

Kimberly J. Ravener

APPROVED: _____
KIMBERLY J. RAVENER
Assistant United States Attorney

BEFORE: THE HONORABLE DEBRA FREEMAN
United States Magistrate Judge
Southern District of New York

21 MAG 3575

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	:	
UNITED STATES OF AMERICA	:	<u>SEALED AMENDED</u>
	:	<u>COMPLAINT</u>
- v. -	:	
	:	
MAULABAKSH GORGEECH,	:	Violations of
a/k/a "Maula Baksh,"	:	21 U.S.C. §§ 963 & 959;
	:	18 U.S.C. § 2.
Defendant.	:	
- - - - -	x	

SOUTHERN DISTRICT OF NEW YORK, ss.:

JEREMY N. KIRK, being duly sworn, deposes and says that he is a Special Agent of the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

1. From at least in or around August 2018, up to and including in or around October 2019, in Afghanistan and elsewhere, and in an offense begun and committed outside of the jurisdiction of any particular state or district of the United States, MAULABAKSH GORGEECH, a/k/a "Maula Baksh," the defendant, who is expected to be first brought to and arrested in the Southern District of New York, knowingly and intentionally distributed a controlled substance, and aided, abetted, and attempted the same, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States, in violation of Sections 959(a) and 963 of Title 21, United States Code.

2. The controlled substance that MAULABAKSH GORGEECH, a/k/a "Maula Baksh," the defendant, distributed, intending, knowing, and having reasonable cause to believe would be unlawfully imported into the United States and into waters

within a distance of 12 miles of the United States, was one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Section 960(b)(1)(A) of Title 21, United States Code.

(Title 21, United States Code, Sections 959(a) & 963; Title 18, United States Code, Sections 3238 and 2.)

COUNT TWO

3. From at least in or around August 2018, up to and including in or around October 2019, in Afghanistan and elsewhere, and in an offense begun and committed outside of the jurisdiction of any particular state or district of the United States, MAULABAKSH GORGEECH, a/k/a "Maula Baksh," the defendant, with others known and unknown, who is expected to be first brought to and arrested in the Southern District of New York, knowingly and intentionally did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

4. It was a part and object of the conspiracy that MAULABAKSH GORGEECH, a/k/a "Maula Baksh," the defendant, and others known and unknown, would and did distribute a controlled substance, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the United States, from a place outside thereof, in violation of Section 959(a) of Title 21, United States Code.

5. The controlled substance that MAULABAKSH GORGEECH, a/k/a "Maula Baksh," the defendant, conspired to distribute, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States from a place outside thereof, was one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Section 960(b)(1)(A) of Title 21, United States Code.

(Title 21, United States Code, Section 963; Title 18, United States Code, Section 3238.)

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

6. I have been a DEA Special Agent since 2010. I am currently assigned to the DEA Special Operations Division's Bilateral Investigations Unit, which focuses on international criminal activities. During my time as a DEA Special Agent, I have become familiar with some of the ways in which narcotics traffickers operate, and have participated in numerous investigations involving international drug trafficking. I have been personally involved in the investigation of this matter. This affidavit is based on my communications with other law enforcement officers and other individuals, and on my review of various reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the offenses cited above, it does not include all of the facts that I have learned during the course of the investigation. Where the contents of communications with others and statements by others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Overview

7. As set forth below, in or around September 2019, MAULABAKSH GORGEECH, a/k/a "Maula Baksh," the defendant, a Southwest Asia-based drug trafficker, distributed kilogram quantities of heroin for importation into the United States.

8. In or around the summer of 2018 and 2019, MAULABAKSH GORGEECH, a/k/a "Maula Baksh," the defendant, participated in recorded telephone calls and exchanged electronic communications¹ with a DEA confidential source ("CS-1")², whom GORGEECH understood to be an international narcotics trafficker, and an undercover DEA agent ("UC-1"), whom GORGEECH understood to be

¹ All communications referenced in this Complaint were conducted in Farsi or Urdu, neither of which I speak. All quotations and summaries in this Complaint drawn from meetings and telephone calls are based on my review of audio recordings and/or preliminary draft transcripts, summaries, and translations, and are subject to revision upon the completion of finalized transcripts and translations.

² CS-1 has been a paid DEA confidential source since approximately 2017. The DEA has deemed information provided by CS-1 reliable, and such information has been corroborated in part by independent evidence.

CS-1's United States-based customer. During these communications, GORGEECH agreed to provide UC-1 with an initial shipment of heroin, which heroin GORGEECH understood would be transported to and sold in the United States. See infra ¶ 11.

9. In or around September 2019, MAULABAKSH GORGEECH, a/k/a "Maula Baksh," the defendant, caused approximately seven kilograms of heroin to be delivered to CS-1 in Afghanistan. GORGEECH understood that the seven kilograms of heroin would be imported to and sold in the United States. See infra ¶ 12.

The Investigation

GORGEECH Speaks with CS-1 and UC-1 Regarding a Potential Drug Transaction

10. On or about August 23, 2018, MAULABAKSH GORGEECH, a/k/a "Maula Baksh," the defendant, met with CS-1 in a country in Southwest Asia ("Country-1"). The meeting was recorded. CS-1 was posing as an individual with connections to international narcotics traffickers, including a customer based in the United States, *i.e.*, UC-1. Based on my participation in this investigation, my conversations with other law enforcement officers involved in this investigation, and my review of DEA reports and draft summary translations of recordings made by CS-1 and UC-1, I have learned that during the meeting, the following occurred, in substance and in part:

a. CS-1 referred to UC-1 as CS-1's United States-based customer who was interested in purchasing heroin from GORGEECH for re-sale in the United States.

b. GORGEECH sought to confirm the value of the drug transaction, asking, "What is the price in America?," and inquired about the plans for transporting the drugs.

c. CS-1 called UC-1. CS-1 then provided the phone to GORGEECH, who spoke directly with UC-1 about the transaction and UC-1's ability to transport drugs while evading law enforcement detection.

d. GORGEECH asked UC-1 if the drugs could be transported through Canada, proposing "[t]aking it out to anywhere in Canada, whether it is anywhere in Toronto or any other city or any other port; I mean can you take them out to there? Do you have a company over there or not?" When UC-1

responded affirmatively, GORGEECH asked, in substance and in part, "your system is 100% and there won't be any problem clearing, right?," which I understand, based on my participation in this investigation, to be a reference to transporting the drugs across international borders. UC-1 confirmed that UC-1 had "received a lot of containers via the Toronto way and the Port of New York." GORGEECH responded, "Ok."

**GORGEECH Communicates and Meets with CS-1
Concerning a Drug Transaction**

11. Based on my participation in this investigation, my conversations with other law enforcement officers involved in this investigation, and my review of DEA reports and draft summary translations of recordings made by CS-1, I have learned the following, in substance and in part:

a. On or about July 29, 2019, at the DEA's direction, CS-1 met with MAULABAKSH GORGEECH, a/k/a "Maula Baksh," the defendant, and one of GORGEECH's associates ("CC-1") in Country-1 to discuss a narcotics transaction (the "July 29 Meeting"). During the July 29 Meeting, which was recorded, the parties discussed GORGEECH providing narcotics to CS-1 for importation to the United States. Specifically, the parties discussed the following, in substance and in part:

i. GORGEECH asked CS-1, "How much work" they had "done in America, just an estimate?" Based on my training and experience and participation in this investigation, including my conversations with CS-1, I understand that "work" is a code word used by drug traffickers to refer to narcotics, and that, in this conversation, GORGEECH is asking CS-1 how frequently CS-1 and CS-1's associates import narcotics to the United States for re-sale.

ii. GORGEECH then asked CS-1 the price for which narcotics would sell in the United States ("[W]hat is the rate over there? How much is it?"). CS-1 responded that, in the United States, a kilogram of heroin typically sells for \$85,000 U.S. dollars on the street. GORGEECH replied: "I have the water, right? . . . My water will arrive in about 7 to 10 days. I will give you water whenever you ask. I will give you the water and you will tell me how much water I should give you." Based on my training and experience and participation in this investigation, including my conversations with DEA agents

who have debriefed CS-1, I understand that "water" is a code word used by drug traffickers to refer to narcotics, and potentially, heroin precursors. I therefore believe that, in this exchange, GORGEECH is informing CS-1 that GORGEECH would have narcotics to provide CS-1 in seven to ten days.

iii. CS-1 asked GORGEECH, "[H]ow many do you want to do with me and [CC-1] right now?" GORGEECH answered "100." In response, CS-1 stated, in substance and in part, "100 is a lot. Make it less." Based on my participation in this investigation, including my conversations with CS-1, I understand that, in this exchange, CS-1 asked GORGEECH how many kilograms of narcotics GORGEECH could provide to CS-1 for importation to the United States. GORGEECH offered to provide CS-1 with 100 kilograms.

iv. GORGEECH asked CS-1, "The work that you are doing in America, right?" and then said: "When it becomes ok, I will give you the water. We will consult on the second one on the 22nd and if you want, I can give you 50 pieces from my side. Our items are already available in [a city in Southwest Asia]." Based on my training and experience and participation in this investigation, including my conversations with DEA agents who have debriefed CS-1, I believe that GORGEECH is asking CS-1 when CS-1 and CS-1's associates would be prepared to receive narcotics for shipment to the United States ("when it becomes ok") and confirming that GORGEECH can provide CS-1 with 50 kilograms of narcotics ("50 pieces").

v. GORGEECH made clear that he prefers to deal only in larger quantities of narcotics, stating, "We don't give samples. You know it; some people come from America and deal in case or do one piece for sample. So now everyone is scared. A lot of people got arrested."

b. On or about August 22, 2019, at the DEA's direction, CS-1 spoke with with MAULABAKSH GORGEECH, a/k/a "Maula Baksh," the defendant by phone. During the call, which was recorded, the following was discussed, in substance and in part:

i. CS-1 told GORGEECH that CS-1 was coordinating a shipment of narcotics to be transported to the United States (the "Shipment"). CS-1 explained that CS-1 and CS-1's associates could include in the Shipment "5 to 10 of your items" - *i.e.*, five to ten kilograms of narcotics provided by

GORGEECH" - and that "God willing, that the 5 to 10 items have been sent to New York."

ii. GORGEECH responded, "Ok. Do a favor. Do 10. . . . They will come and arrive within few days and I will give you your object of entrust."³ Based on my training, experience, and participation in the investigation, including my conversations with DEA agents who have debriefed CS-1, I understand that by "[d]o 10," GORGEECH is confirming that GORGEECH would contribute approximately 10 kilograms of narcotics to the Shipment.

**GORGEECH Provides Heroin for
Importation into the United States**

12. Based on my participation in this investigation, my conversations with other law enforcement officers involved in this investigation, and my review of DEA reports and draft summary translations of recordings made by CS-1 and UC-1, I have learned, among other things, the following, in substance and in part:

a. On or about August 30, 2019, CC-1 called CS-1. During the call, which was not recorded, CC-1 stated, in substance and in part, that MAULABAKSH GORGEECH, a/k/a "Maula Baksh," the defendant, had directed CC-1 to tell CS-1 that the drugs were ready for CS-1 to pick up at a warehouse belonging to another co-conspirator ("CC-2") in Garemsar District, Helmand Province, Afghanistan (the "Warehouse").

b. At the DEA's direction, CS-1 arranged for an individual residing in Afghanistan ("Individual-1") to retrieve the drugs from the Warehouse and transport them to Kabul.

³ Based upon my conversations with translators and other law enforcement agents experienced with the Farsi language, as well as my review of draft translations, I have learned that "object of entrust" (or only trust) is the closest translation for the word used in this conversation which is "amanat," Using the word amanat has various social and personal implications depending on the context of the conversation in Southwest Asian cultures. In business contexts in Afghanistan, it is often used to refer to objects - including money or any other valuable items - that have been borrowed or have been purchased/loaned and thus need to be submitted to a person.

c. On or about September 2, 2019, Individual-1 retrieved the drugs, which consisted of seven packages (the "Drug Packages"), from the Warehouse. Individual-1 sent a photograph of the Drug Packages to CS-1, depicted below:



d. On or about September 7, 2019, Individual-1 delivered the Drug Packages to a Foreign Service National (the "FSN") working for the DEA in Kabul, Afghanistan.

e. On or about September 8, 2019, at the direction of the DEA, CS-1 sent a photograph of the Drug Packages to MAULABAKSH GORGEECH, a/k/a "Maula Baksh," the defendant, to confirm that the Drug Packages belonged to GORGEECH. CS-1 then received a voicemail from GORGEECH, in which GORGEECH said, "These are my items. They are in Garam Ser at the place of [CC-2]. This is the photo which I sent." GORGEECH also sent an electronic message containing a photograph of the Drug Packages to CS-1 (the "GORGEECH Drug Photo"). A screenshot of the GORGEECH Drug Photo, as sent to CS-1, is depicted below:



f. On or about September 10, 2019, the FSN and local law enforcement agents delivered the Drug Packages to DEA agents in Kabul, Afghanistan.

g. Based on my conversations with DEA agents who have participated in examining, weighing, and retrieving representative samples from the Drug Packages, and my review of reports regarding the same, I have learned that:

i. Each of the Drug Packages contained a brown powdery substance, which field-tested positive for heroin.

ii. The Drug Packages weighed approximately seven kilograms in total.

WHEREFORE, your deponent respectfully requests that a warrant be issued for the arrest of MALABAUKSH GORGEECH, a/k/a "Maula Baksh," the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

s/Jeremy N. Kirk, by the Court, with permission
Jeremy N. Kirk
Special Agent
Drug Enforcement Administration

Sworn to me through the transmission of this Affidavit by reliable electronic means (FaceTime), pursuant to Federal Rule of Criminal Procedure 4.1, 1st day of April, 2021



THE HONORABLE DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK