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Approved: Thomas Brown
THOMAS BROWN
Assistant United States Attorney

Before: HONORABLE RONALD L. ELLIS
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA : AMENDED COMPLAINT

-v.- : Violation of
18 U.S.C. §§ 2511 & 2

DONNCHA O'CEARRBHAIL, :
a/k/a "palladium," : COUNTY OF OFFENSE:
a/k/a "polonium," : NEW YORK
a/k/a "anonsacco," :
Defendant. :
- - - - -x

SOUTHERN DISTRICT OF NEW YORK, ss.:

GEORGE J. SCHULTZEL, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges:

COUNT ONE

1. From in or about January 2012, up to and including in or about February 2012, in the Southern District of New York and elsewhere, DONNCHA O'CEARRBHAIL, a/k/a "palladium," a/k/a "polonium," a/k/a "anonsacco," the defendant, willfully and knowingly, intentionally disclosed, and endeavored to disclose, to any other person the contents of any wire, oral, and electronic communication, knowing and having reason to know that the information was obtained through the interception of a wire, oral and electronic communication in violation of Title 18, United States Code, Section 2511(1), to wit, the defendant, while in Ireland, unlawfully and intentionally recorded a telephone conference call between law enforcement officers in the United States and law enforcement officers in the United Kingdom and then provided copies of that recording to individuals in New York, New York and elsewhere.

(Title 18, United States Code, Sections 2511(1)(c) & 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I have been a Special Agent with the FBI for approximately two years and have been involved in the investigation of this matter. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, including my examination of reports and records, and my conversations with law enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of the investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, unless noted otherwise.

BACKGROUND ON ANONYMOUS, LULZSEC AND ANTISEC

3. Since in or about 2010, the FBI has been involved in the investigation of a loose confederation of computer hackers and others known as "Anonymous," and its affiliated groups. Since at least in or about 2008, certain members of Anonymous have waged a deliberate campaign of online destruction, intimidation, and criminality, as part of which they have carried out cyber attacks against businesses and government entities in the United States and throughout the world. Between in or about December 2010 and in or about May 2011, one group of individuals affiliated with Anonymous who engaged in such criminal conduct was composed of elite computer hackers who collectively referred to themselves as "Internet Feds." In or about May 2011, certain members of Internet Feds formed and became the principal members of a new hacking group, "Lulz Security" or "LulzSec." Then, in or about June 2012, certain individuals who were affiliated with Anonymous, Internet Feds, and/or LulzSec, joined with other computer hackers to create a new hacking group called "Operation Anti-Security," or "AntiSec." AntiSec has, among other things, publicly encouraged cyber attacks on government-related entities. In addition, AntiSec has publicly claimed responsibility for, among other things, the intrusion into, and subsequent release of data stolen from, computer systems used by more than 50 police departments in the United States and an intrusion into the computer systems of the North Atlantic Treaty Organization ("NATO").

THE INVESTIGATION

4. Based on my participation in this investigation, I know that a computer hacker who was, at various times, affiliated with Anonymous and other computer hacking organizations (the "CW"), was arrested by the FBI, and agreed to cooperate with the Government's investigation in the hope of receiving a reduced sentence. The CW has pleaded guilty to various charges, including charges relating to computer hacking, pursuant to a cooperation agreement with the Government. The information provided by the CW has been shown to be accurate and reliable and is corroborated by other information developed in this investigation. While acting under the direction of the FBI, the CW has communicated with other computer hackers and received information from those hackers regarding their hacking activities.

5. Based in part on information provided to the FBI by An Garda Síochána, the National Police Service of Ireland (the "Garda"), I know that in or about December 2011/January 2012, the personal Gmail webmail accounts of two Garda officers (the "Garda Officers") were compromised by a computer hacker (the "Compromised Gmail Accounts"). I also know that one of the Garda Officers whose accounts were compromised routinely sent email messages from an official Garda email account to one of the Compromised Gmail Accounts.

6. Based on information provided by the CW, and based on records from the FBI's email system, I know that in or about January 2012, email messages were circulated among various FBI agents and foreign law enforcement officers, including law enforcement officers in Ireland, for the purpose of scheduling a conference call on January 17, 2012 to discuss law enforcement investigations of Anonymous and other hacking groups. These email messages contained a telephone number and passcode that was to be used to access the conference call. Based upon information provided by the Garda to the FBI, I know that one of the Garda Officers forwarded these emails to one of the Compromised Gmail Accounts.

7. Based on information provided by the CW, and based on a transcript of Internet chats recorded by the FBI, I know that on or about January 14, 2012, an individual using the online nickname "anonsacco" and the CW exchanged Internet chat

messages in a private Internet chatroom.¹ According to the transcript of that chat, anonsacco stated, "Hi mate. Could I ask you for help? I need to intercept a conference call which would be a very good leak. I have acquired info about the time, phone number, and pin number for the conference call. I just don't have a good VOIP^[2] setup for actually calling in to record it." Anonsacco then stated, "If you could help me, I am happy to leak the call to you solely. I guarantee it will be of interest!!" Anonsacco further stated that the call was on "Tuesday" [which would be January 17, 2012], and that "I want to test everything out before hand. I don't want to miss this call!!" and "This will be epic!"

8. Based on a recording to which I have listened, and based on my conversations with an FBI agent who spoke with several participants in the call, I know that the January 17, 2012 law enforcement conference call ("the Conference Call") in fact occurred. During the Conference Call, several FBI agents, some of whom were in the United States at the time of the call, and foreign law enforcement agents, who were in the United Kingdom at the time of the call, engaged in discussion of various matters related to the investigation of Anonymous and affiliated computer hacking groups. Among other things that were discussed was the investigation being conducted by the FBI in New York.

9. Based on information provided by the CW, and based on a transcript of Internet chats recorded by the FBI, I know that on or about January 28, 2012, anonsacco exchanged Internet chat messages with the CW in a private Internet chatroom. According to the transcript of that chat, anonsacco stated, "Hey mate. Would you like a recording of a call between SOCA^[3] and the FBI regarding anonymous and lulzsec?" Anonsacco

¹ All the Internet chats involving the CW that are detailed in this Complaint were recorded by the FBI with the CW's consent.

² Based on my training, experience, and familiarity with this investigation, I know that "VOIP" stands for "Voice Over Internet Protocol," a popular means by which individuals may place telephone calls over the Internet. Skype is a popular provider of VOIP services.

³ Based on my training, experience, and familiarity with the investigation, I know that SOCA is an acronym for the Serious

further stated, "I think we need to hype it up. Let the feds think we have been recording their calls. They will be paranoid that none of their communications methods are safe or secure from Anon [Anonymous]" and "It will hopefully cause lots of issues and affect the feds ability to communicate and cooperate around the world." Anonsacco then provided to the CW, through a file sharing service on the Internet, a copy of the recording of the Conference Call. I have spoken with an FBI agent who has listened to this recording and who has spoken with several participants in the January 17, 2012 Conference Call, and that agent informs me that the recording is in fact of the Conference Call. At the times the CW chatted with anonsacco, as detailed above, and at the time that anonsacco provided the recording of the Conference Call to the CW, the CW was in New York, New York.

10. Based on my review of YouTube.com, a popular Internet video sharing website, I know that, on or about February 3, 2012, an individual using the online nickname "TheDigitalfolklore" posted an audio file of the Conference Call to the YouTube website. The video image associated with the recording bore a symbol associated with AntiSec, as well as the word "AntiSec." The recording on YouTube is available to the general public.

IDENTIFICATION OF THE DEFENDANT

11. As detailed below, I know that anonsacco is DONNCHA O'CEARRBHAIL, a/k/a "palladium," a/k/a "polonium," a/k/a "anonsacco," the defendant, a resident of Ireland, for the following reasons:

a. Based on my conversations with other FBI agents and my review of documents related to the investigation, I know that in early January 2011, a computer network that hosted the website of Fine Gael, an Irish political party, was hacked and Fine Gael's website was defaced with an Anonymous-related symbol and, among other things, the words "<owned [hacked] by Raepsauce and Palladium>." I have spoken with another agent who has reviewed the contents, obtained pursuant to a search warrant obtained in the Southern District of New York, of a Facebook account held by a co-conspirator not named as a defendant herein. Based on my conversation with that agent, I have learned that on

Organized Crime Agency, a law enforcement agency in the United Kingdom.

or about January 9, 2011 (around the time the Fine Gael website was defaced), the user of the Facebook account received an electronic message from another Facebook user with the name "Donncha Carroll" ["Carroll" is an English equivalent of the Gaelic "O'Cearrbhail"]. The message from "Donncha Carroll" contained computer code which produces the same defacement as appeared on the Fine Gael website when it was defaced.

b. Based on information provided by the CW, and based on a transcript of Internet chats recorded by the FBI, I know that on or about August 4, 2011, the CW and an individual using the online nickname "palladium" exchanged private chat messages over the Internet. During the chat, the CW and palladium discussed the theft of palladium's online identity by another individual. Palladium inquired what he could do to prove his identity to the CW and stated, "I can post some info I have from really old opps," meaning prior computer hacking activity. Palladium continued, "I can explain something about the sun" and "I can give you some info I still have from the first fox LFI [hack]."⁴ Later in the chat, the CW asked if a certain IP address⁵ (the "Palladium IP Address") was used by palladium, to

⁴ Based on my conversations with other FBI agents and my review of documents related to the investigation, I know that (1) in or about April 2011, individuals affiliated with Internet Feds, including an individual using the online alias "palladium," participated in a cyber attack on the website and computer network of Fox Broadcasting Company ("Fox"), in which those individuals gained unauthorized access to Fox's computer network and stole and publicly disclosed confidential information; and (2) in or about July 2011, individuals affiliated with LulzSec and AntiSec, including an individual using the online alias "palladium," participated in a cyber attack on the website and computer network of The Sun, a British newspaper. Among other things, The Sun's website was defaced with a fake news article that referenced the word "palladium."

⁵ Internet Protocol ("IP") addresses are unique numeric addresses used by computers on the Internet. An IP address looks like a series of four numbers, each in the range of 0-255, separated by periods. Every computer connected to the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer may be routed properly from its source to its destination.

which palladium responded that the "ip [address] looks like a wifi I connect from." The CW also asked whether palladium uses "Perfect Privacy," a virtual private network^[6] service located in Germany, to which palladium responded, "yes I use that vpn."

c. Based on information provided to the FBI by the Garda, I know that on or about September 1, 2011, Garda officers arrested DONNCHA O'CEARRBHAIL in Ireland⁷ for his alleged participation, using the online nickname "palladium," in connection with the Anonymous-related hack and defacement of the Fine Gael website in around January 2011. Prior to O'CEARRBHAIL's arrest, the FBI had provided to the Garda certain chat logs obtained by the CW of communications in two online chat forums called "#sunnydays" and "#babytech."⁸ Garda officers then showed certain of these chat logs to O'CEARRBHAIL during his post-arrest interview, in which O'CEARRBHAIL admitted participating in the Fine Gael hack described above. O'CEARRBHAIL was released following his arrest pending consideration of charges against him.

d. Based on information provided by the CW, and based on a transcript of Internet chats recorded by the FBI, I know that on or about November 12, 2011, the CW and an individual using the online nickname "polonium" exchanged private chat messages over the Internet. During the chat, polonium stated "I know for a fact the FBI has a large amount of log files" from a server associated with Anonymous, and that "I was v&[⁹]", to

⁶ Based on my training, experience, and familiarity with the investigation, I know that a "virtual private network" or "VPN" service can be used by individuals to securely and anonymously access the Internet.

⁷ Based on information provided by the Garda, I know that O'CEARRBHAIL is an Irish citizen who resides in Ireland.

⁸ Based on my training, experience, and familiarity with this investigation, I know that "#sunnydays" and "#babytech" were chat channels used by individuals associated with Anonymous and affiliated hacking groups. #sunnydays was a restricted channel which required a password to enter.

⁹ Based on my training, experience, and familiarity with this investigation, I know that "v&" or "vand" or "vanned" is Internet slang for being arrested, as in to be taken away in a police van.

which the CW responded, "no way. what makes you think that?," to which polonium replied, "I was shown them during my interrogation." The CW then asked, "like did you see raw logs or from channels?", to which polonium responded, "#sunnydays and #babytech at least." Later in the conversation, the CW asked, "who is this?" to which polonium responded, "this is palladium."

e. Based on information provided by the CW, and based on a transcript of Internet chats recorded by the FBI, I know that on or about January 9, 2012, the CW and anonsacco exchanged Internet chat messages . During the chat, anonsacco stated, "I just got into the iCloud for the head of a national police cybercrime unit. I have all his contacts and can track his location 24/7."¹⁰ Anonsacco then referenced "sunnydays", after which the CW inquired, "so who were you? if you know about !sunnydays," and "the channel name was leaked to feds. so clearly im interested in who you were," to which anonsacco responded, "I understand it was leaked. That caused me a lot of hassle. Could you understand that I don't want to align myself with a compromised screenname?" The CW then asked, "hassle how? you got raided? or people doxed¹¹ you?" Later, the CW asked, "so if you were raided, did they ask you about me?", to which anonsacco responded, "No. Not you personally."

f. Pursuant to a court order, the FBI obtained information from Google regarding the Compromised Gmail Accounts. According to the records obtained from Google, and based on information provided by the Garda and the Garda Officers, it appears that in or about January 2012 there were a total of 146 instances in which an individual using the VPN service Perfect Privacy obtained unauthorized access to the Compromised Gmail Accounts. In addition, during this same time, there was at least one instance of unauthorized access to one of the Compromised Gmail Accounts by the Palladium IP Address, and several instances of unauthorized access by IP addresses allocated to the same

¹⁰ Based on information provided by the Garda to the FBI, I know that one of the Garda Officers was the supervisor of the Garda's cybercrime unit.

¹¹ Based on my training, experience, and familiarity with this investigation, I know that "raided" is Internet slang for being arrested and that "dox" or "doxed" is Internet slang for having one's true identity being revealed on the Internet.

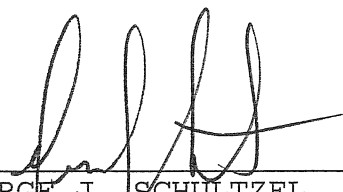
Internet service provider in Ireland as the Palladium IP Address.¹²

g. Based on my training, experience, and familiarity with the investigation, I know that individuals engaged in certain forms of Internet chat, such as some of those detailed in this Complaint, may seek to cloak their true identities, including their true IP addresses, when engaged in online chat sessions.¹³ Individual users may do this by using a "cloak key" that is unique to each computer network that hosts chat forum(s) in which the user participates. A cloak key employs an algorithm which uses, among other things, the user's IP address to generate a new, "cloaked" loginID. Accordingly, if a user with the same IP address logs into the same chat hosting computer network, the user's cloaked loginID should tend to be the same, regardless of whatever other aliases the user employs in chats. Based on the FBI's analysis of the chat sessions detailed above, it appears that the online nicknames palladium, polonium, and anonsacco shared one or more times the same cloaked loginID. Accordingly, it appears that these nicknames had been accessed from the same IP address and thus the same computer. In addition, on several other occasions since in or about June 2011 up to the present, the nicknames palladium and polonium shared loginIDs which had "Donncha" -- the defendant's first name -- as the associated username.

¹² Based on my training, experience, and familiarity with the investigation, I know that "Internet Service Providers" or "ISPs" are assigned sequential blocks of IP address which they assign to their customers.

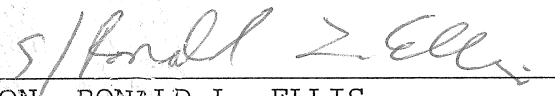
¹³ When users log in to particular kinds of online chats, including chats discussed in this Complaint, they are often identified by information -- separate from any aliases by which the user may later identify themselves in chats -- in the form [username]@[loginID]. The loginID is a string of information, which may include the user's IP address. The username is designated by the user.

WHEREFORE, deponent prays that a warrant issue for the arrest of DONNCHA O'CEARRBHAIL, a/k/a "palladium," a/k/a "polonium," a/k/a "anonsacco," the defendant, and that he be imprisoned or bailed as the case may be.



GEORGE J. SCHULTZEL
Special Agent
Federal Bureau of Investigation

Sworn to before me this
6th day of March, 2012



HON. RONALD L. ELLIS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK