

SEALED

UNITED STATES DISTRICT COURT
for the
Eastern District of California

ORIGINAL FILED

JAN - 6 2016

**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**
BY _____
DEPUTY CLERK

United States of America)
v.)
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AWS MOHAMMED YOUNIS AL-JAYAB)
Defendant(s)

Case No.

2:16 - MJ - 1

EFB

CRIMINAL COMPLAINT

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

In or about the date(s) of October 6, 2014 in the county of Sacramento in the Eastern District of California, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1001	Providing materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of an agency of the United States, an offense involving international terrorism as defined in 18 U.S.C. § section 2331

This criminal complaint is based on these facts:
(see attachment)

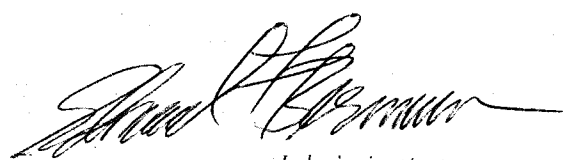
Continued on the attached sheet.


Complainant's signature

Elizabeth Buckmiller, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 1-6-2016


Judge's signature

City and state: Sacramento, CA

Edmund F. Brennan, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Elizabeth Buckmiller, being duly sworn, hereby state as follows:

I. INTRODUCTION AND AFFIANT'S BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed since February 2013. I am currently assigned to the Sacramento Field Office. I have training in the preparation, presentation, and service of criminal complaints and arrest and search warrants. I have participated in numerous investigations into terrorism-related activities and am familiar with tactics, methods, tradecraft, and techniques of terrorists and their agents. I have received training regarding counterterrorism investigations, operations, and strategies, and have knowledge of various extremist groups, their ideologies, and their involvement in terrorist activity. I am involved in the investigation 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 submitted for the limited purpose of establishing probable cause to support a criminal complaint charging the subject – Aws Mohammed Younis Al-Jayab – (hereinafter Al-Jayab) – with knowingly providing and attempting to provide materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of a department or agency of the United States, in violation of Title 18, United States Code, Section 1001. This affidavit does not purport to set forth all of my knowledge of, or investigation into, this matter.

3. The facts set forth in this affidavit are based on, among other things: my personal knowledge gathered from participation in the investigation of Al-Jayab; information obtained from the investigative activities of other law enforcement officers; my review of documents and computer records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information obtained from interviews of Al-Jayab by United States government personnel.

4. Certain quotations herein are taken from draft transcripts of written communications that transpired primarily in Arabic and were translated by FBI language analysts. Additional quotations herein are taken from draft transcripts of recorded conversations that transpired in English and Arabic and were translated contemporaneously with the assistance of an interpreter.

Unless specifically indicated otherwise, all conversations described or quoted in this affidavit are related in substance and part only. For example, the use of an ellipsis within brackets denotes text which was not included in this affidavit for the sake of brevity and clarity. The conversations and other events described herein occurred on or about the referenced dates. In addition, the identities of Al-Jayab's associates and others have been redacted by replacing names with the word "Individual" followed by a letter.

5. For the reasons stated herein, I respectfully assert that there is probable cause to believe that on or about October 6, 2014, Al-Jayab, a person who currently resides in the United States, did willfully and knowingly make and cause to be made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of a department or agency of the United States, specifically the United States Citizenship and Immigration Services (USCIS), a component of the United States Department of Homeland Security (DHS), and an agency of the executive branch, and the offense involved international terrorism as defined in Title 18, United States Code, Section 2331, all in violation of Title 18, United States Code, Section 1001.

II. SUBJECT: AWS MOHAMMED YOUNIS AL-JAYAB

6. As confirmed by photo identification and USCIS records, Al-Jayab is a 23-year-old male who currently resides in Sacramento, California. Al-Jayab was born in Iraq, and he emigrated from Syria to the United States as a refugee in October 2012. Travel, bank, and electronic communications records establish that Al-Jayab resided in the United States from approximately October 2012 to November 2013 and again from January 2014 to the present.¹ He remains in refugee status to the present date, and as such, he is subject to the jurisdiction of USCIS for purposes of this offense.

¹ After arriving in the United States as a refugee in October 2012, Al-Jayab resided in Tucson, Arizona and Milwaukee, Wisconsin. He first began to reside in Sacramento, within the Eastern District of California, upon his return from Syria in late January 2014.

III. SUMMARY OF THE INVESTIGATION

7. USCIS officers conducted an interview of Al-Jayab on October 6, 2014, at the Sacramento USCIS office, with the assistance of an Arabic language interpreter.² Al-Jayab was advised it was unlawful to provide false statements to the interviewers. Specifically, Al-Jayab was placed under oath and the following statement was read to him: "Title 18 USC makes it against the law to provide false statements to the government. If you knowingly and willfully provide false information or conceal a material fact, you are subject to criminal penalties. It is against criminal law to lie or cover up information during the interview." Al-Jayab acknowledged he understood this statement.

8. During the October 6, 2014 interview with USCIS, Al-Jayab made the following statements:

- a) When directed to list the countries he visited during the last time he traveled outside the United States, in 2013 to 2014, Al-Jayab responded that he went to Turkey, and from Turkey he went to Britain and returned to the United States.
- b) When asked the purpose of his trip, Al-Jayab responded he went to Turkey to see his grandmother and to visit the place.
- c) Al-Jayab responded, "No," to the following inquiries:
 - i. if he had ever been a member of any rebel group, militia, or insurgent organization,
 - ii. if he had ever assisted any rebel group, militia, or insurgent organization,
 - iii. if he had ever solicited membership or funds for any terrorist group or organization,
 - iv. if he had ever provided any type of material support to any person or group that engages in terrorist activity,

² An FBI language analyst fluent in the Iraqi dialect of the Arabic language (spoken by Al-Jayab) was available to and used by Al-Jayab telephonically during the interview.

- v. if he had ever called for, helped with, or committed the killing of any person,
- vi. if he had ever called for, helped with, or committed the intentional and severe injury of any person,
- vii. if he had ever been a member of a group of any kind in which he used or threatened to use any type of weapon against any person, and
- viii. if he had ever assisted in a group where other people used or threatened to use a weapon against any person.

9. As supported by the facts outlined below, there is probable cause to believe that Al-Jayab's statements and representations to USCIS listed above were materially false.

IV. EVIDENCE OF THE OFFENSE

A. Activity prior to travel

10. The investigation has established the following facts concerning Al-Jayab's activities from approximately October 2012 to October 2013.

a) According to records of Al-Jayab's online social media communications obtained pursuant to search warrant, beginning as early as mid-October 2012, Al-Jayab told multiple family members and associates that he intended to travel to Syria. Al-Jayab expressed his desire to return to Syria to "work,"³ identified Turkey as a probable transit point, and sought to arrange the finances and logistics for his travel.

b) On October 13, 2012, Al-Jayab communicated with Individual A, who was then located in Iraq, according to Individual A's communications with Al-Jayab. Al-Jayab wrote, "I want to go back. God is my witness. [...] I'll go to Turkey and enter smuggled

³ Based on the tenor and content of Al-Jayab's extensive electronic communications, in this context I believe the term "work" referred to assisting in and supporting violent jihad.

to Syria,” and advised Individual A, “When I come, I’ll call. Don’t go with anyone except the Front. [...] Go with Ansar or with the Front only.”⁴

c) On October 30, 2012, Al-Jayab communicated with Individual B, who was likely located in Syria based on the content of his communications with Al-Jayab. Al-Jayab wrote, “My return will cost me much. [...] Tell [Individual C] if I come to Turkey to find me a way to enter into Syria.”

d) On October 31, 2012, Al-Jayab wrote to Individual B, “Tell [Individual C] I want them to help me financially so I can return.” Individual B replied, “He said, ‘If he wants to come through Turkey, we could get him in.’”

e) On January 20, 2013, Al-Jayab communicated with Individual D, who was likely located in Syria based on his communications with Al-Jayab. Individual D asked, “When are you coming?” and Al-Jayab replied, “As a matter of fact, money I do not have.” Individual D wrote, “[Individual C] will send you.” Individual D wrote that he was afraid that he would die and not see Al-Jayab and explained he (Individual D) had been shot twice in the hand and side. Al-Jayab wrote, “I have someone in Turkey. He wants to come to Syria and pull the trigger. Do you understand? Via the Turkish borders. [...] Tell [Individual C] about him.” Individual D advised Al-Jayab, “Tell [Individual B] to tell [Individual C].” Individual D wrote, “Tell me how much you need so we can plan ahead for you before you arrive. [...] [Individual C] once asked how much you need so he can send you. I will tell him now to send you. [...] Do not worry, [Individual C] will manage.”

f) On February 1, 2013, Al-Jayab communicated with Individual E. Al-Jayab wrote, “I was told by the young men to talk with you so that you could arrange my return.” Individual E wrote, “You just tell us and we will do it,” and explained that another

⁴ “Front” is likely a reference to al Nusrah Front. According to the *United States Department of State Country Reports on Terrorism 2013*, Al-Qa’ida in Iraq (AQI) was established in 2004 by long-time Sunni extremist Abu Mus’ab al-Zarqawi, who the same year pledged his group’s allegiance to Osama Bin Laden. On December 17, 2004, the Department of State designated AQI as a foreign terrorist organization (FTO) and Specially Designated Global Terrorist (SDGT). On December 11, 2012, the Department of State amended the designation of AQI to include the al Nusrah Front (ANF)/ Jabhat al Nusrah (JAN) as aliases of AQI. The Department of State’s finding in support of amending the AQI designation was that ANF and JAN committed hundreds of terrorist attacks in Syria.

individual “told me to find out how much you need.” Al-Jayab responded, “Whatever God enables,” and Individual E advised, “Make arrangements with [Individual F] to send you the money.”

g) On February 5, 2013, Al-Jayab communicated with Individual F, who was likely located in Syria, based on his communications with Al-Jayab. Individual F wrote, “I’ll go to Damascus to transfer the money to you,” and provided wire transfer details to Al-Jayab. Later that same day, Al-Jayab discussed the wire transfer from Individual F with Individual B.

h) According to records from Western Union, on February 5, 2013, an individual believed to be Individual F sent Al-Jayab \$231 from Damascus, Syria. This individual also sent \$450 in the name of one of Al-Jayab’s associates, who, along with Al-Jayab, was then residing in Arizona. Both wire transfers were received at a Western Union agent in Arizona. On February 7, 2013, Al-Jayab confirmed to Individual F, “I received the transfer [...] the total 681.”

i) On March 13, 2013, Individual F wrote to Al-Jayab, “Just come to Turkey without a passport and enter Aleppo from there.⁵ Tell them you are Syrian.” Al-Jayab replied, “I’ll come with temporary American passport.” Individual F wrote, “I’ll show you the way, because [an associate] knows someone in Aleppo and I asked him to help you.” Al-Jayab asked, “How to enter Syrian borders if my passport is American?” and Individual F and Al-Jayab discussed various options for travel routes to Syria.

j) On March 23, 2013, Al-Jayab communicated with Individual G, who was likely located in Iraq, based on his communications with Al-Jayab. Al-Jayab wrote, “I am coming to Syria [...] I have planned a route and everything. [...] The most important is the duty of the path.” Al-Jayab offered, “If you want in Iraq, I will arrange it for you. I will arrange it for you in Syria also. I will take you with me at your convenience, so decide what you want to do. [...] Only the Jabhat al-Nusrah group. It is impossible that we go with others.”

⁵ Aleppo is a city located in northwestern Syria.

k) Also on March 23, 2013, Al-Jayab communicated with Individual H, who was then likely residing in Turkey according to his communications with Al-Jayab. Al-Jayab explained that he wanted to travel to Turkey to enter Syria, and he asked Individual H to pick him up at the airport. Individual H asked if Al-Jayab “want[ed] Al-Nusra Front,” and Al-Jayab responded, “that’s for sure.” Individual H advised, “You know those who arrive to Syria from Turkey, most of them are citizens of Sweden and Australia and others, because war is to advance and retreat. [...] Syria is one hour away from where I am now and smuggling takes place in our area.” When Al-Jayab told Individual H that he would be traveling to Turkey with a United States travel document, Individual H reminded Al-Jayab of the importance of maintaining the ability to travel legally. Al-Jayab proposed, “I’ll go to the American Embassy in Turkey. I will tell them that due to circumstances, I can’t return now. [...] I’ll say tourism, or I’ll tell him my grandmother is sick in Turkey and I wanted to be with her.”

l) On April 8, 2013, Al-Jayab wrote to Individual F about Individual I’s desire to travel to Syria, and noted that Individual I was “recommended” to Al-Jayab by an “active brother.” Individual F wrote, “I’ll send you [Individual C]’s number and you tell him about [Individual I]’s affair. [...] You explain to him [Individual I] if he comes here, he shouldn’t go back [to America]. Either victory or martyrdom.” Al-Jayab replied, “When I arrive, I’ll arrange with [Individual C]. [...] America will not isolate me from my Islamic duty. Only death will do us part. My only wish is to see you and start the action.”

m) On April 9, 2013, Al-Jayab communicated with Individual I, who resided in Texas according to immigration records. Al-Jayab informed Individual I, “[Individual F] spoke with me. He told me, ‘Tell your friend to come and not return.’” Al-Jayab discussed various weapons with Individual I, to include the PKC, GC, Glock, and M16.⁶ Individual I wrote to Al-Jayab, “I need to learn from your weapon expertise.” Individual I asked, “If God makes it easier and wills it, would they place me at a center that would suit me or do I get to choose?” Al-Jayab responded, “No, they will arrange things for

⁶ I believe PKC, GC, Glock, and M16 are references to various firearms, including the Soviet-designed PK machine gun and the M16 assault rifle.

you. If you arrive and I am still there, I will train you. And once you are done [training], I will submit a request to the person in charge so you would come and work with me.” Individual I asked, “So they will assign me to a certain job according to my abilities, which they see,” and Al-Jayab explained, “No, we will make your abilities very strong.” Individual I asked, “In your opinion, what kind of job [will they] assign me to?” Al-Jayab replied, “Let us arrive and we will arrange there. Our concern now is only to arrive there. [...] When you arrive to al-Sham [Syria] you will be trained.”

n) On April 13, 2013, Al-Jayab wrote to Individual I, “O God, grant us martyrdom for your sake while engaged in fighting and not retreating; a martyrdom that would make you satisfied with us.” Individual I wrote, “It is better if we leave together when the Turkish route is open, so that if we are confronted by any resistance from the enemy, there is the two of us [...] I mean we would help each other.” Individual I related that he learned from a Syrian associate, “He who enters illegally from Turkey to Al-Sham [Syria] does not have to pass through checkpoints.” Al-Jayab wrote, “When I arrive in Turkey, I will call our youth in Turkey, and they will solve the situation for me. [...] We just arrive to Turkey, everything would be solved.”

o) On April 16, 2013, Al-Jayab communicated with Individual J. Individual J wrote, “I am in Damascus, but I also work in Jirmanah.”⁷ Al-Jayab wrote, “God willing, I’ll return soon. [...] I am coming to you.” Individual J wrote, “Do you know that we just killed ten of the Syrian militia, the Shabihah. Hahaha, with an IED.” Al-Jayab wrote, “I was told that you and I will work together.” Individual J wrote, “I wish, come, let us do the killing together.” Al-Jayab asked, “What do you do now? Using IEDs or fighting,” and Individual J responded, “Both.” Al-Jayab wrote, “Hey man, please do not die: wait for me to come. [...] Do you not want us to work together?” Individual J replied, “Of course.” Al-Jayab wrote, “I do not want anything in the world, just to get to Syria safely and find you there, you and [Individual F], [Individual D], and [Individual C] [...] I am eager to see blood.”

⁷ Jirmanah is a suburb or neighborhood of Damascus, Syria.

p) On April 21, 2013, Individual I wrote to Al-Jayab, "Do you know that I have never sprayed fire with a Kalashnikov?" Al-Jayab replied, "God willing, you will have your chance to shoot [...] The most shots I made with it in my life was in the biggest battle I participated in. Seven magazines in one breath. [...] Just shooting, spraying, spraying." Individual I clarified, "You mean you were there during the battle against the Assadists?" and Al-Jayab confirmed, "Yes. Certainly." Al-Jayab wrote, "Brother, God willing, you will be bored of shooting with guns. I have not seen anything better than the Glock. All my work was with the Glock and a nine Tariq⁸ and also its silencer [...] Once it hits someone, you would think the person fainted right before your eyes. It does not look like you killed him." Individual I asked, "Are there operations conducted with silencers in Damascus?" Al-Jayab replied, "Yes. We were using silencers in Damascus [on] control checkpoints, officers, everything." Individual I asked what "Assad's soldiers scream when you raid," and Al-Jayab replied, "They fall silent. They stiffen. I remember once I went down together with a brother. We executed [...] three. As for the brother who was with me, he shot two. The third one aimed the Russian at the brother [...] and would not unlock the safety. He was so scared, he could not do it." Individual I interjected, "God is great! And you silenced him." Al-Jayab replied, "Yes. At the time, the operation was without the use of silencer [...] in the chest, in the head. And when he falls, we shoot again." Al-Jayab continued, "Do you remember the national security headquarters building in Syria? The mujahidin, Al-Nusra Front struck it. [...] Those suicide bombers they want to break in. There is a control checkpoint that would stop them. Their call is full of ammunition and suicide vests, its booby traps were visible, so they would stop them and arrest them. We got down and overran the control checkpoint and opened the way for them to raid, and we retreated." Individual I confirmed, "You mean you were there during the raid?" and Al-Jayab replied, "Yes. Look, God is with the Mujahidin."

q) On April 25, 2013, Individual I wrote to Al-Jayab, "O God please do not deprive me, my brothers, and my brother Aws from the blessings of Jihad in Syria," and asked,

⁸ I believe "nine Tariq" is a reference to the Iraqi-manufactured copy of the Beretta M1951 pistol. The Tariq was the service pistol of the Iraqi Army from approximately the 1980s to 2003, according to open-source information.

“Tell me, when did you join?” Al-Jayab wrote, “I was a little over 16 years old. My tribe, half of them are Mujahidin. I did not find any difficulty to get to Al-Jihad,” and further explained, “This group that I worked with [...] those were from Saddam’s era in Kurdistan. Their Emir[‘s] name is Mullah Krikar [...] their name was Ansar al-Sunnah and now they are called Ansar al-Islam.”⁹

r) On May 21, 2013, Al-Jayab communicated with Individual K. Individual K informed Al-Jayab that Individual B and two others had been arrested by the Syrian government. Individual K wrote, “They are accused of working for Al-Nusra Front. They were arrested in Jaramana.”

s) On May 26, 2013, Al-Jayab informed Individual I that “the brothers” had been arrested. Al-Jayab wrote, “I really did not want to disturb you. For some time I knew. I did not want you to feel uneasy about Jihad and be concerned with being detained.”

t) On June 30, 2013, Al-Jayab wrote to Individual L, “I am at the shooting club. I want to learn long range shooting,” and sent photos from an identified gun range in Wisconsin, as well as photos of Al-Jayab with various weapons.

u) On July 9, 2013, Al-Jayab pleaded with Individual D, “Try to raise some funds for me. Otherwise I am going to explode. [...] I need money, I want to come.”

v) On July 11, 2013, Al-Jayab wrote again to Individual D, “Try to manage the money this week, my dear. You and [Individual C].”

w) On August 18, 2013, Al-Jayab wrote to Individual D, “I have left \$400 until I come there. I want that you plan for me a route quickly.”

x) On August 19, 2013, Al-Jayab communicated with Individual M, who was likely residing in Syria based on his communications with Al-Jayab, as well as Individual M’s social media account profile, which stated that he lived in Damascus, Syria. Al-Jayab

⁹ According to the *United States Department of State Country Reports on Terrorism 2014*, Ansar al-Islam, also known as Ansar al-Sunna among other aliases, is a Sunni terrorist group which has vowed to establish an independent Islamic state in Iraq. Ansar al-Islam originated in Iraqi Kurdistan and was founded by Mullah Krekar. Ansar al-Islam became a designated foreign terrorist organization on March 22, 2004.

wrote, "Finally, light at the end of the tunnel. I need \$400 and I will come. I want you to plan a route. [...] I need people in Turkey to take me to Aleppo."

y) On August 26, 2013, Al-Jayab communicated with Individual N. Based on records obtained via search warrant, Individual N's social media account appeared to be used to distribute ISIL propaganda and to communicate with individuals who are believed to be affiliated with ISIL and other terrorist organizations.¹⁰ Individual N told Al-Jayab, "May God protect you and grant success through you. [...] Haji, keep our job in your mind. And think. And it is tedious a little bit. We ask God to reward you." Al-Jayab responded, "Okay. By God, I am trying."

z) On August 30, 2013, Al-Jayab told Individual N, "The most important thing is to send me money to return. [...] I want to come. God has facilitated the work before. [...] I will come."

aa) On September 8, 2013, Al-Jayab wrote to Individual D, "I am burning with desire to come there and work," after which he and Individual D discussed a photo of various weapons including a gray gun and Kalashnikov rifle that Individual D claimed belonged to Individual D. Individual D wrote to Al-Jayab, "When you arrive here, we will give you better ones [...] along with five magazines, one of which holds 30." Al-Jayab replied, "I wish you will not die until I come."

bb) On October 26, 2013, Al-Jayab wrote Individual N, "Sheikh, I need a path." Individual N replied on October 29, "I tasked [Individual D] and I will provide him with the money so he would transfer it to you."

B. Travel to Turkey and Syria

11. The investigation has established the following facts concerning Al-Jayab's activities from approximately November 2013 to January 2014.

¹⁰ According to the *United States Department of State Country Reports on Terrorism 2014* and information published by the National Counterterrorism Center, AQI publicly re-named itself the Islamic State in Iraq in October 2006. In April 2013, AQI's leader Abu Bakr al-Baghdadi changed the group's public name to the Islamic State of Iraq and the Levant (ISIL), to reflect its operational expansion into the Syrian conflict. In May 2014, the Department of State amended the FTO designation of AQI to include the alias ISIL as its primary name.

- a) In early November 2013, Al-Jayab was residing in Milwaukee, Wisconsin according to travel, bank, and electronic communications records. Bank records indicate Al-Jayab received approximately \$4,500 from an auto insurance settlement on November 6, 2013.
- b) On November 7, 2013, Al-Jayab wrote to Individual N, "Haji, I managed to get money and everything, I do not want money from you, just find me a way, I beg you. Make arrangements for me, my Sheikh [...] I will be going to Turkey and it is very important that you provide me with a telephone number."
- c) On November 8, 2013, Al-Jayab purchased an airline ticket in Chicago, Illinois. Travel records establish that Al-Jayab flew directly from Chicago to Istanbul, Turkey on November 9, 2013.
- d) Al-Jayab maintained contact with several of his family members and associates while he was outside of the United States between November 2013 and January 2014 and kept them apprised of his movements and wellbeing.
- e) I have reviewed electronic communications records of Internet Protocol (IP) addresses that Al-Jayab utilized to connect to the internet to access social media and email accounts during his travel to Syria. Analysis of those IP addresses and other information establishes that Al-Jayab accessed the internet in the time period at issue through a satellite that covered both eastern Turkey and areas of northern Syria.
- f) On November 10, 2013, Al-Jayab communicated Individual O, who was then residing in Cyprus, and explained that he (Al-Jayab) was in Turkey, planned to enter Syria, and would be "going with the Mujahidin."
- g) On November 19, 2013, Al-Jayab informed Individual O that he [Al-Jayab] had safely arrived in Syria and was in Aleppo.
- h) On November 26, 2013, Al-Jayab told Individual N (see paragraphs 10(y, z, bb) and 11(b), above) that he (Al-Jayab) was in Aleppo and provided a telephone number that began with the numbers 0992 to Individual N in order to contact him (Al-Jayab). Based