on the social media platform with another user of the same social media platform ("User #3"). During the conversation Musleh expresses his continued interest to travel to join ISIL, stating:

- Musleh: I have a question maybe you can help me inshallah [God willing][.] Can you help me with h [hijrah][?] As I was talking to User #1 [b]ut he disappeared[.] Can we talk on another app?
- User #3: Ok give me [y]our kik[.][4] And yeah [User #1] is not around[.]
- Musleh: What happened to him? You know?

Musleh then provided his screen name for two additional social media platforms.

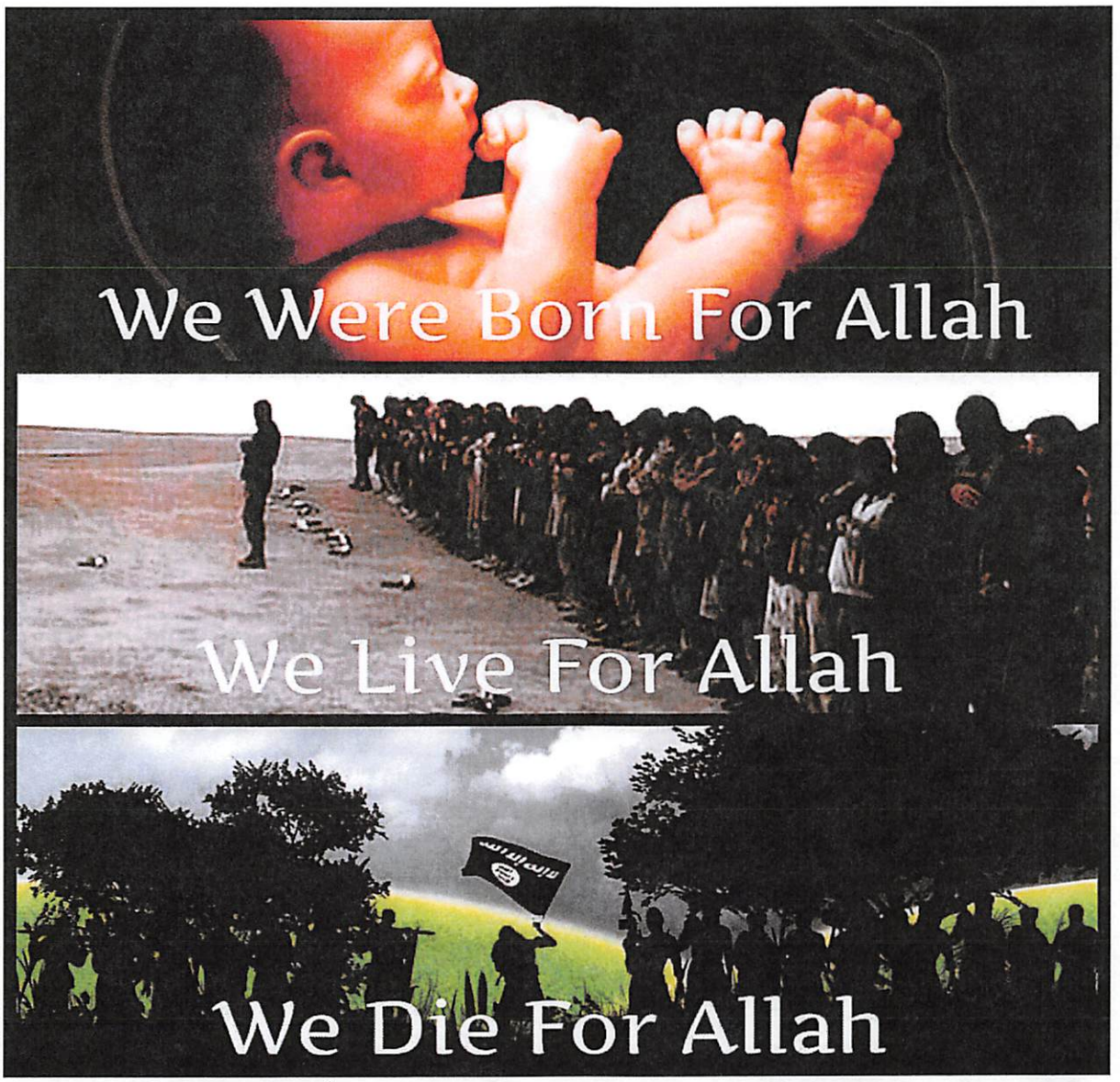
- User #3: He's busy, doing something[.] He's in the video I will upload lol[.] [redacted].
- Musleh: Oh alhamdullah [thank God][.] Put me in it[.]
- User #3: Come here and you can be[.]

In the context of these communications, I believe that Musleh is seeking guidance from User #3 about how to travel overseas to join ISIL. User #3 confirms that he is with fellow ISIL fighter User #1, and is willing to speak with Musleh on a mobile application. Next, User #3 agrees to upload an ISIL propaganda video that features User #1 to explain why User #1 has not responded to Musleh's request. In

[4] Kik is a mobile messaging service based in Canada

response, Musleh expresses his desire to be in an ISIL propaganda video. User #3 explains to Musleh that if Musleh travels overseas and joins ISISl, he could also be in such a video.

30. On or around May 15, 2016, Musleh posted the following picture to his social media account:



31. The "We Die for Allah" verbiage is over a group of armed ISIL fighters, one of whom is holding the ISIL flag. Based on my knowledge, training, and experience, this image, reflects his mindset to join ISIL as a fighter.

Confidential Human Source reporting on Musleh

33. On May 16, 2016, FBI confidential human source ("CHS")[5] was provided user information for Musleh by the FBI, and directed to contact him via Musleh's Social media account. At approximately 6:44 p.m. EDT, on May 16, 2016, the CHS contacted Musleh through an online messaging platform and started communicating around 7:15 p.m. EDT. After introductory communications in Arabic, the CHS and Musleh engaged in the following conversation:

- CHS: "I heard from our brothers that you live in dar alkofir America.[6] "And want to do hijrah [migration to the ISIL]. inshallah [God willing]"
- Musleh: "Which brother?" "Subhannallah [glory be to God]" "I talk to many akhis [brothers]" "Do you help with h [hijrah]" "To s or l.

In this context of this communication, I believe that Musleh is explaining his desire to join ISIL in either Syria or Libya.

34. At approximately 7:38 p.m. EDT, on May 16, 2016, the CHS continues to discuss Musleh's travel to join ISIL in the following conversation:

- CHS: "I will tell you later about the names after all preparations for hijrah"
- Musleh: "I am talking to a akhi [brother] atm"

[5] FBI has utilized this CHS in the past, and the CHS has been proven to be trustworthy and true.
[6] "dar alkofir America" is a reference to "America the land of the non-believers."

- CHS: "What atm mean?"
- Musleh: "At the moment." "He is my friend"...."from ages ago."
- CHS: "Alhamdo lil Allah [all praise be to God]." "Did you prepare yourself for hijrah?"
- Musleh: "Ya" [Yes]. "Alhamdullah [all praise be to God]"
- CHS: "Are you prepard [sic] physically and mentally brothe [sic]?"
- Musleh: "I think"

In the context of this communication, I believe that Musleh has prepared to travel and to join ISIL. In addition, Musleh explains to the CHS that he is working with other individuals in ISIL to assist with his travel to join ISIL.

35. (S//NF) At approximately 7:38 p.m. EDT, on May 16, 2016, Musleh continues his conversation with the CHS stating:

- Musleh: "But I wanted to ask"
- CHS: "Alhamdo lil Allah [all praise be to God]"
- Musleh: "What time"... "[d]oes the border open in t [Turkey]"... "For s [Syria]"..."As I heard it got harder"
- CHS: "It's harder now for sure that's why a lot of brothes and sisters going to Africa to the wilayat for Dawla [Islamic State]"
- Musleh: ... "But I heard there is opening" ... "For some time"..."And it's limited"

- CHS: "For right now Im not sure because I came to Baghdad to make sure my parents OK so I can transfer them to better safer place inshaAllah

In the context of this communication, I believe that Musleh questioned the CHS's knowledge regarding when the Turkish border is open for entrance into Syria which would enable Musleh to join the ISIL.

36. At approximately 3:54 p.m. EDT, on May 18, 2016, Musleh continues his conversation with the CHS stating:

- CHS: "I remember you asking me to do hijrah to bilad alsham[7] and I was asking the other brothers and sisters they said it's very hard to get there now because the border closed with turkey[.]" "As I told you before Africa is the new place for hijrah now and im considering that... ...[I]t's easy to go to Sudan or Egypt then...drive to other place from there"...
- Musleh: "Is the border going to open any time soon?"
- CHS: ...I don't think so for now[.]" "They will tell you the samething if you talking to someone over there"
- Musleh: "So what other place is opened[?]" "Like what countries" "Tell m[e] the others"
- CHS: "Many places like Egypt and Libya and Sudan maybe"
- Musleh: "Mmmm" ... "I heard Egypt closed"

[7] "bilad alsham" is an Arabic term identifying a region in the Middle East that encompasses Jordan, Syria, Iraq, Isreal, and Lebanon.

- CHS: "But it's easy to go to Egypt because tourism and from there you can drive to other countries"... "The tourism visa is easy to"
- Musleh: "Akhi" [Brother]
- CHS: "Also Sudan is good and safe"
- Musleh: "Akhi [brother] I have a question"
- CHS: "Ask"
- Musleh: "Is sinia opened"
- CHS: "Im not 100% sure but you know a lot of Dawla [ISIL] brothers there"
- CHS: "Do you have a contact from Dawla help you with hijrah?"
- Musleh: "Alhamdullah" [Yes, all praise be to God]. "Inshallah [God willing] I'll talk to one"

In the context of this conversation, I believe that Musleh expressed his continued interest in traveling to Syria or the Sinai peninsula to join ISIL. Musleh also explains to the CHS that he has a contact within ISIL that will assist him with travel.

37. At approximately 7:38 p.m. EDT, on May 18, 2016, Musleh continued his conversation with the CHS stating:

- CHS: "Did you do the pledge to Dawla [pledged allegiance to ISIL]"akhi [brother] ... "Bayaah [oath of allegiance]"
- Musleh: "Ya alhamdullah" [Yes, all praise be to God.]

In the context of this communication, I believe that Musleh was stating that he pledged his allegiance to ISIL.

38. On May 22, 2016, Musleh called a travel agency to inquire about a one-way plane ticket from Nador, Morocco, to Sudan for June 28, 2016.

39. During the phone call with the travel agent on May 22, 2016, Musleh stated that he had been researching airline tickets from Morocco to Sudan with another travel agency. Musleh asks the travel agent if he could purchase a ticket from Morocco to Sudan at the airport, but the travel agent represented that she could not assist him. The call concluded at that time.

40. A few days later, on May 24, 2016, Musleh sent an ISIL video to a social media account user which depicts ISIL fighters in the Middle East, an ISIL fighter holding an assault rifle who appears to be on a suicide mission, and ISIL fighters engaged in active military operations.

41. At approximately 9:02 a.m. EDT, on May 24, 2016 Musleh contacted the CHS which the CHS responded to at approximately 12:30 p.m. EDT on the same date with traditional Islamic greetings. Later in the same conversation:

- Musleh: "Was wondering" "How can one go to lybia [sic]"
- CHS: "The best way to fly Sudan or Egypt or morocco as a visitor then drive to libya"
- Musleh: "Morocco???"
- CHS: "For me I have brothers can help"
- Musleh: "I heard only Sudan" "Who will drive me?"

- CHS: "All the kofar go to morocco to travel no visa no issues"
- Musleh: "Ya I know" "But who will drive me from Morocco"

In the context of this conversation, I believe that Musleh is continuing to express the desire to join ISIL in Libya. Musleh is talking to other ISIL members who are advising him to go through Sudan in order to join ISIL in Libya but is interested in going to Libya from Morocco.

42. Continuing on the same date later on in the same conversation the following is stated:

- Musleh: "But tell me a bit of dawla then" "[Smiley face emoji]"
- CHS: "You don't know Dawla? Come on you more clever than that akhi"
- Musleh: "No I know but" "I have akhis they tell me stuff" "So I want to see if you know" "That's the best I have"
- CHS: "I tell one thing [Arabic writing]"
- Musleh: "[Arabic writing]" "But akhi mow much money you make a month?" "From work?" "[emoji]" "Wait I have better idea" "[emoji]" "I'll check with my akhi" "And maybe you both speak to each other [emoji]"
- CHS: "I don't know if you're really preparing yourself for hijrah because you interested in something else"
- Musleh: "Good?" "No not really akhi" "I want to" "But" "Just asking random questions" "To see if you're there" "I know it's not the smartest" "But akhi will you talk to my akhi in Islam?"

In the context of this conversation, Musleh indicates that he is speaking to other members of ISIL about life in the Islamic State about how much money ISIL members are paid. Also, Musleh wants a person whom he believes is with ISIL to speak to the CHS to verify his identity.

43. Continuing on the same date later on in the same conversation the following is stated:

- Musleh: "I ask these questions and scared is because" "The akhi I know only said" "Sudan is good" "Not Morocco or Egypt as Kuffar all around and you'll get caught" "That's why" "[heart]" "Don't get me wrong I love you for the sake of Allah" "Wallahi"
- CHS: "Maybe the other brothers knows more than me" "And Allah knows best"
- Musleh: "But you say there is a way from Morocco???" "If yes that is good for me" "[emoji]"
- CHS: "inshaAllah is good for you"
- Musleh: "So we drive though Algeria and Tunis"

In the context of this conversation, Musleh expresses a desire to join ISIL in Libya but other ISIL members are telling him to travel and transit through the Sudan but he is seeking a way to get to Libya from Morocco in order to join ISIL.

44. On May 25, 2016, at approximately 5:41 p.m. EDT, Musleh began a conversation on the social media platform with another user of the same social media platform ("User #4"). The FBI has determined that this account

name has an internet protocol address located in Turkey. During the conversation Musleh expresses his continued interest to travel to join ISIL, stating:

- Musleh: "Oh well I had a question" "Subhannallah" "How can one go to lybia [sic]" "You know" "Is it only through Sudan?"
- User #4: "Yes" "Sudan is to lybia [sic] what turkey is to sham"

In the context of this conversation, I understand that Musleh is seeking to join ISIL in Libya and asks User #4 whether the best way to join ISIL in Libya is through Sudan. The user User #4 confirms that the manner to join ISIL in Libya is through the Sudan and equates how ISIL recruits are using Sudan to enter Libya in the same manner as ISIL recruits are using Turkey to enter Syria.

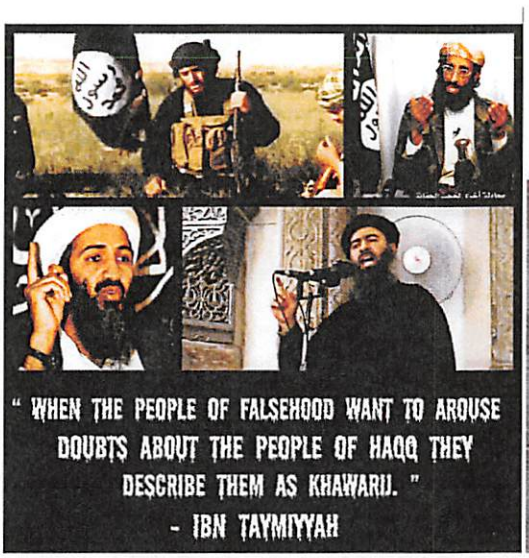
Search of Musleh's phone on May 25, 2016

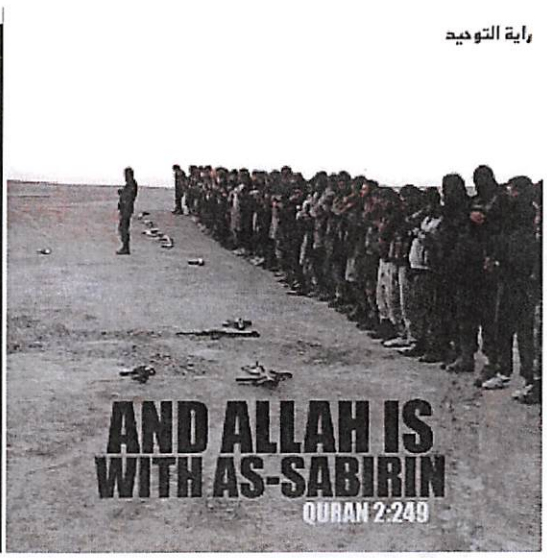
45. On May 25, 2016, pursuant to court authorization, agents searched Musleh's phone in Brownsburg, Indiana. Agents recovered many files regarding jihad, martyrdom, and ISIL. A folder titled "Anwar Al-Awlaki\All Of The Lectures From The Best Scholar" contained several audio files by Anwar Al-Awlaki. Anwar Al-Awlaki was a prominent leader of, and a recruiter for, al Qaeda in the Arabian Pennisula ("AQAP"), al Qaeda's branch in Yemen who was killed in 2011. Additionally, several ISIL produced magazines, *Dabiq*, are on the phone. Below are highlights of the several relevant files:

- Vol 02 Jeem 1.pdf - **THE BOOK OF JIHAD**

- *Inspire* Magazine[8] issue 10, 11, and 12 all pdf files
- *Dabiq* Magazine issue 11, 12, and 13 all pdf files
- Vol 05 Manuals.pdf [9]
- Vol 14 Exp.pdf"[10]
- Baqiya (The Khilafah Is Here to Stay).mpeg-4 video

46. A review of Musleh's cellphone found numerous pieces of evidence establishing Musleh's support for ISIL. The phone contained multiple images of what appear to be ISIL fighters in the Middle East. For example:



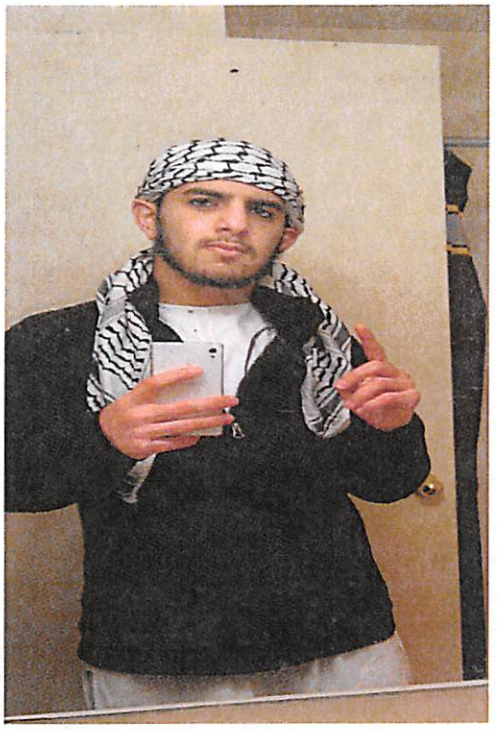


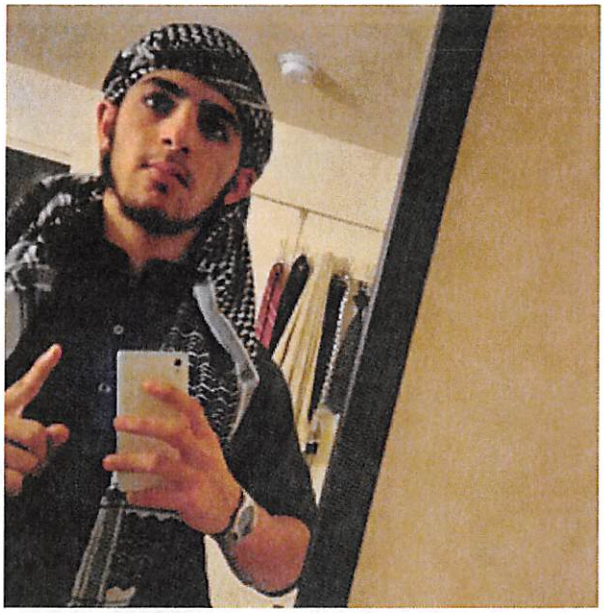
[8] Based on my training and experience, I know that *Inspire* is AQAP's English language online magazine reported to be published by Al-Qaeda in the Arabian Peninsula ("AQAP"). Among other things, the magazine includes recruiting material for AQAP and provides information about how to carry out particular types of terrorist attacks. For example, one article titled "How to Make a Bomb in the Kitchen of Your Mom" describes how to construct a bomb using items found in a typical kitchen. As of the date of this affidavit, there have been fifteen issues of the online magazine.

[9] This file contains several military manuals, concerning the construction, functioning, an disassembling assault rifles, sniper rifles, rocket propelled grenades, antitank weaponry, and hand grenades.

[10] This file contains several military manuals that deal with the construction, detection and removal of explosive devices.

47. The cell phone also contained images of Musleh making the same index-finger pointing gesture similar to ISIL fighters in their media propaganda. For example:





48. Based on my training and experience, I have learned that the index-finger pointing gesture depicted in the preceding photographs has repeatedly appeared in ISIL videos and is a sign commonly used by ISIL fighters.

49. On June 1, 2016 at approximately 7:33 a.m. EDT, Musleh began a conversation with an account named User #4. During the conversation Musleh expresses his continued interest to travel to join ISIL, stating:

- Musleh: "But akhi I have question"
- User #4: "Ask akhy"
- Musleh: "Mmmm" "Well akhi you remember me asking you about lybia?" "The other day?" "I have a problem" "I'm flying to a country"
- User #4: "Yes"
- Musleh: "Ams they said no one way tickets so I have to get round trip" "But if I get round trip" "It's a loss of money as I'm not coming back at the moment" "So I wanted to know what's your advice on this problem"

- User #4: "Are u planning to go to sudan or?"
- Musleh: "No to Morocco" "But if I pay round trip" "It's a loss of money" "And from Morocco I'll go to Sudan"
- User #4: "Akhy everyone always takes a 2 way ticket. It's a good alibi to let u fly"
- Musleh: "Burning my money"
- User #4: "One way ticket is very suspicious"

50. Later on June 1, 2016, at approximately 7:46 a.m. EDT, the conversation continues:

- User #4: "Fr morocco u have all the ryt reasons bt direct to sudan is worse. Go for the less risky wch is morocco then to sud"
- Musleh: "From Morocco to Sudan" "Ya" "Akhi that's what I'm doing"
- User #4: "Better"
- Musleh: "Here (plane emoji) Morocco (sit a week) (plane emoji) sudan" "???"
- User #4: "Does morocco border lybia in any way"
- Musleh: "No but Algeria does" "And wanted to know how about that?"
- User #4: "Okay. Sudan is better" "Wait I can ask fr u from algeria if its possible" "Give me 2 days" "I gt sone friends in libya"

In the context of this conversation, I believe that Musleh intends to travel through Sudan to join ISIL in Libya and is planning his travel in a way that will draw the least amount of suspicion. The user User #4 states that he will check with

ISIL members in Libya to determine if it would be possible for Musleh to travel through Algeria to join ISIL in Libya.

51. Later on June 1, 2016, at approximately 7:53 a.m. EDT, Musleh and user User #4 discuss joining ISIL in Libya, stating:

- User #4: "I mean where are u makin hijra frm"
- Musleh: "Oh" "Well U.S" "Does it make a difference" "Ya akhi?"
- User #4: "You shudnt be talkin to me on [name of social media platform redacted]" "Bt kheir inshaAllah" "Those guys are super paranaoid"
- Musleh: "Okay where can we talk"

In the context of this conversation, I believe that the user User #4 asks Musleh which country Musleh is leaving to join ISIL. Musleh replies that he will be leaving the United States to join ISIL. After the user User #4 learns that Musleh is in the United States, User #4 states that it is not safe to use the direct messaging feature on the platform that they are currently using. Musleh asks User #4 which platform they can use to communicate safely.

52. On June 3, 2016, Musleh received an email confirmation from a travel agency demonstrating that Musleh booked a one-way ticket from Casablanca, Morocco with departure on July 21, 2016 to JFK in New York, New York.

53. On June 21, 2016, the FBI observed Musleh enter in the Greyhound Bus Station in Indianapolis, Indiana. After obtaining his bus ticket, Musleh was observed by FBI agents exiting the terminal and proceeding towards his bus. While

Musleh was presenting his ticket to board he was intercepted by FBI Agents and placed under arrest.

Conclusion

54. Based on the above paragraphs, I respectfully submit that there is probable cause to believe that Akram Ismail Musleh has knowingly and willfully attempted to provide, "material support or resources, to a foreign terrorist organization, to wit, the Islamic State of Iraq and the Levant, which has been designated a foreign terrorist organization, and knowing that ISIL was a designated foreign terrorist organization, in violation of Title 18, United States Code, Sections 2 and 2339B(a)(1).

FURTHER AFFIANT SAYETH NOT.

Michele Denise Holley, Special Agent
Federal Bureau of Investigation

SWORN TO BEFORE ME, AND SUBSCRIBED IN MY PRESENCE , THIS DAY OF 21st JUNE, 2016.

Tim A. Baker
U.S. Magistrate Judge
Southern District of Indiana