

APPROVED:

ILAN GRAFF/ANDREA SURRATT
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BEFORE: THE HONORABLE ANDREW J. PECK
United States Magistrate Judge
Southern District of New York

UNITED STATES OF AMERICA

- v. -

MEMET GEZER,
a/k/a "Muhammad Altrky,"
"Wissam Abdel Rahman Younes,"
"Mohamed Subhe Al Gazar,"

Defendant.

SEALED COMPLAINT

Violations of 21 U.S.C. § 963;
18 U.S.C. §§ 924(o), 2

SOUTHERN DISTRICT OF NEW YORK, ss.:

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

COUNT ONE

(Narcotics Importation Conspiracy)

1. From at least in or about September 2015 up to and including in or about March 2016, in the Southern District of New York and elsewhere, MEMET GEZER, a/k/a "Muhammad Altrky," a/k/a "Wissam Abdel Rahman Younes," a/k/a "Mohamed Subhe Al Gazar," the defendant, together with others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree to violate, the narcotics laws of the United States.

2. It was a part and object of the conspiracy that MEMET GEZER, a/k/a "Muhammad Altrky," a/k/a "Wissam Abdel Rahman Younes," a/k/a "Mohamed Subhe Al Gazar," the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, five kilograms and more of a mixture and substance containing a detectable amount of cocaine, intending and knowing that such substance would be imported into the United States from a place outside thereof, in violation of Sections 812, 959(a), 960(a)(3), 960(b)(1)(B), and 963 of Title 21, United States Code.

(Title 21, United States Code, Section 963.)

COUNT TWO

(Narcotics Importation Attempt)

3. From at least in or about September 2015 up to and including in or about March 2016, in the Southern District of New York and elsewhere, MEMET GEZER, a/k/a "Muhammad Altrky," a/k/a "Wissam Abdel Rahman Younes," a/k/a "Mohamed Subhe Al Gazar," the defendant, intentionally and knowingly did attempt to distribute a controlled substance, intending and knowing that such substance would be imported into the United States from a place outside thereof, in violation of Sections 959(a) and 963 of Title 21, United States Code.

4. The controlled substance involved in the offense was five kilograms and more of a mixture and substance containing a detectable amount of cocaine, in violation of Sections 812, 960(a)(3) & (b)(1)(B) of Title 21, United States Code..

(Title 21, United States Code, Section 963.)

COUNT THREE

(Conspiracy to Aid and Abet the Possession of Firearms in Furtherance of a Drug Trafficking Offense)

5. From at least in or about September 2015 up to and including in or about March 2016, in the Southern District of New York and elsewhere, MEMET GEZER, a/k/a "Muhammad Altrky," a/k/a "Wissam Abdel Rahman Younes," a/k/a "Mohamed Subhe Al Gazar," the defendant, did combine, conspire, confederate, and agree with others known and unknown to aid and abet the use and carrying of firearms, including machine guns, during and in relation to a drug trafficking offense for which he may be prosecuted in a court of the United States, namely, the narcotics importation conspiracy charged in Count One, and, in furtherance of such crime, the possession of firearms, including machine guns.

Overt Acts

6. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. On or about October 10, 2015, an associate ("CC-1") of MEMET GEZER, a/k/a "Muhammad Altrky," a/k/a "Wissam Abdel Rahman Younes," a/k/a "Mohamed Subhe Al Gazar," the defendant, met with two DEA confidential sources in a particular country ("Country-1") to discuss supplying them with weapons to protect cocaine shipments to the United States.

b. On or about February 3, 2016, GEZER met with a DEA confidential source in a particular country ("Country-2") to discuss the logistics of supplying the confidential source with weapons to protect cocaine shipments to the United States.

(Title 18, United States Code, Sections 924(o), 2.)

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

7. I have been a DEA Special Agent since 2009. 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 weapons traffickers—and, in particular, individuals who provide weapons to drug trafficking organizations—operate, and have participated in investigations involving both international drug trafficking and illicit arms trafficking.

Overview

8. As set forth in greater detail below, between at least in or about September 2015, and in or about March 2016, MEMET GEZER, a/k/a "Muhammad Altrky," a/k/a "Wissam Abdel Rahman Younes," a/k/a "Mohamed Subhe Al Gazar," the defendant, and CC-1 participated in a series of in-person meetings and telephone calls with individuals whom GEZER and CC-1 understood to be representatives of a Mexican drug trafficking organization (the "DTO"). Those individuals were, in fact, two DEA confidential sources ("CS-1" and "CS-2," and, collectively, "the CSs"¹). During those meetings and telephone calls, GEZER and CC-1 agreed to supply the DTO with high-powered weapons, including machine guns, grenades, and rocket propelled grenades ("RPGs"), with the express understanding that those weapons would be used to protect large cocaine shipments as they traveled from and through Mexico for distribution in the United States.

The Investigation

9. In or around late summer 2015, CS-1 called CC-1 whom CS-1 understood to be engaged in weapons trafficking. For purposes of this investigation, CS-1 posed as a weapons broker with close ties to the DTO. CS-2 posed as a DTO associate.

September 2015: First Meeting with CC-1

10. On or about September 2, 2015, at the DEA's direction, CS-1 met with CC-1 at a restaurant in Country-1 (the "September Meeting"). From my review of DEA reports and conversations with CS-1, I have learned that the following occurred at the September Meeting:

¹ CS-1 became a paid DEA source in 2014 and has been relied upon in multiple DEA investigations. During that time, CS-1 has proven reliable and CS-1's information has consistently been corroborated by independent evidence, including other source information and audio/video recordings.

CS-2 became a paid DEA source in 2014 and has also been relied upon in multiple DEA investigations. Since CS-2 became a paid DEA source, CS-2's information has proven reliable and has been corroborated by independent evidence, including other source information and audio/video recordings.

a. CC-1 identified himself as a weapons dealer and expressed interest in conducting business with the DTO that CC-1 understood CS-1 to represent.

b. CC-1 invited CS-1 to Country-2 to inspect samples of the weapons that CC-1 could provide and indicated that CC-1 could facilitate delivery of those weapons to a particular European country. CC-1 indicated that CC-1 and his associates would accept either cash or narcotics as payment for weapons shipments.

October 2015: Second Meeting with CC-1

11. On or about October 12, 2015, at the DEA's direction, the CSs met with CC-1 at a restaurant in Country-1 (the "October Meeting"). I and another DEA agent conducted surveillance of the October Meeting, which was audio recorded. From my review of draft translations of the October Meeting² and conversations with the CSs, I have learned that the following occurred at the October Meeting:

- a. CS-2 spoke in English, which CS-1 translated into Arabic for CC-1.
- b. CC-1 informed CS-1 that "lightweight weapons which you talked about such as sniper rifles, bombs, . . . launcher, RPG launcher, everything is ready."
- c. CC-1 offered the CSs access to high volumes of U.S. currency, which CC-1 was willing to sell to the CSs for "[a]bout sixty percent" of its face value. CC-1 stated that the money had serial "numbers [that] are stopped from circulating in all the banks" but that "whenever one examines it is legal bills." CS-1 indicated that the CSs' associates were unlikely to be interested in purchasing the U.S. currency since their "cash comes from the coke [*i.e.*, cocaine] . . . so they have a lot of cash. They want to spend what they have."
- d. The CSs discussed the reason they were seeking military-grade weapons. In particular, CS-1 clarified for CC-1 that CS-2's associates represented a "cartel" and would "take the weapons from you and send them to Mexico."
- e. CS-1 proceeded to explain to CC-1 that the CSs' drug-trafficking associates needed weapons to protect drug shipments, noting that "in Mexico . . . they want weapons more than in the Middle East; because their war is with the American. . . . [T]here is a constant war with the Americans because on the borders . . . they're using the borders for transportation."
- f. CS-1 stated: "They [*i.e.*, the cartels] keep smuggling through the borders." CC-1 replied "And America can't do anything!" CS-1 continued, "[t]hey smuggle across the border and sell to America, so if they try to approach . . ." CC-1 interjected: "So, they need to be accompanied with an armed convoy."
- g. CC-1 spoke with a male associate by telephone, whom CC-1 addressed as "uncle,"

² Much of the October Meeting was conducted in Arabic, which I do not speak. Any language quoted above is drawn from a draft translation prepared for the DEA by an Arabic speaker.

and who has since been identified as MEMET GEZER, the defendant, see infra ¶ 13. CC-1 indicated to that individual that CS-2 was waiting to hear about “the prices.” CC-1 also stated to “uncle” that CC-1 would “travel [him]self to check the merchandise and agree on the price,” and advised him that the CSs “would like to have ongoing work, not just one time deal.” After finishing his telephone conversation, CC-1 told the CSs that CC-1’s unnamed associate was “going to gather the prices and send them to you.”

December 2015: Third Meeting with CC-1

12. On or about December 10, 2015, at the DEA’s direction, the CSs met with CC-1, at a hotel in Country-1 (the “December Meeting”). Multiple DEA agents conducted surveillance of the December Meeting, which was audio recorded. From my review of a draft translation of the December Meeting³ and conversations with the CSs, I have learned that the following occurred at the December Meeting:

- a. CS-2 spoke in English, which CS-1 translated into Arabic for CC-1.
- b. CC-1 and the CSs discussed various means of delivering weapons samples to Europe for the CSs to inspect. CS-1 clarified for CC-1 that the samples were “for the other buyers to decide on the quantities based on the sample that they will try.”
- c. CS-1 asked CC-1 in what country CC-1’s “boss” could show the CSs the sample. CC-1 named a particular city in Country-2 and added that “they [*i.e.*, the samples] are ready.”
- d. CC-1 encouraged the CSs to consider retrieving the samples at sea. CS-1 replied that an exchange at sea would be more costly for the CSs and noted that if CS-1 was going to arrange an airplane to retrieve weapons samples, CS-1 would “bring with me . . . some coke [*i.e.*, cocaine]” and “arrange for some buyers,” so as to maximize profit from the venture.
- e. CC-1 again called a male individual whom CC-1 identified as “uncle,” and who has since been identified as MEMET GEZER, the defendant, see infra ¶ 13. CC-1 explained to “uncle” that the CSs “would like to have samples for all types [of weapons] and will pay for the cost and send it to them.”
- f. CC-1 and the CSs agreed to meet again in the near future.

December 2015-January 2016: CS-1 Speaks with GEZER and CC-1 and GEZER Sends Weapons Photographs

13. Between late December 2015 and January 2016, at the DEA’s direction, CS-1 participated in recorded telephone conversations (the “Recorded Calls”) with a man who has since been identified as MEMET GEZER, the defendant. From my conversations with CS-1, I know that CS-1 received GEZER’s contact information from CC-1, who identified GEZER to CS-1 as

³ Much of the December Meeting was conducted in Arabic, which I do not speak. Any language quoted above is drawn from a draft translation prepared for the DEA by an Arabic speaker.

the associate with whom CC-1 had spoken via telephone during the October Meeting and the December Meeting, see supra ¶¶ 11(g), 12(e). From my review of draft summaries of the Recorded Calls,⁴ I have learned the following:

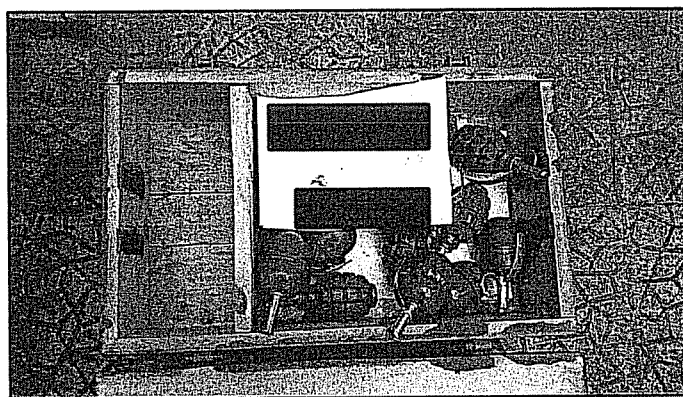
a. On or about December 28, 2015, GEZER indicated that CC-1 was a respectable man, and noted that that was why GEZER was using CC-1 as an intermediary for GEZER's dealings with the CSs. During that same conversation, GEZER and CS-1 discussed potential logistics for a delivery of weapons samples.

b. On or about January 3, 2016, GEZER advised CS-1 that GEZER had written CS-1 and CS-2's names on a piece of paper, along with the names of two cities that the CSs and CC-1 had discussed in connection with the weapons transaction. GEZER added that GEZER would be sending CS-1 pictures shortly.⁵

c. On or about January 7, 2016, CS-1 and GEZER discussed the possibility of CS-1 visiting GEZER in Country-2. GEZER assured CS-1 that CS-1 would not encounter any difficulties entering Country-2.

14. On or about January 4, 2016, CS-1 received a series of photographs from MEMET GEZER, the defendant, via a digital messaging service (the "Weapons Photographs"). Consistent with GEZER's representations during one of the Recorded Conversations, see supra ¶ 13(b), these photographs depicted military-grade weapons, the fake names that the CSs used in connection with this investigation, the names of cities that the CSs had discussed with CC-1 in connection with the delivery of weapons samples, and the date "4-1-2016," which based on my training and experience, I understand to be a reference to January 4, 2016. The Weapons Photographs included the following:⁶

Weapons Photograph-1

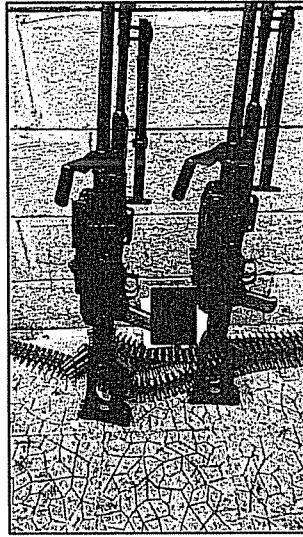


⁴ The Recorded Calls were conducted in Arabic, which I do not speak. The descriptions above are drawn from a draft summary prepared for the DEA by an Arabic speaker.

⁵ This appears to be a reference to the photographs of weapons which CS-1 received from GEZER in January 2016. See infra ¶ 14.

⁶ The CSs' names and city names have been redacted, to protect the CSs' cover identities.

Weapons Photograph-2



Weapons Photograph-3



Based on my training and experience, it appears that Weapons Photograph-1 depicts a box of hand grenades; Weapons Photograph-2 depicts high-caliber, belt-fed machine guns; and Weapons Photograph-3 depicts RPGs and RPG launchers. At or about the same time that CS-1 received the Weapons Photographs, CS-1 also received a digital photograph from GEZER of an individual whom CS-1 has since identified as GEZER (the "Gezer Photograph"). I have seen the Gezer Photograph. In the Gezer Photograph, GEZER is seated with his profile facing the camera from behind a desk, with what appears to be an assault rifle in his right hand. Behind GEZER is a gun rack, which appears to contain at least four more assault rifles.

15. On or about January 13, 2016, CS-1 received a digital photograph from MEMET GEZER, the defendant, via a digital messaging service (the "Weapons List Photograph"), which included a list of weapons and numbers. Based on my training and experience, participation in

this investigation, and conversations with CS-1, the Weapons List Photograph appeared to indicate quantities of weapons that GEZER could provide and the prices at which GEZER could provide them. The Weapons List Photograph appeared to indicate, among other things, that GEZER could provide 1,000 AK-47s, 250 RPGs, 2,500 hand grenades, 250 sniper rifles, 250 14.5 mm machine guns, and 100 antitank missiles.

16. On or about January 21, 2016, at the DEA's direction, CS-1 participated in a recorded Arabic telephone conversation with MEMET GEZER, the defendant, while CS-1 was in Manhattan, New York. Based on my review of a draft summary of that conversation, which was prepared for the DEA by an Arabic speaker, I have learned that the following occurred:

- a. CS-1 advised GEZER that CS-1 was in New York with CS-2 receiving a shipment of cocaine.
- b. GEZER and CS-1 discussed the prospect of CS-1 traveling to Country-2.
- c. GEZER told CS-1 that GEZER had recently met with someone but would discuss the details of that meeting with CS-1 when CS-1 and GEZER met in person, because GEZER preferred not to say anything on the phone. Based on my training and experience, I know individuals who illicitly traffic weapons and other contraband will often avoid discussing their activities over electronic media, in an attempt to avoid detection by law enforcement.

17. On or about January 21, 2016, at the DEA's direction, CS-1 participated in a recorded Arabic telephone conversation with CC-1, while CS-1 was in Manhattan, New York. Based on my review of a draft summary of that conversation, which was prepared for the DEA by an Arabic speaker, I have learned that the following occurred:

- a. CS-1 advised CC-1 that CS-1 was in New York with CS-2 in order to receive a shipment of high-quality cocaine.
- b. CS-1 told CC-1 that CS-1 had spoken with MEMET GEZER, the defendant, and that GEZER was waiting for CS-1 in Country-2.
- c. CC-1 told CS-1 that CC-1 had seen GEZER in Country-2 and that everything was ready and awaiting the CSs' arrival.
- d. CS-1 told CC-1 that the CSs had just brought 500 kilograms of cocaine to New York and would shortly be receiving a few tons more in Europe. CS-1 noted that if any cocaine remained from that shipment, CS-1 would bring it to CC-1 in Country-1.
- e. CC-1 told CS-1 that CC-1 might join the CSs when they went to Country-2 to meet with GEZER. CC-1 added that everything the CSs had requested (that is, all of the weapons) were ready for them.

January-February 2016: CS-1 Meets with GEZER in Country-2

18. In or around late January 2016, at the DEA's direction, CS-1 traveled to Country-2. From my conversations with CS-1, and my review of audio and video recordings, as well as draft

translations of those recordings, I have learned the following:

a. On or about February 2, 2016, MEMET GEZER, the defendant, came to CS-1's hotel, accompanied by another man. After eating dinner, GEZER and CS-1 returned to CS-1's hotel room, where GEZER participated in an audio-recorded conversation with CS-1. From my review of a draft translation of that recording,⁷ I have learned that the following occurred during their conversation:

i. GEZER advised CS-1 that GEZER planned to introduce CS-1 to a particular contact, from whom GEZER purchased weapons.

ii. GEZER told CS-1 that there would be a "charge" for the weapons that CS-1 received. GEZER noted in particular that "[o]ne day there will be someone [GEZER's supplier] wants to eliminate . . ." to which CS-1 replied "Yeah, we [that is, the DTO] will eliminate him like [a] cigarette bu[tt]."

iii. CS-1 reiterated to GEZER why the DTO needed the weapons. CS-1 noted in particular that "our route is to America . . . from Colombia and Mexico we send to New York." GEZER replied "Yeah." CS-1 continued, "I believe, every 1,000 kilos about 50 to 100 kilos will go to New York." Again, GEZER responded "Yeah." CS-1 then stated, "Because the type that on the street is either brought by the [unintelligible] or by [unintelligible]. So weapons are very important to us, because of . . ." At that point, GEZER interrupted CS-1 and stated "I follow all those matters." In other words, GEZER appeared to confirm to CS-1 that GEZER understood that the DTO needed the weapons to protect the DTO's cocaine shipments to New York.

iv. GEZER and CS-1 discussed the logistics of a weapons shipment and GEZER indicated that GEZER could make weapons available at sea.

b. During GEZER's February 2, 2016, meeting with CS-1, following the above-described conversation, GEZER and CS-1 participated in a video call with CS-2, using an online messaging service. That call was audio recorded by CS-1 and video-recorded by CS-2. Based on my review of those recordings as well as a draft translation of their contents,⁸ I have learned that the following occurred:

i. CS-2 spoke in English, which CS-1 translated into Arabic for GEZER. GEZER spoke in Arabic, which CS-1 translated into English for CS-2.

ii. CS-1 explained to GEZER that the DTO particularly needed "RPG" and "antitank" weapons.

iii. The CSs and GEZER discussed potential means of delivering weapons.

⁷ GEZER and CS-1 conversed in Arabic, which I do not speak. The descriptions and quotations above are drawn from a draft translation prepared for the DEA by an Arabic speaker.

⁸ Any language quoted above is drawn from a draft transcript of the conversation, which includes a draft translation of the Arabic portions, which was prepared for the DEA by an Arabic speaker.

iv. GEZER reported to the CSs that “[a]t this moment, the merchandise that you requested are ready . . . I can load it up tomorrow.”

v. CS-2 asked CS-1 to convey to GEZER that “in Mexico we [*i.e.* the DTO] have to fight the Mexican army . . . and . . . now coming the fucking U.S. problem, problem for the U.S. because it gives all these fucking weapons to these people.” CS-1 proceeded to explain to GEZER, in Arabic, that the DTO was “fighting the American because they . . . are tightening the roads on them.” In response, GEZER asked CS-1 to relay to CS-2 that “[O]ur plan . . . are not just for trading . . . Our plan is to establish a trust, their enemy is our enemy.” Based on my training and experience, as well as my conversations with CS-1, it appears that GEZER was indicating that GEZER hoped to enter into a longstanding relationship with the DTO because GEZER viewed the United States as an enemy that GEZER and the DTO had in common.

vi. GEZER gave CS-1 a paper with a list of weapons and prices. CS-1 proceeded to read those prices aloud to CS-2. Among other things, the list included “AK” (that is, AK-47 model assault rifles), “RPG,” multiple varieties of machine guns, sniper rifles, and hand grenades.

vii. GEZER asked CS-2 (through CS-1) if CS-2 could send GEZER two to three hundred kilograms of cocaine in connection with the weapons exchange. GEZER explained that he wanted that initial shipment “just to try it out, to [see how] his products will do in the [local] market.” CS-1 clarified to GEZER that the DTO’s cocaine was “pure, pure.”

c. On or about February 4, 2016, GEZER picked up CS-1 at CS-1’s hotel and took CS-1 to what appeared to CS-1 to be a gated compound (the “Compound”). CS-1 observed armed guards protecting the gate. After entering the Compound, GEZER instructed CS-1 to leave CS-1’s telephone and other electronic devices in GEZER’s car. Shortly after CS-1’s arrival at the Compound, GEZER drove CS-1 to a warehouse at the Compound (the “Warehouse”). Upon entering the Warehouse with GEZER, CS-1 saw large quantities of weapons, including RPGs, grenades, sniper rifles, and machine guns. CS-1 observed GEZER making video recordings of some of the Warehouse’s contents. GEZER explained to CS-1 that GEZER was taking the videos to send CS-1 after CS-1 left Country-2, so that CS-1 could show CS-2 what CS-1 had seen and confirm that GEZER was ready to proceed with the weapons deal.

February-March 2016: GEZER and CC-1 Remain in Contact with CS-1 and GEZER Sends Warehouse Videos

19. In or around mid-February 2016, shortly after CS-1 returned to the United States, CS-1 received nine videos from MEMET GEZER, the defendant, each of which was approximately twenty seconds long. Based on my review of those videos (the “Warehouse Videos”), I know that they depict what appears to be a variety of military-grade weapons, including high-caliber rifles, grenades, and RPGs. CS-1 has identified the Warehouse Videos as having been taken in the Warehouse. In particular, the Warehouse Videos appeared to CS-1 to be the video recordings that CS-1 observed GEZER making. See supra ¶ 18(c). I have taken screen shots of the Warehouse Videos, which include the following:

Weapons Video Screen Shot-1



Weapons Video Screen Shot-2



Based on my training and experience, it appears that Weapons Video Screen Shot-1 depicts a pair of high-caliber rifles and Weapons Video Screen Shot-2 depicts a box of RPGs.

20. On or about March 2, 2016, at the DEA's direction, CS-1 participated in a recorded Arabic telephone conversation with CC-1. Based on my review of a draft translation of that conversation, which was prepared for the DEA by an Arabic speaker, I have learned that, among other things, CS-1 explained to CC-1 that the DTO had been unable to transport some "goods" (that is, cocaine) from Mexico to the United States, which had caused a delay in the pending weapons transaction. CS-1 and CC-1 proceeded to discuss potential locations for an in-person meeting between CC-1 and CS-1.

21. On or about March 2, 2016, at the DEA's direction, CS-1 participated in a recorded Arabic telephone conversation with MEMET GEZER, the defendant. Based on my review of draft translations of that conversation, which was prepared for the DEA by an Arabic speaker, I have learned that the following occurred:

a. GEZER asked CS-1 how "the monetary transaction," that is, the payment for the weapons, would proceed and the two discussed one potential method of payment.

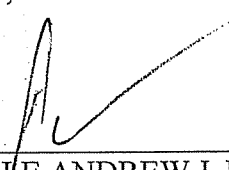
b. CS-1 emphasized to GEZER that the DTO had "goods that are stocked in Mexico . . . the white [that is, cocaine]," which had not yet been transported because the DTO did not "have enough iron weapons to protect it and get it to America." GEZER responded "I am ready!" (in other words, that GEZER was prepared to execute the weapons deal).

WHEREFORE, your deponent respectfully requests that a warrant be issued for the arrest of MEMET GEZER, a/k/a "Muhammad Altrky," a/k/a "Wissam Abdel Rahman Younes," a/k/a "Mohamed Subhe Al Gazar," the defendant, and that he be imprisoned, or bailed, as the case may be.



MICHAEL J. CONNOLLY
Special Agent
Drug Enforcement Administration

Sworn to before me this
22nd day of March, 2016



THE HONORABLE ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK