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AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Connecticut

United States of America)

v.)

Case No. 3:19MJ 1708 (RMS)

Ahmad Khalil Elshazly)

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 September 2018 to present in the county of New Haven and elsewhere in the District of Connecticut, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2339B

Attempting to Provide Material Support and Resources to a Foreign Terrorist Organization (FTO)

This criminal complaint is based on these facts:

See attached Affidavit of Christopher Evans, Special Agent, Department of Homeland Security/Homeland Security Investigations (DHS/HSI).

Continued on the attached sheet.



Complainant's signature

Christopher Evans, SA, DHS/HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/16/2019

/s/ Robert M. Spector

Judge's signature

City and state: New Haven, Connecticut

Hon. Robert M. Spector, U.S. Magistrate Judge

Printed name and title

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AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

INTRODUCTION

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I, Christopher Evans, being duly sworn, depose and state as follows:

1. I am a Special Agent employed by the Department of Homeland Security (DHS) / Homeland Security Investigations ("HSI") and have been so employed since August 2008. Since January 2015, I have been assigned to the Federal Bureau of Investigation's Joint Terrorism Task Force ("JTTF"). Prior to this assignment, I attended the Federal Law Enforcement Training Center in Glynco, Georgia. Before joining HSI, I served as a Naval Officer in the United States Navy since March 1999. In the course of my official duties, I am charged with the investigation of violations of Federal law, including Conspiring and Attempting to Provide Material Support and Resources to a Foreign Terrorist Organization ("FTO"). I have received training in the conduct of criminal investigations, and have completed FBI administered counterterrorism training, training provided by the National Counterterrorism Center, and gained experience concerning the investigation of terrorism crimes, as well as, the tactics, techniques, and procedures used by terrorism suspects to evade detection.
2. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7) in that I am empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.
3. The information contained in this affidavit is from my personal participation in the investigation, information provided by reliable confidential human sources "CHSs," consensual recordings of conversations between the CHSs and the subject, as well as from information provided to me by other law enforcement officers. Because this affidavit is being made to establish probable cause, I have not listed each item and every fact known regarding the investigation.

4. In this affidavit, the FBI has provided preliminary translations of certain Arabic words or phrases. I made these translations based on information provided to me from FBI linguists, an Arabic speaking FBI Task Force Officer, and from my training and experience. I have indicated the translations using brackets and footnotes.

5. I submit this affidavit in support of an application for a criminal complaint ~~and arrest~~ ^{CW6} warrant for Ahmad Khalil Elshazly for violating Title 18, United States Code, Section 2339B, Attempting to Provide Material Support and Resources (personnel; i.e. himself) to an FTO.

BACKGROUND AND OVERVIEW

6. Ahmad Khalil Elshazly (“Elshazly”) is a United States citizen born in 1997 and currently resides in West Haven, Connecticut. Beginning in approximately September 2018, and continuing to the present, Elshazly has expressed a desire to travel to “Sham”¹ to join and fight on behalf of ISIS.

7. Elshazly stated to a FBI CHS he wants to travel to Sham² and has taken overt steps to achieve his goal.

STATUTORY AUTHORITY

8. Title 18, United States Code, Section 2339B prohibits, in pertinent part, a person from knowingly providing “material support or resources to a foreign terrorist organization,” or attempting or conspiring to do the same.

9. “[T]he term ‘material support or resources’ means any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or

¹ On or about September 4, 2018, Elshazly described “Sham” as the area including Syria, Jordan, Palestine, and Lebanon.

² To join and fight on behalf of ISIS.

identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials.” Title 18, United States Code, Section 2339A(b)(1).

THE ISLAMIC STATE OF IRAQ AND AL-SHAM

10. On October 15, 2004, the United States Secretary of State designated al-Qaeda in Iraq (AQI), 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 Specifically Designated Global Terrorist entity under section 1(b) of Executive Order 13224.

11. 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-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.

12. Abu Bakr al-Baghdadi (“al-Baghdadi”) was the emir (leader) of ISIS until his death on or about October 27, 2019. After the death of Al-Baghdadi, ISIS announced Abu Ibrahim Al Hashimi Al Qurashi as its new emir.

FACTS ESTABLISHING PROBABLE CAUSE

13. On or about September 4, 2018, Elshazly told CHS 1, via an online messaging application (“OMA-1”), he wished he could travel to Sham “but the rout [sic] is closed.” He went on to say “But dowlah³ will take it back inshallah In less than 10 years.”

14. On January 7, 2019, Elshazly stated that maybe someday he would go to Syria. Elshazly told CHS 2 the roads to fight with ISIS have been shut and anyone who says they can get a foreigner into Syria was lying.

15. On or about January 17, 2019, Elshazly told CHS 2 he had missed his chance to go and fight in Syria and that it was now impossible. He stated the previous way to get to be a fighter in Syria was to travel to Turkey. You would be interviewed, searched, and brought over the border with Syria to fight with or support ISIS in whatever capacity you were suited to assist.

16. On or about January 28, 2019, Elshazly told CHS 2 how it was impossible for anyone to travel to Syria to help ISIS right now, as the route through Turkey was no longer an option. Elshazly told CHS 2 he wanted to go and fight by traveling to Syria, but he missed his chance.

17. On or about February 7, 2019, Elshazly told CHS 2 Elshazly saved approximately \$1,000 last year with the intention of using the money to travel to Jordan to transit to Syria to be with ISIS. He was talked out of the idea because he was convinced by a contact that this was not a possible route to travel.

18. On or about March 11, 2019, Elshazly downloaded an online messaging application (“OMA-2”) to CHS 2’s phone. Elshazly walked CHS 2 through the process to get on the app by entering an e-mail address, asking to join, and being accepted. CHS 2 described OMA-2 as a general group chat with 16 participants in the group. As soon as CHS 2 was introduced to the group, one of the members had asked Elshazly if he knew CHS 2 and Elshazly vouched for CHS 2 to the group.

³ Dowlah is the Arabic word for country or state, and is commonly used to refer to ISIS, which is also known as the “State.”

19. On or about March 14, 2019, Elshazly told CHS 2 our leader Abu Bakr al-Baghdadi told us to do one of three things:

1. Hijrah, which means to travel to the Islamic State if you can,
2. Strike where you are, meaning strike kuffar⁴
3. Spread dowlah.

20. On March 21, 2019, CHS 2 joined Elshazly's group chat on OMA-2 along with other participants. Elshazly led CHS 2 in pledging Bayat⁵. Elshazly asked if CHS 2 was ready to give the bayat and then led CHS 2 by reciting a sentence in Arabic, requesting CHS 2 repeat the sentence. The bayat was recorded by the FBI and translated as follows:

Yes indeed, Inshallah! I seek Allah away from accursed Satan. In the name of Allah, the Beneficent, the Merciful. Repeat after me my brother Inshallah. For the Messenger of God, Peace and Prayers be upon Him, he has said, a world that does not give Bay'at will die in State of Ignorance. So, indeed, you are taking one step on the path of the Sharia Inshallah and another step crossing to the straight path to be with him Inshallah. Now we start the fealty pledge: I pledge, on behalf of the Caliph of the Muslims, Ibrahim al-'Awwadi Abu-Bakr al-Baghdadi, al-Qurayshi, al-Hussayni to hear and obey when we feel energetic and when we feel tired in hardship and in ease and to endure being discriminated against that we would not dispute the orders of whomever was entrusted with it when we see clear signs of disbelief for which we would have proof from Allah we pledge

⁴ Kuffar means non-believers.

⁵ Bayat means to pledge fealty or allegiance.

fealty to him, for Hijrah and Jihad. Takbir Allahu Akbar! The Islamic State, the Islamic State It shall remain and shall expand, Inshallah!

21. On or about March 25, 2019, Elshazly again expressed his interest in saving money to join ISIS in Syria. Elshazly stated his plan now was to travel to Syria by way of Saudi Arabia and use the ruse of making the Hajj pilgrimage and instead make his way into ISIS controlled territory.

22. On or about March 28, 2019, Elshazly stated he wanted to work out a way for both he (Elshazly) and CHS 2 to travel to Syria together.

23. On or about September 18, 2019, Elshazly asked CHS 2 about an associate of CHS 2 who can travel across the Turkish/Syrian border.

24. On or about October 15, 2019, Elshazly met with CHS 2 and CHS 3. During that meeting, Elshazly made numerous statements supporting ISIS and his desire to travel for the purpose of supporting ISIS including, "...they say, War has started and we are marching to it...war has started and we are marching to it. This is their strength and I say the same thing, and I say it but all doors are closed, closed. I am talking to myself now, asking myself, How do I get there? How can I help Muslims? How can I do anything?"⁶

25. Elshazly stated, "God willing! May this country [United States] burn the same way they burned Muslims! May they burn in fire at the end!" Elshazly made these statements in a public venue. When CHS 3 asked Elshazly to lower his voice when talking loudly, Elshazly proclaimed "I am not scared."

26. Speaking of his passport, Elshazly stated, "I don't need it, I will burn it with fire. I don't need the passport."

⁶ The quoted portions of intercepted conversations, unless otherwise noted, are taken from the FBI's preliminary draft transcripts of conversations. In addition, the voice attributions and attribution of words are preliminary. The FBI is continuing to update the transcripts as the investigation continues.

27. During the same meeting, Elshazly said, "...I want to go to the caliphate and fight there. I can kill maybe...like a hundred kaffir. I can kill them. A hundred kaffirs. If I do something here how many kaffirs could I kill? One, two, three and then I get shot and I die. It is more benefitting if I go there, I could kill more and will get more faithful rewards."

28. Elshazly explained the meaning of jihad to CHS 3 stating, "There is the lesser Jihad and the greater Jihad. The lesser Jihad is like the daily stuff but the greater Jihad is for the sake of Allah, the one that makes you a Martyr is for the sake of Allah. It is not staying back." He quoted a saying from the Koran, "And do not think that the believer, who goes out and fight and the believer who stays behind are equal. Do not think that they are equal. No, The Mujahid who fights for the sake of Allah, is greater. Allah says it in the Koran. There is no doubt, there is no doubt. It is actually true, one, he is putting his whole life on the line. He is sacrificing everything for the sake of Allah."

29. On or about October 19, 2019, Elshazly, on an Online Messaging Application ("OMA 3"), told CHS 3 "I'm nothing" and "I want to be a real man and defend the Ummah⁷."

30. On or about October 28, 2019, Elshazly continued the conversation on OMA-3 with CHS 3. Speaking about the death of al-Baghdadi, Elshazly said "I want to leave before I lose my chance To defend the ummah." He continued, "I'm sorry I'm speaking to [sic] much forgive me Ahki."

31. On or about October 30, 2019, CHS 3 met again with Elshazly and CHS 2 and spoke about traveling to join ISIS. Elshazly stated he was worried that he will be stopped at the airport and they will not let him go. He stated he did not want to die a hypocrite in this country. Elshazly said that he hated working and paying taxes because the taxes were being used to kill Muslims. He stated he just wanted to leave.

⁷ Ummah means the worldwide Muslim community.

32. Elshazly stated he wanted to get his tax return and then leave. He said he would go today or tomorrow, but he wants to take what he can. He said he did not want to leave them anything and began to cry. He restated he does not want to die here and said only hypocrites die here. He talked about things he had supposedly seen: Muslims sisters being raped and little kids being killed. Elshazly said he felt helpless because he was here doing nothing. He was living in the house of the kuffar and being forced to give them money.

33. When asked what his life will be like in Sham, Elshazly responded “a killer, Inshallah.” More specifically, he stated he wanted to be a killer for ISIS.

34. Expanding on his fears of being stopped at the airport, Elshazly stated he would not go to jail and he would fight at the airport if he had to. He said he would not go to jail for twenty years.

35. On or about October 30, 2019, following the meeting with CHS 3, Elshazly sent CHS 3 a photograph of his passport.

36. On or about October 31, 2019, Elshazly sent CHS 3 a pledge of allegiance (bayat) to the new leader of ISIS, saying “I pledge my allegiance...to the Khilafa (the successor of the leadership) of the muslims Abu Ibrahim Al Husseini Al Hashami Al Qurashi...”

37. On or about November 11, 2019, Elshazly told CHS 2 he was having trouble getting in touch with CHS 3 and Elshazly sent CHS 3 several text messages via OMA-3.

38. On or about November 27, 2019, Elshazly sent CHS 3 a message saying his OMA-1 account was deleted. He also said “brothers of supporting media are getting there [sic] accounts deleted.” On November 28, 2019, Elshazly continued the conversation saying “I’m getting phone calls from numbers that I don’t know from California... This is happening the same day my account

got deleted. I think something might happen to me soon, Allahu'Alam⁸, but I'm ready to die Insha'Allah."

39. On or about November 28, 2019, Elshazly sent CHS 2 a message also saying his OMA-1 account was deleted and he would not have access to news for a while. He also told CHS 2 about the calls from strange numbers in California saying "Allahu'Alam if it's connected though."

40. On or about November 28, 2019, CHS 3 called Elshazly. Elshazly restated information about his OMA-1 account being shut down, along with the accounts of many other brothers. He said he felt like something was going to happen to him, but he was prepared to die. Elshazly said he sleeps with a knife.

41. On or about December 6, 2019, CHS 2 met with Elshazly. Elshazly said CHS 3 needed an answer if Elshazly was "ready to go or not" when CHS 3 returned. Elshazly said CHS 3 had a way to get him out, even if he could not officially get out of America. He also said he had more than enough money to buy a ticket. CHS 2 asked Elshazly if he was sure he wanted to go, and Elshazly replied "yeah." He explained to CHS 2 that CHS 3 asked if Elshazly was sure he wanted to go, saying [life with ISIS] was not easy.

42. On or about December 6, 2019, Elshazly sent CHS 3 a series of YouTube videos titled "How an AK-47 Works," "AK-47 – How this rifle works! (Animation)," "M16 and AR-15 – How firearms work! (Animation)," "How a gun (Colt M1911) works! (Animation)," "How an RPG 7 works," "How a Grenade Works," and "How gun [sic] works: All you need to know about bullets (how it's [sic] work) – Animation..." He also sent a document titled: "Guns & How They Work By Ian V Hogg : Free Download, Borrow, and Streaming: Int..." Elshazly continued, "This

⁸ Allahu'Alam translates as "Allah knows best."

PDF has a lot of guns and how they work...” He stated, “We should make our own guns” and “Their [sic] would be a huge advantage to making a fun [sic] with a tapered barrel.”

43. Elshazly continued to send videos overnight, including “The Wernher von Braun V2 Rocket Academy,” “How a gyroscope guides a rocket,” A4 / V2 Rocket in detail: fuel and oxygen injectors,” A4 / V2 Rocket in detail: umbilical cable system,” “The A4 / V2 rocket in detail: Brining a V2 rocket gyro back to life,” “What makes a rocket fly,” and “A4 / V2 Rocket in detail: Turbopump,” “How to make a rocket from kno_3 + sugar,” “2,000lbs of Thrust Sugar Powered Rocket,” “+15km Boosted Dart Project,” and “A Sugar Powered Rocket | Street Science.”

44. On or about December 9, 2019, at approximately 4:00 pm, CHS 3 sent Elshazly a message indicating CHS 3 would meet Elshazly at 12:00 p.m. the following day. Elshazly responded by asking if he should bring just one bag. At 11:50 p.m. on December 9, 2019, Elshazly sent a message to CHS 3 indicating he would be late for the December 10, 2019 meeting, but would arrive soon. On or about December 10, 2019 at approximately 12:55 a.m., Elshazly sent a message to CHS 3 and attempted to reach CHS 3 by phone. CHS 3 did not respond until later, indicating CHS 3 would meet Elshazly at 12:00 p.m. on December 10th. Your Affiant believes that Elshazly misunderstood the time of the meeting, thinking it was 12:00 am instead of 12:00 pm.

45. On or about December 10, 2019, Elshazly met with CHS 3. Commenting about the videos he sent previously, Elshazly said we can build this stuff and it is not that hard. He said we need easy access to materials and it needs to be built in Turkey where you can get the parts easily. Elshazly said that once the prototypes of whatever weapon they want to develop were built, then they will smuggle it into Sham and test it there.

46. CHS 3 asked Elshazly if he came to meet CHS 3 last night at 12:00 a.m.⁹. Elshazly said yes, and Elshazly thought he was going to leave the country that day. He said he brought his suitcase with him and that he still had it in his car.

47. Continuing the conversation, Elshazly told CHS 3 he brought two bags with him to the meeting, one duffle bag and one backpack. He asked if he could leave today. He said if he can leave today, he wanted to leave today. He also told CHS 3 that CHS 2 was ready to leave too. Elshazly said, “we should just go.” He said, “I mean, I know what I want to do, I want to go...” When asked what he wanted to do there, Elshazly responded there are two options. He said if needed to make weapons, he could go to Turkey and design them. Then he could go straight to Sham and start fighting. Elshazly said later if you don’t need me to build weapons, send me straight to Sham I can fight. Elshazly believed he was going to leave the country that day.

48. When presented with an option to leave the United States to join ISIS by plane or boat, Elshazly expressed concern with being stopped at the airport. Elshazly said he had \$1,100 and he researched ticket prices. Elshazly found a flight with two stops for \$722. He said taking a plane was a risk, because if he was stopped he would not be able to do anything else. He said in 2017 he previously had sent a picture of his passport to someone online who said they were in Sham and were with a fighter with dowlah. He was concerned that someone could have seen his passport. Elshazly stated “the ummah, they are the ones fighting. They are the ones fighting the Americans. I’ve always been with them.” He mentioned the FBI and said he read a lot of stories. Elshazly said they wait until you try and go to the airport and they’ll stop you there. He said, “You get screwed like this.” Elshazly thought at this point he had to take the boat because he didn’t want to take the risk. Elshazly asked if he needed to pay money for the boat or he if would sneak on.

⁹ Elshazly appeared to confuse 12 noon for 12 midnight.

49. During the meeting, CHS 3 provided Elshazly with the contact information for CHS 4, who CHS 3 said would facilitate Elshazly's travel by boat. CHS 3 told Elshazly to contact CHS 4 when Elshazly was ready.

50. After the meeting, Elshazly sent CHS 3 a series of messages informing CHS 3 that he had made his decision [to leave], including a quote he cited from the Koran:

And kill them wherever you find them and expel them from wherever they have expelled you, and fitnah is worse than killing. And do not fight them at al-Masjid al- Haram until they fight you there. But if they fight you, then kill them. Such is the recompense of the disbelievers.

Shortly thereafter, Elshazly sent CHS 4 a message using OMA-3.

51. Elshazly sent a series of messages to CHS 4 on OMA-3 and asked if he would have his ID checked like with an airplane. He sent CHS 4 a photograph of himself and a photograph of his passport. Elshazly said he was ready to go and just wanted to know when. Elshazly also asked how long the boat would take?

52. On December 13, 2019, Elshazly sent a series of messages to CHS 4. Elshazly asked "Am I leaving tomorrow, or just meeting you?" Elshazly was asked to bring five hundred dollars and replied, "I have it cash already, So I'm ready." Elshazly asked, "How long does the boat take Is it going to take 2 months Or two weeks."

53. On December 14, 2019, Elshazly met with CHS 4. Elshazly counted out five one-hundred dollar bills and handed the money to CHS 4. CHS 4 explained that the money would be used to pay for transport on a fishing boat that would take Elshazly to a container ship that was destined for Turkey. Elshazly asked if the boat (i.e., the container ship) was going to Turkey and was assured that it was. Elshazly was informed that he would be provided with an employee badge on the container ship and would work while onboard. Elshazly asked whether he needed to tell anyone on the boat that he was going to Turkey. Elshazly was informed that CHS 3 would be waiting for him in Turkey upon the boat's arrival. Elshazly asked CHS 4 what he should do with

his car. Elshazly formulated the plan to leave the vehicle in the lot where CHS 4 and Elshazly were set to meet the following day with the keys taped underneath it, which would allow a family member to retrieve it.

54. On December 15, 2019, Elshazly arrived at the predetermined meeting area in a 2002 Gray Honda Accord bearing Connecticut license plate AK63737 and awaited the arrival of CHS 4. Upon CHS 4's arrival, Elshazly transferred his belongings, including two medium-sized bags, into CHS 4's vehicle. Elshazly provided his vehicle keys to CHS 4. CHS 4 drove Elshazly, in CHS 4's vehicle, to a nearby marina that is used for commercial fishing. Upon arrival at the marina, CHS 4 pointed out a particular individual¹⁰ on the marina and told Elshazly that the individual would transport Elshazly on a fishing boat. Elshazly departed CHS 4's vehicle with his belongings and walked in the direction of the individual posing as the fishing boat captain. As Elshazly walked in the direction of the purported boat captain, he was arrested.

¹⁰ FBI employee posing as a boat captain.

CONCLUSION

55.I submit this affidavit in support of an application for a criminal complaint ~~and arrest~~
^{QMB}
~~warrant~~ for Ahmad Khalil Elshazly for attempting to provide material support (personnel; i.e.,
himself) to the Islamic State of Iraq and al-Sham, an FTO, in violation of Title 18, United States
Code, Section 2339B.

56.Based upon the above, I submit that there is probable cause to believe, and I do believe
that Ahmad Khalil Elshazly committed the offense and I respectfully request the issuance of the
requested criminal complaint ~~and arrest warrant~~.
^{QMB}

12/16/19
Executed on (Date)



Christopher
Special Agent
Homeland Security Investigations

^{RMS} Swore to before me and signed
in my presence.
Date/Time: 12/16/19 @ 10:05 a.m

Robert M. Spector
United States Magistrate Judge