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Assistant United States Attorneys
16 MAG 3302.

Before: HONORABLE BARBARA MOSES
United States Magistrate Judge
Southern District of New York

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: SEALED COMPLAINT
UNITED STATES OF AMERICA :
: Violations of
- v. - : 18 U.S.C. §§ 2332a,
: 2332b, 2332f, 2339A,
ABDULRAHMAN EL BAHNASAWY, : 2339B
:
Defendant. : COUNTY OF OFFENSE:
: NEW YORK
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SOUTHERN DISTRICT OF NEW YORK, ss.:

OSCAR M. GIFFORD, being duly sworn, deposes and says that he is a Special Agent with the Air Force Office of Special Investigations, and a member of the Federal Bureau of Investigation's Joint Terrorism Task Force ("JTTF"), and charges as follows:

COUNT ONE
(Conspiracy to Use Weapons of Mass Destruction)

1. From at least in or about April 2016, up to and including the date of this Complaint, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, together with others known and unknown, acting without lawful authority, did knowingly conspire to use a weapon of mass destruction, namely, an explosive bomb and similar device, against persons and property within the United States, and (i) the mail and facilities of interstate and foreign commerce, including mobile telephones, were used in furtherance of the offense, (ii) such property is used in an activity that affects interstate and foreign commerce, and (iii) the offense and the results of the offense would have affected interstate and foreign commerce, to wit, EL BAHNASAWY conspired to detonate

explosive devices in New York City, and caused materials to be shipped interstate in furtherance of the conspiracy.

(Title 18, United States Code, Section 2332a(a)(2)(A),
(a)(2)(B), (a)(2)(D).)

COUNT TWO

(Conspiracy to Commit Acts of Terrorism Transcending National Boundaries)

2. From at least in or about April 2016, up to and including the date of this Complaint, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, together with others known and unknown, did knowingly conspire, in an offense involving conduct transcending national boundaries, to kill, maim, commit an assault resulting in serious bodily injury, and assault with a dangerous weapon persons within the United States, and to create a substantial risk of serious bodily injury to another person by destroying and damaging a structure, conveyance, and other real or personal property within the United States, in violation of the laws of the United States, namely, Title 18, United States Code, Sections 2332a (use of weapons of mass destruction) and 2332f (bombing of places of public use and public transportation facilities), and (i) the mail and facilities of interstate and foreign commerce, including mobile telephones, were used in furtherance of the offense, and (ii) the offense and the results of the offense would have affected interstate and foreign commerce, to wit, EL BAHNASAWY, while in Canada, conspired with an individual located in a country other than Canada to carry out a terrorist attack on New York City by, among other acts, detonating explosive devices in public places in New York City, including its subway system, and caused materials to be shipped interstate in furtherance of the conspiracy.

(Title 18, United States Code, Section 2332b(a)(1)(A),
(a)(1)(B), (a)(2), (b)(1)(A), (b)(1)(B).)

COUNT THREE

(Conspiracy to Bomb a Place of Public Use and Public Transportation System)

3. From at least in or about April 2016, up to and including the date of this Complaint, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, together with others known and unknown, did knowingly

and unlawfully conspire to deliver, place, discharge, and detonate an explosive and other lethal device in, into, and against a place of public use and a public transportation system, with the intent to cause death and serious bodily injury, and with the intent to cause extensive destruction of such a place and system, and where such destruction was likely to result in major economic loss, and the offense took place in the United States and a perpetrator is a national of another state, namely, Canada, to wit, EL BAHNASAWY, a Canadian national, conspired to detonate explosive devices in public places in New York City, including its subway system, and caused materials to be shipped interstate in furtherance of the conspiracy.

(Title 18, United States Code, Section 2332f(a)(1)(A),
(a)(1)(B), (b)(1), (b)(2).)

COUNT FOUR

(Conspiracy to Provide Material Support to Terrorists)

4. From at least in or about April 2016, up to and including the date of this Complaint, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, together with others known and unknown, did knowingly and intentionally conspire to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, property, services, and personnel (including himself), and to conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Sections 2332a (use of weapons of mass destruction), 2332b (acts of terrorism transcending national boundaries), and 2332f (bombing of places of public use and public transportation facilities) of Title 18, to wit, EL BAHNASAWY, while in Canada, conspired to carry out a terrorist attack on New York City by, among other acts, detonating explosive devices in public places in New York City, including its subway system, caused materials to be shipped interstate for use in the attack, and agreed to travel to New York City to participate in the attack.

(Title 18, United States Code, Section 2339A.)

COUNT FIVE

(Provision of Material Support to Terrorists)

5. From at least in or about April 2016, up to and including the date of this Complaint, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, and others known and unknown, did knowingly and intentionally provide, and attempt to provide, "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, property, services, and personnel (including himself), and to conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Section 2332a (use of weapons of mass destruction), 2332b (acts of terrorism transcending national boundaries), and 2332f (bombing of places of public use and public transportation facilities) of Title 18, to wit, EL BAHNASAWY, while in Canada, planned and prepared to carry out a terrorist attack on New York City, to include the detonation of explosive devices in public places in New York City, including its subway system, caused materials to be shipped interstate for use in the attack, and agreed to travel to New York City to participate in the attack.

(Title 18, United States Code, Section 2339A.)

COUNT SIX

(Conspiracy to Provide Material Support and Resources to a Designated Foreign Terrorist Organization)

6. From at least in or about April 2016, up to and including the date of this Complaint, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, together with others known and unknown, did knowingly and intentionally conspire to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, property, services, and personnel (including himself), to a foreign terrorist organization, namely, the Islamic State of Iraq and the Levant ("ISIL"), which has been designated by the Secretary of State as a foreign terrorist organization since 2004, pursuant to Section 219 of the Immigration and Nationality Act ("INA"), and is currently designated as such as of the date of this Complaint, knowing that ISIL was a designated foreign terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that ISIL engages and has engaged in

terrorist activity (as defined in Section 212(a)(3)(B) of the INA), and that ISIL engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), and (i) the offense occurred in whole or in part within the United States, and (ii) the offense occurred in and affected interstate and foreign commerce, to wit, EL BAHNASAWY conspired to plan, coordinate, and participate in an ISIL-endorsed terrorist attack on New York City, caused materials to be shipped interstate for use in the attack, and agreed to travel to New York City to participate in the attack.

(Title 18, United States Code, Section 2339B.)

COUNT SEVEN

(Provision of Material Support and Resources to a Designated Foreign Terrorist Organization)

7. From at least in or about April 2016, up to and including the date of this Complaint, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, and others known and unknown, did knowingly and intentionally provide, and attempt to provide, "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, property, services, and personnel (including himself), to a foreign terrorist organization, namely, ISIL, which has been designated by the Secretary of State as a foreign terrorist organization since 2004, pursuant to Section 219 of the INA, and is currently designated as such as of the date of this Complaint, knowing that ISIL was a designated foreign terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that ISIL engages and has engaged in terrorist activity (as defined in Section 212(a)(3)(B) of the INA), and that ISIL engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), and (i) the offense occurred in whole or in part within the United States, and (ii) the offense occurred in and affected interstate and foreign commerce, to wit, EL BAHNASAWY participated in the planning and coordination of an ISIL-endorsed terrorist attack to be carried out in New York City, caused materials to be

shipped interstate for use in the attack, and agreed to travel to New York City to participate in the attack.

(Title 18, United States Code, Section 2339B.)

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

8. I am a member of the Federal Bureau of Investigation's New York-based JTTF, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and other people and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my 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, except where otherwise indicated.

Overview of the Investigation

9. As set forth in greater detail below, beginning in approximately April 2016, ABDULRAHMAN EL BAHNASAWY, the defendant, and a co-conspirator ("CC-1"), plotted to carry out deadly bombings in heavily-populated areas of New York City. Communications between EL BAHNASAWY and an undercover law enforcement officer (the "UC"), and between CC-1 and the UC, demonstrate EL BAHNASAWY's and CC-1's support for ISIL and intent to carry out terrorist attacks for or in the name of ISIL. In May 2016, EL BAHNASAWY and CC-1 took steps in preparation for executing the planned attacks on New York City. EL BAHNASAWY, while in Canada, purchased bomb-making materials, shipped them to the UC, and helped to secure a cabin within driving distance of New York City to build the bombs. CC-1, in Pakistan, is arranging to meet with an explosives expert in furtherance of the plot, and is seeking to obtain a plane ticket to fly from Pakistan to New York City to carry out the attacks with EL BAHNASAWY. EL BAHNASAWY has identified New York City's subway system (the "NYC Subway System"), Times Square, and specific concerts as primary targets of the attacks. EL BAHNASAWY and CC-1 plan to attack New York City in the coming weeks, in or around June 2016.

The Islamic State of Iraq and the Levant

10. In or about May 2014, the United States Secretary of State formally amended the existing designation of al Qaeda in Iraq ("AQI") as a Foreign Terrorist Organization ("FTO") to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name.¹ The State Department has reported that, among other things, ISIL has committed systematic abuses of human rights and violations of international law, including indiscriminate killing and deliberate targeting of civilians, mass executions and extrajudicial killings, persecution of individuals and communities on the basis of their identity, kidnapping of civilians, forced displacement of Shia communities and minority groups, killing and maiming of children, rape, and other forms of sexual violence. According to the State Department, ISIL has recruited thousands of foreign fighters to Iraq and Syria from across the globe and leveraged technology to spread its violent extremist ideology and for incitement to commit terrorist acts.

11. On or about September 21, 2014, ISIL spokesperson Abu Muhammad al-Adnani called for attacks against citizens—civilian or military—of the countries participating in the United States-led coalition against ISIL.

¹ On October 15, 2004, the United States Secretary of State designated AQI, then known as Jam'at al Tawhid wa'al-Jihad, as an FTO under Section 219 of the INA and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224.

On May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the INA 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, the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. In an audio recording publicly released on June 29, 2014, ISIL announced a formal change of its name to the Islamic State. On September 21, 2015, the Secretary added the following aliases to the ISIL listing: Islamic State, ISIL, and ISIS. Although the group has never called itself "Al-Qaeda in Iraq (AQI)," this name has frequently been used to describe it through its history. To date, ISIL remains a designated FTO.

12. Based on my review of open source materials, I know that (a) on or about November 13 and 14, 2015, a coordinated group of attackers carried out multiple terrorist attacks in Paris, France, which killed approximately 130 people, and (b) on or about March 22, 2016, a coordinated group of attackers carried out multiple bombings in Brussels, Belgium, which killed at least 32 civilians. ISIL has claimed responsibility for those terrorist attacks.

13. To gain supporters, ISIL, like many other terrorist organizations, spreads its message using social media and Internet platforms. Using these platforms, ISIL posts and circulates videos and updates of events in Syria, Iraq, and other ISIL-occupied areas, in English and Arabic, as well as other languages, to draw support to its cause.

The Defendant and CC-1

14. ABDULRAHMAN EL BAHNASAWY, the defendant, is an 18-year-old resident and citizen of Canada. CC-1 is an 18-year-old resident of Pakistan, and a U.S. citizen.

The Defendant's and CC-1's Support for and Allegiance to ISIL

15. Based on my review of communications between ABDULRAHMAN EL BAHNASAWY, the defendant, and the UC, and between CC-1 and the UC, I have learned that EL BAHNASAWY and CC-1 support ISIL and have connections to members of ISIL.²

16. For example, on or about April 30, 2016, when ABDULRAHMAN EL BAHNASAWY, the defendant, began communicating with the UC, EL BAHNASAWY discussed the deaths of two ISIL

² EL BAHNASAWY has used multiple different accounts (the "Accounts") to communicate with the UC. Based on my review of those communications, as well as my discussions with the UC, I believe that EL BAHNASAWY, and not another individual, was the user of the Accounts when he communicated with the UC because of the context, timing, subject matter, and language used in the communications, and because of the agreed-upon passcode language used by EL BAHNASAWY and the UC when initiating those communications. In addition, as described in Paragraph 40 below, EL BAHNASAWY identified himself by name during certain communications with the UC.

members, praising their actions and expressing his desire to "attain what they attained."³ On or about May 1, 2016, EL BAHNASAWY explained to the UC that he was in contact with an ISIL affiliate about making their "mission" "officially from khurasan"—that is, sanctioned by ISIL.⁴ On or about May 3, 2016, EL BAHNASAWY sent the UC a picture of himself making a hand gesture that I recognize, based on my training and experience, to be symbolic of support for ISIL. On or about May 6, 2016, while communicating with the UC about attacking a concert venue and a meeting of ex-Muslims in or around New York City, EL BAHNASAWY urged the UC to communicate with the "khurasan guy" in order to potentially receive funding from ISIL for an attack:

He wants to know what weapons we have , what our general targets are, how many people are trained , how long were gonna train for , exact number of people[.] Basically everything[.] Cuz he's gonna tell dawlah[.]⁵ So they need to know everything before giving us finances or helping [emphasis added]⁶

On or about May 12, 2016, EL BAHNASAWY, again discussing an attack on a concert venue in or around New York City, stated "we just walk in with the guns in our hands akhi[.] That's how the Paris guys did it[.] U just walk in and shoot anyone who says anything."⁷ Based on my training, experience, and participation

³ To the extent this Complaint includes quotations of communications, those quotations are based on preliminary draft transcriptions, which are subject to change.

⁴ Based on my training, experience, and participation in this investigation, I believe that EL BAHNASAWY's reference to "khurasan" is a reference to a branch of ISIL, the Khorasan Province, which is active in Pakistan.

⁵ Based on my training, experience, and participation in this investigation, I believe that "dawlah" is a reference to ISIL, which is also known as ad-Dawla al-Islamiyya fi al-'Iraq and Dawla al-Islamiya. See *supra* ¶ 10 n.1.

⁶ The communications quoted herein have not been altered to correct for all grammatical, spelling, or other errors that exist in the native communications.

⁷ Based on my training, experience, and participation in this investigation, I believe that "akhi" is an Arabic term generally meaning "my brother."

in this investigation, I believe that EL BAHNASAWY's reference to the "Paris guys" was a reference to the ISIL supporters who planned and executed joint terrorist attacks at various locations, including a concert hall, in Paris, France, on or about November 13 and 14, 2015. Based on my review of open source materials, I am aware that ISIL claimed responsibility for the Paris attacks.

17. CC-1, like ABDULRAHMAN EL BAHNASAWY, the defendant, also expressed his support for ISIL, as well as his affiliation with ISIL, in communications with the UC. For example, on or about May 5, 2016, the UC informed CC-1 that the "Canadian brother" [i.e., EL BAHNASAWY] said that the Khurasan group is supporting u." CC-1 responded that "they are may Allah bless them and grant them victory." On or about May 7, 2016, CC-1 informed the UC that while ISIL in Khurasan might not fund his ticket from Pakistan to New York City as CC-1 had originally expected, ISIL continued to support the operation: "inshallah khurasan dawla has or [our] back." On or about May 8, 2016, CC-1 stated "I was with dawla day one they came out." CC-1 also stated that he had planned to travel to ISIL-controlled territories:

Akhi the thing is I didn't get a chance to go to dawla here in khurasan . . . I was planning on going really soon but alhamdurillah⁸ the akhi who was getting their suggested me this plan . . .

In response, the UC asked CC-1 if he is in Dawlah (i.e., ISIL). CC-1 responded: "Yeah alhamdurillah the higher ups know about me . . . And my plans to see them and be their."

18. Communications between ABDULRAHMAN EL BAHNASAWY, the defendant, and the UC demonstrate EL BAHNASAWY's knowledge of CC-1's allegiance to and connections with ISIL. For example, on or about May 1, 2016, when describing CC-1 to the UC, EL BAHNASAWY stated: "He was in the Taliban but he wants to leave for dawlah . . . So instead of going to dawlah he's gonna come do the operation," a reference to the planned attack in New York City. In addition, on or about May 5, 2016, EL BAHNASAWY, when discussing with the UC the need for CC-1 to obtain a plane

⁸ Based on my training, experience, and participation in this investigation, I believe that "alhamdurillah" is an Arabic term generally meaning "praise be to God."

ticket from Pakistan to New York City in order to participate in the terror attack, expressed his expectation that "khurasan will pay for the Pakistani guy."

The Plot to Attack New York City

19. As detailed below, ABDULRAHMAN EL BAHNASAWY, the defendant, and CC-1 have engaged in planning a coordinated terrorist attack in New York City, to be carried out in or around June of this year. EL BAHNASAWY and CC-1 have communicated at length with the UC regarding their plot to attack New York City, some of which communications are described below.

20. On or about April 30, 2016, ABDULRAHMAN EL BAHNASAWY, the defendant, introduced himself to the UC, stating: "I'm one of the guys from the US project." In the course of the ensuing communications, EL BAHNASAWY conveyed his desire to carry out a terrorist attack in New York City, referencing "the 9/11 operation" and stating that "[w]e will shake them Insha'Allah akhi"; that "[w]e will show them what they hadn't seen in 2001"; that he planned to "com[e] to new York at around may 22"; and that he was "in Canada now."

21. On or about May 5, 2016, ABDULRAHMAN EL BAHNASAWY, the defendant, stated to the UC, "[t]hese Americans need an attack, and we can't delay or cancel akhi.. I wanna create the next 9/11 but if I don't, id rather do something than nothing at all." EL BAHNASAWY further stated that while "[o]f coarse having it big is better," his "main intention is to please Allah by dying for him," and that he was also "trying to please him by recruiting people."

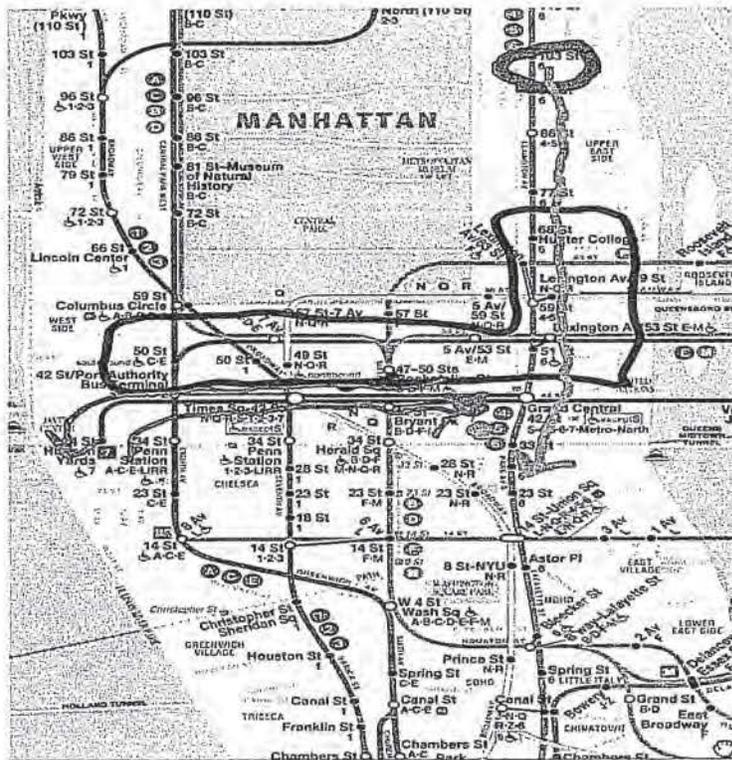
Targets of the Plot

22. Multiple locations and events in and around New York City have been identified as targets of the plot. One target of the conspiracy is the NYC Subway System. On or about April 30, 2016, ABDULRAHMAN EL BAHNASAWY, the defendant, told the UC that he had "a good plan for subways." On or about the following day, EL BAHNASAWY detailed the plan for attacking the NYC Subway System, stating:

So akhi the good way for drive bys (times square) is this black circle I drew on the subway map. The 2 subway routes we will

blow up will be the purple one, and green one.. Because these 2 will make it easier for us to get to the vehicle. Anyway so the first guy will be dropped off near the blue circle to enter his subway rout (with explosives).. But he won't enter the route until directed. So the guy that dropped the first guy off will drive the car around the green area and park it at the side of the road.. He will then take the subway from the purple mark I put on the map.. He will take the purple route.. We will have to go the day before to see the timings, so we can have the first guy ride the subway at a similar time as the second guy , so then they can both arrive at the car at the same time.

23. As referenced in the foregoing communications, ABDULRAHMAN EL BAHNASAWY, the defendant, sent the UC multiple images of what I recognize, based on my training and experience, to be marked-up maps of the NYC Subway System. Below is a copy of one such image that was sent by EL BAHNASAWY to the UC on or about May 1, 2016, in the course of describing the plan to attack the NYC Subway System:



24. As also reflected in the communications above, Times Square in New York City is another primary target of the planned attack. In the course of communications with the UC on or about May 6, 2016, ABDULRAHMAN EL BAHNASAWY, the defendant, discussed plans to detonate "a car bomb in times square." EL BAHNASAWY stated that "we need a really strong bomb," and that "[w]e can make it but we gotta buy the materials now." EL BAHNASAWY subsequently caused approximately 40 pounds of hydrogen peroxide, among other supplies, to be shipped to the UC in the United States for making explosives to attack New York City. See *infra* ¶¶ 40-41.⁹

25. On or about May 12, 2016, ABDULRAHMAN EL BAHNASAWY, the defendant, again discussed the plan to detonate a car bomb in Times Square, telling the UC:

⁹ Based on my training, experience, and participation in this investigation, I have learned that hydrogen peroxide is a primary component of TATP (triacetone triperoxide), which is a type of explosive commonly used in improvised explosive devices, and which has been used in previous terrorist attacks.

Akhi let's just shoot up concerts cuz they kill a lot of people. Times square is also good but sometimes there isn't a lot of people. Actually never mind there are a lot.. Car bomb there is good

26. In addition to targeting the NYC Subway System and Times Square, ABDULRAHMAN EL BAHNASAWY, the defendant, has identified specific concerts scheduled to take place in early June 2016 in and around New York City as potential targets. On or about May 6, 2016, EL BAHNASAWY stated that "we should pick a concert in a closed area"; that he had researched the dates and locations of concerts scheduled to be held in the New York City area; and that he was looking, in particular, "for a concert hall that's far away from cops."

The Defendant and CC-1 Coordinate the Attack

27. Based on my review of the communications between ABDULRAHMAN EL BAHNASAWY, the defendant, and the UC, and between CC-1 and the UC, as well as my training and experience, I believe that EL BAHNASAWY and CC-1 communicated directly in order to coordinate the planned attack on New York City. For example, the UC's communications with EL BAHNASAWY and CC-1 included the following:

a. On or about May 1, 2016, EL BAHNASAWY stated, "I'll tell the Pakistani to contact u." EL BAHNASAWY then sent a photograph to the UC depicting an unknown male, whom EL BAHNASAWY identified as "the Pakistani." EL BAHNASAWY reiterated, "[o]ne sec I'll tell him to contact u." Based on my participation in this investigation, and as explained below, I believe that "the Pakistani" was a reference by EL BAHNASAWY to CC-1. Thus, I believe that, during the foregoing communications, EL BAHNASAWY was conveying that he would put CC-1 in contact with the UC.

b. Shortly after the communications described in the preceding paragraph, the UC advised EL BAHNASAWY that the UC had just been contacted by someone with the username "Kill Kuffars," and asked who that was. EL BAHNASAWY stated: "Pakistani guy will message u now[.] Yeah that's the Pakistani guy." From my participation in this investigation, including my communications with the UC, I have learned that "Kill Kuffars"

is the username associated with an account used by CC-1 to communicate with the UC.¹⁰

c. That same day, on or about May 1, 2016, CC-1 contacted the UC for the first time, stating, "[t]he akhi linked me to you." Based on my participation in this investigation, including my review of the communications referenced above, I believe that "akhi" was a reference by CC-1 to EL BAHNASAWY. The UC subsequently asked CC-1 if he knew "Abu Abdullah," a name used by EL BAHNASAWY in the course of his communications with the UC. CC-1 responded, "Yea akhi I'm talking to now." CC-1 also stated that EL BAHNASAWY is "a very nice akhi and may Allah grant us success in this opp [i.e., operation] I'm mad excited. And may Allah cause great destruction to the filthy kuffars by our hands."

28. CC-1 has consistently and repeatedly expressed his intention to participate with ABDULRAHMAN EL BAHNASAWY, the defendant, in the plot to attack New York City in the course of CC-1's communications with the UC. For example, on or about May 1, 2016, the UC asked CC-1 if he wanted to participate in the operation to attack New York City. CC-1 responded, "Inshallah akhi I just need a ticket once it's done I'll be on my way their." CC-1 subsequently stated to the UC that "the path of jihad is somthing very rare in this century and it's a huge blessing for us to be apart of it."

29. ABDULRAHMAN EL BAHNASAWY, the defendant, has identified CC-1 on multiple occasions as a member of the group that would carry out the attack on New York City. For example, in the course of communications on or about May 3, 2016 regarding who would participate in the attack, EL BAHNASAWY stated that "our team" included "me and u and the Pakistani guy." On or about May 5, 2016, EL BAHNASAWY stated that he would "recap the finances" of the operation, and proceeded to list the costs of travel for, and potential monetary contributions from, various prospective participants in the plot. One of the expenses listed by EL BAHNASAWY was "850\$ -- Pakistani guy plane ticket."

30. CC-1 again contacted the UC on or about May 5, 2016, and engaged in communications with the UC over the course

¹⁰ Based on my training, experience, and participation in this investigation, I believe that "kuffar" is an Arabic term generally meaning "disbelievers."

of the ensuing two days, which communications included the following:

a. The UC asked CC-1 if he would be "here" during the month of Ramadhan. From my training and experience, as well as my review of open source materials, I know that Ramadhan refers to a holy month on the Islamic calendar that begins this year on June 6. CC-1 responded, "Inshallah akhi I'll be there before." CC-1 further conveyed that he intended to fly directly from Pakistan to New York City and "meet[] up as soon as I get there."

b. The UC noted that the team carrying out the operation might be relatively small, naming "me you and the Canadian brother [i.e., ABDULRAHMAN EL BAHNASAWY, the defendant]." After discussion of other potential participants in the attack, CC-1 stated that "we can be a 3 man team inshallah."

c. CC-1 expressed the belief that "[t]his opp is gonna be successful" and recounted a dream in which "there were countless amounts of kuffar soldiers we had killed."

d. CC-1 discussed with the UC the necessary supplies and methods for making explosive devices for use in the attack on New York City. For example, when the UC informed CC-1 that the UC and EL BAHNASAWY were buying supplies and ingredients," CC-1 responded: "Be very careful akhi when buying those ingredients. The pigs can get on to you from buying just a few of the things needed. Do you have guns? Be ready incase they try and come thru." CC-1 advised the UC that "[w]e are gonna need perming cords" and asked if "the akhi [i.e., EL BAHNASAWY] give u all that's needed?"¹¹ CC-1 further informed the UC that he "ha[s] a book on how to make explosives"; that he "ha[s] alot of connects on how to make explosives down here"; that "[t]he experts are close friends of ours"; and that he was "gonna try and get the akhi who makes bombs come thru."

e. CC-1 expressed his approval of, and enthusiasm for participating in, the group's plan to attack the NYC Subway System. When the UC referenced that EL BAHNASAWY had

¹¹ Based on my training, experience, and participation in this investigation, I believe that "perming cords" was a reference to detonator cords, which are used in making explosives and sometimes referred to as primer cords.

maps and drawings for an attack on the NYC subway, CC-1 responded by stating: "I think the subway is perfect. One can get in the train and on the way to the other station we kill all in the train regardless of who and remember do not stop shooting even if u see women or kids. No mercy is rule one." CC-1 subsequently stated the following to the UC:

Inshallah akhi when we run out of bullets we let the vests go off
Then once we reach the second station get off and start killing on that station as well and if we get trapped we let the vests go off. But we need to make sure to do it on a very busy day

. . . .

Depending on how Manny we are we need to do an attack like this. The day one of us attack the subway the other waits until the swat gathers around. When they gather around the second person goes and shoots and starts war with them. What can I assist you with in the vests akhi? On how to make them? Or supplies?

31. On or about May 9, 2016, CC-1 engaged in further communications with the UC, which included the following:

a. The UC asked if CC-1 could have his explosives expert look at the instructions that had been sent to the UC by ABDULRAHMAN EL BAHNASAWY, the defendant, for making TATP. In response, CC-1 informed the UC that "the thing is the khurasan akhi wants this opp to be 100% ours so he has asked me to not talk to anyone about it." The UC asked what that meant. CC-1 explained that "Dawla in general takes all credit is what I mean and inshallah I think we should get as many akhis in this as possible but it's just they have to be trustworthy." Based on my training, experience, and participation in this investigation, I believe that CC-1 was advising the UC that an ISIL official ("the khurasan akhi") had informed CC-1 that because the attack on New York City would be "100%" an ISIL-endorsed attack—for which ISIL ("Dawla") would take credit—it was imperative to keep the group of participants small and trustworthy.

b. CC-1 referenced Ramzi Yousef, "the first akhi tho attack the twin towers,"¹² and stated, "[m]ay Allah give him sabr."¹³ CC-1 then stated: "NY Needs to fall. It's a must."

c. CC-1 informed the UC that, while he did not presently have enough money to buy a plane ticket from Pakistan to New York City for purposes of carrying out the attack, he would "do everything in [his] power to get a ticket," including selling some of his personal property.

32. On or about May 11, 2016, the UC conveyed to CC-1, in the course of their communications, that he had received approximately 40 pounds of hydrogen peroxide. The UC then sent CC-1 the following photograph:



Based on my communications with other FBI personnel, including the UC, I understand that the photograph above depicts the box containing approximately 40 pounds of hydrogen peroxide that ABDULRAHMAN EL BAHNASAWY, the defendant, arranged to be delivered to the UC. See *infra* ¶¶ 40-41. In response, CC-1 stated, among other things, "akhi that's great news and im Gonna message the other bro [i.e., EL BAHNASAWY] now and talk to him about it inshallah."

¹² Based on my training and experience, I know that Ramzi Yousef was convicted after trial in the Southern District of New York as a result of, among other acts, his participation in the February 1993 bombing of the World Trade Center in New York City, and is currently serving a life sentence.

¹³ Based on my training, experience, and participation in this investigation, I believe that "sabr" is an Arabic term generally meaning "perseverance" or "patience."

33. On or about May 12, 2016, ABDULRAHMAN EL BAHNASAWY, the defendant, again communicated with the UC regarding the plan to detonate a car bomb in New York City. EL BAHNASAWY sent the UC the following image, which I recognize, based on my training and experience, as a depiction of Times Square:



After sending the image of Times Square, EL BAHNASAWY stated, "we seriously need a car bomb at times square.. Look at these crowds of people!" EL BAHNASAWY also stated that "me or u or Pakistani [i.e., CC-1]" would be responsible for detonating the bomb, and that "if we don't have a third person then forget the bomb."

34. On or about May 14, 2015, CC-1 informed the UC that he was traveling to a certain city in Pakistan to meet with an explosives expert, for the purpose of obtaining additional information to be used in constructing the explosive devices for the attack on New York City.

35. On or about May 16, 2016, in the course of additional communications with the UC, EL BAHNASAWY stated: "But if ur a cop then arrest me now[.] I already gave material support By buying bomb making materials."

The Defendant's Plan to Travel from Canada to New York City

36. ABDULRAHMAN EL BAHNASAWY, the defendant, has explained to the UC that he plans to travel from Canada to the New York City area on May 21, 2016 for the purpose of carrying out the attack, under the guise of a planned family trip. On or about April 30, 2016, in the course of communications with the UC, EL BAHNASAWY explained that he would "come with [his] family" and then "ditch them," "[s]o crossing the border should be so easy since I'm with my family and it looks like a family trip." On or about May 5, 2016, EL BAHNASAWY stated that by traveling from Canada to the New York City area under such circumstances, "I will be masked behind my parents back."

37. ABDULRAHMAN EL BAHNASAWY, the defendant, has repeatedly confirmed that he intends to travel from Canada to the New York City area on Saturday, May 21, 2016. He has also directed the UC to pick him up at his hotel in the early morning hours of May 22, 2016. For example, on or about May 11, 2016, EL BAHNASAWY told the UC to "come get me late night to early morning that Saturday (which is actually Sunday since it's after 12am)."

38. ABDULRAHMAN EL BAHNASAWY, the defendant, has discussed with the UC the plan of renting a cabin or cottage in the United States for assembling the explosive devices to be used in the attack on New York City. For example, on or about May 7, 2016, EL BAHNASAWY referenced using a "cottage" to build a car bomb, and emphasized that the cottage would need to contain a refrigerator for purposes of making explosives. On or about May 14, 2016, EL BAHNASAWY stated that he had called a certain campsite located in the vicinity of Albany, New York, to check on rental availability. EL BAHNASAWY informed the UC that they could also use the woods surrounding a cabin to practice shooting and train for the attack. At EL BAHNASAWY's request, the UC attempted to reserve a cabin at the campsite for a period of approximately one week beginning on May 22, 2016, but was not successful due to the campsite's lack of availability. EL BAHNASAWY subsequently approved of a different cabin, also within driving distance of New York City, and the UC made a reservation at that cabin. EL BAHNASAWY stated that they could "receive packages" there and that it was not "too far" from New York City. EL BAHNASAWY further conveyed to the UC that they should consider whether they "can practise shooting" at the cabin "[o]r if it's too close to people."

The Defendant Ships Bomb-Making Materials to the UC in the
United States

39. In the course of communications with the UC, ABDULRAHMAN EL BAHNASAWY, the defendant, has discussed purchasing various bomb-making materials, including acetone, a beaker, light bulbs, coffee filters, batteries, ammonium nitrate, and hydrogen peroxide, as well as bomb-carrying and detonating components such as a vest, batteries and a cellphone, for the purpose of carrying out the attack on New York City.

40. On or about May 7, 2016, ABDULRAHMAN EL BAHNASAWY, the defendant, purchased approximately 40 pounds of hydrogen peroxide (the "Hydrogen Peroxide") and arranged for the Hydrogen Peroxide to be delivered to the UC in the United States. In connection with this purchase, EL BAHNASAWY sent the UC the purchase confirmation details which included information about the payment method used by EL BAHNASAWY, and identified himself to the UC: "The name on my card is Abdul Elbahnasawy."

41. On or about May 11, 2016, the UC received the Hydrogen Peroxide, which is shown in the image below:



Upon receiving confirmation that the UC had received the Hydrogen Peroxide, EL BAHNASAWY wrote: "allahi Akbar" [thanks be to God]. As described in Paragraph 32 above, CC-1 also expressed satisfaction that the Hydrogen Peroxide had reached the UC. As noted above, based on my training, experience, and participation in this investigation, I have learned that hydrogen peroxide is a primary ingredient used to make TATP, a

powerful explosive that has been used in terrorist attacks. See *supra* ¶ 24 & n.9.

42. The Hydrogen Peroxide is only one of several packages containing bomb-making components that ABDULRAHMAN EL BAHNASAWY, the defendant, purchased and arranged to be delivered to the UC in the United States. On or about May 16 and May 18, 2016, the UC received a total of approximately seven packages sent to the address that the UC had provided to EL BAHNASAWY. The packages contained various items that EL BAHNASAWY had told the UC he would send to the UC for purposes of making explosives, including, among other items, Christmas lights, batteries, battery holders, thermometers, and aluminum foil. Several of the packages were accompanied by invoices listing a billing address in the Toronto area under the name "Abdul Elbahnasawy."

43. In addition to shipping bomb-making materials to the UC, and discussing building explosive devices, on or about May 7, 2016, ABDULRAHMAN EL BAHNASAWY, the defendant, discussed his research regarding remote detonation devices: "I just found a way to make a remote detonater .. We can talk about it later[.] Its so easy[.] Just need a cellphone lol[.]"

An Unidentified Co-Conspirator Sends Funding for the Attack on New York City to the UC

44. During his communications with the UC, ABDULRAHMAN EL BAHNASAWY, the defendant, repeatedly referenced a co-conspirator not identified herein ("CC-2"), whom EL BAHNASAWY referred to as being associated with a certain overseas country, as a prospective contributor to the funding for the attack on New York City. For example, on or about May 7, 2016, after listing certain supplies needed "to make a car bomb," EL BAHNASAWY stated that CC-2 would send money to the UC "so u can buy most of these stuff." On or about May 8, 2016, EL BAHNASAWY stated, "[CC-2] is 100% tazkia."¹⁴ On or about May 9, 2016, EL BAHNASAWY provided CC-2's contact information to the UC in order to enable direct communications between CC-2 and the UC, and reiterated that CC-2 would be sending money to the UC. On or

¹⁴ Based on my training, experience, and participation in this investigation, I believe that "tazkia" is an Arabic term generally meaning "purity of the self," and is commonly used by jihadists to mean that an individual has been "vouched for" or "cleared."

about May 10, 2016, EL BAHNASAWY informed the UC that he had given the UC's account information to CC-2 for purposes of a money transfer (the UC had previously provided such information to EL BAHNASAWY).

45. Based on my review of reports prepared by the Federal Bureau of Investigation and my communications with the UC, as well as my review of communications between the UC and ABDULRAHMAN EL BAHNASAWY, the defendant, and between the UC and CC-1, I have learned that, during the week beginning May 9, 2016, the account that the UC had provided to EL BAHNASAWY received a money transfer of approximately several hundred dollars, which I believe CC-2 was responsible for sending, consistent with the facts set forth above. The UC informed EL BAHNASAWY (as well as CC-1) that CC-2 had sent money in support of the operation, and EL BAHNASAWY responded, "Allahu Akbar."

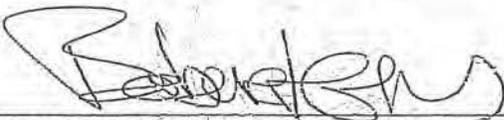
WHEREFORE, deponent prays that a warrant be issued for the arrest of ABDULRAHMAN EL BAHNASAWY, the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

FURTHER, the Government respectfully moves for the complaint and arrest warrant to remain sealed—with the exception that the complaint and arrest warrant are unsealed for the limited purpose of disclosing the existence of or disseminating the complaint and/or arrest warrant to relevant United States, foreign, or intergovernmental authorities, at the discretion of the United States and in connection with efforts to prosecute the defendant or to secure the defendant's arrest, or as otherwise required for purposes of national security.



OSCAR M. GIFFORD
Special Agent
Air Force Office of Special Investigations
FBI Joint Terrorism Task Force

Sworn to before me this
20 day of May, 2016



HONORABLE BARBARA MOSES
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK