

APPROVED: 2510 MAG 1885

ILAN GRAFF/ANDREA SURRATT
Assistant United States Attorneys

BEFORE: THE HONORABLE ANDREW J. PECK
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA

SEALED COMPLAINT

- v. -

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

SABER KARIMCH,
a/k/a "Abu Farouk,"

Defendant.

----- X

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, SABER KARIMCH, a/k/a "Abu Farouk," 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 SABER KARIMCH, a/k/a "Abu Farouk," 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, SABER KARIMCH, a/k/a "Abu Farouk," 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, SABER KARIMCH, a/k/a "Abu Farouk," 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, SABER KARIMCH, a/k/a "Abu Farouk," 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, an associate of KARIMCH ("CC-1") 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, SABER KARIMCH, a/k/a "Abu Farouk," the defendant, and CC-1 participated in a series of in-person meetings and telephone calls with individuals whom KARIMCH 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, KARIMCH 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 SABER KARIMCH, the defendant, 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 KARIMCH

10. On or about September 2, 2015, at the DEA's direction, CS-1 met with SABER KARIMCH, the defendant, 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:

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

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 worked on several 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.

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

October 2015: Second Meeting with KARIMCH

11. On or about October 12, 2015, at the DEA's direction, the CSs met with SABER KARIMCH, the defendant, 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 KARIMCH.
- b. KARIMCH informed CS-1 that "lightweight weapons which you talked about such as sniper rifles, bombs, . . . launcher, RPG launcher, everything is ready."
- c. KARIMCH offered the CSs access to high volumes of U.S. currency, which KARIMCH was willing to sell to the CSs for "[a]bout sixty percent" of its face value. KARIMCH 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 KARIMCH 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 KARIMCH 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." KARIMCH 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 . . ." KARIMCH interjected: "So, they need to be accompanied with an armed convoy."
- g. KARIMCH spoke with a male associate by telephone, whom KARIMCH addressed as "uncle," and who has since been identified as CC-1, see infra ¶ 13. KARIMCH indicated to that individual that CS-2 was waiting to hear about "the prices." KARIMCH also stated to "uncle" that KARIMCH would "travel [him]self to check the merchandise and agree on

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.

the price,” and advised him that the CSs “would like to have ongoing work, not just one time deal.” After finishing his telephone conversation, KARIMCH told the CSs that KARIMCH’s unnamed associate was “going to gather the prices and send them to you.”

December 2015: Third Meeting with KARIMCH

12. On or about December 10, 2015, at the DEA’s direction, the CSs met with SABER KARIMCH, the defendant, 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 KARIMCH.
- b. KARIMCH and the CSs discussed various means of delivering weapons samples to Europe for the CSs to inspect. CS-1 clarified for KARIMCH 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 KARIMCH in what country KARIMCH’s “boss” could show the CSs the sample. KARIMCH named a particular city in Country-2 and added that “they [*i.e.*, the samples] are ready.”
- d. KARIMCH 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. KARIMCH again called a male individual whom KARIMCH identified as “uncle,” and who has since been identified as CC-1 see infra ¶ 13. KARIMCH 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. KARIMCH and the CSs agreed to meet again in the near future.

December 2015-January 2016: CS-1 Speaks with KARIMCH and CC-1 and CC-1 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 CC-1. From my conversations with CS-1, I know that CS-1 received CC-1’s contact information from SABER KARIMCH, the defendant, who identified CC-1 to CS-1 as the associate with whom KARIMCH 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

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.

Recorded Calls,⁴ I have learned the following:

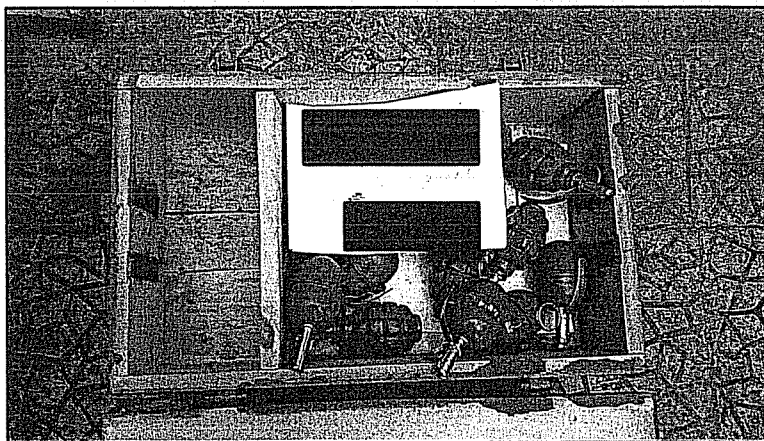
a. On or about December 28, 2015, CC-1 indicated that “Abu Farouk” (*i.e.*, KARIMCH), was a respectable man, and noted that that was why CC-1 was using KARIMCH as an intermediary for CC-1’s dealings with the CSs. During that same conversation, CC-1 and CS-1 discussed potential logistics for a delivery of weapons samples.

b. On or about January 3, 2016, CC-1 advised CS-1 that CC-1 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 KARIMCH had discussed in connection with the weapons transaction. CC-1 added that CC-1 would be sending CS-1 pictures shortly.⁵

c. On or about January 7, 2016, CS-1 and CC-1 discussed the possibility of CS-1 visiting CC-1 in Country-2. CC-1 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 CC-1, via a digital messaging service (the “Weapons Photographs”). Consistent with CC-1’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 SABER KARIMCH, the defendant, 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

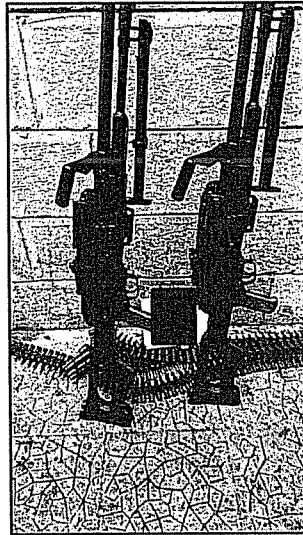


⁴ The Recorded Calls were conducted in Arabic, which I do not speak. The descriptions above are drawn from a draft summary prepared for the DEA by an Arabic speaker.

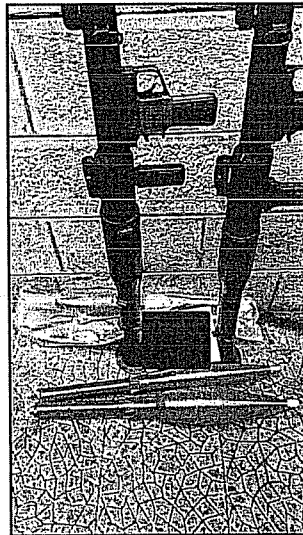
⁵ This appears to be a reference to the photographs of weapons which CS-1 received from CC-1 in January 2016. *See infra* ¶ 14.

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 CC-1 of an individual whom CS-1 has since identified as CC-1 (the "CC-1 Photograph"). I have seen the CC-1 Photograph. In the CC-1 Photograph, CC-1 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 CC-1 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 CC-1, 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 CC-1 could provide and the prices at which CC-1 could provide them. The Weapons List Photograph appeared to indicate, among other things, that CC-1 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 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 receiving a shipment of cocaine.
- b. CC-1 and CS-1 discussed the prospect of CS-1 traveling to Country-2.
- c. CC-1 told CS-1 that CC-1 had recently met with someone but would discuss the details of that meeting with CS-1 when CS-1 and CC-1 met in person, because CC-1 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 SABER KARIMCH, 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 KARIMCH that CS-1 was in New York with CS-2 in order to receive a shipment of high-quality cocaine.
- b. CS-1 told KARIMCH that CS-1 had spoken with CC-1 and that CC-1 was waiting for CS-1 in Country-2.
- c. KARIMCH told CS-1 that KARIMCH had seen CC-1 in Country-2 and that everything was ready and awaiting the CSs' arrival.
- d. CS-1 told KARIMCH 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 KARIMCH in Country-1.
- e. KARIMCH told CS-1 that KARIMCH might join the CSs when they went to Country-2 to meet with CC-1. KARIMCH added that everything the CSs had requested (that is, all of the weapons) were ready for them.

January-February 2016: CS-1 Meets with CC-1 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, CC-1 came to CS-1's hotel, accompanied by another man. After eating dinner, CC-1 and CS-1 returned to CS-1's hotel room, where CC-1 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. CC-1 advised CS-1 that CC-1 planned to introduce CS-1 to a particular contact, from whom CC-1 purchased weapons.

ii. CC-1 told CS-1 that there would be a "charge" for the weapons that CS-1 received. CC-1 noted in particular that "[o]ne day there will be someone [CC-1'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 CC-1 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." CC-1 replied "Yeah." CS-1 continued, "I believe, every 1,000 kilos about 50 to 100 kilos will go to New York." Again, CC-1 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, CC-1 interrupted CS-1 and stated "I follow all those matters." In other words, CC-1 appeared to confirm to CS-1 that CC-1 understood that the DTO needed the weapons to protect the DTO's cocaine shipments to New York.

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

b. During CC-1's February 2, 2016, meeting with CS-1, following the above-described conversation, CC-1 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 CC-1. CC-1 spoke in Arabic, which CS-1 translated into English for CS-2.

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

iii. The CSs and CC-1 discussed potential means of delivering weapons.

iv. CC-1 reported to the CSs that "[a]t this moment, the merchandise that you

⁷ CC-1 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.

requested are ready . . . I can load it up tomorrow.”

v. CS-2 asked CS-1 to convey to CC-1 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 CC-1, in Arabic, that the DTO was “fighting the American because they . . . are tightening the roads on them.” In response, CC-1 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 CC-1 was indicating that CC-1 hoped to enter into a longstanding relationship with the DTO because CC-1 viewed the United States as an enemy that CC-1 and the DTO had in common.

vi. CC-1 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. CC-1 asked CS-2 (through CS-1) if CS-2 could send CC-1 two to three hundred kilograms of cocaine in connection with the weapons exchange. CC-1 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 CC-1 that the DTO’s cocaine was “pure, pure.”

c. On or about February 4, 2016, CC-1 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, CC-1 instructed CS-1 to leave CS-1’s telephone and other electronic devices in CC-1’s car. Shortly after CS-1’s arrival at the Compound, CC-1 drove CS-1 to a warehouse at the Compound (the “Warehouse”). Upon entering the Warehouse with CC-1, CS-1 saw large quantities of weapons, including RPGs, grenades, sniper rifles, and machine guns. CS-1 observed CC-1 making video recordings of some of the Warehouse’s contents. CC-1 explained to CS-1 that CC-1 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 CC-1 was ready to proceed with the weapons deal.

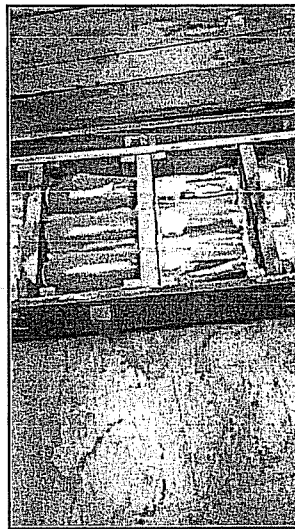
February-March 2016: KARIMCH and CC-1 Remain in Contact with CS-1 and CC-1 Sends Warehouse Videos

19. In or around mid-February 2016, shortly after CS-1 returned to the United States, CS-1 received nine videos from CC-1, 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 CC-1 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 SABER KARIMCH, the defendant. 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 KARIMCH 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 KARIMCH proceeded to discuss potential locations for an in-person meeting between KARIMCH 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 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 the following occurred:

a. CC-1 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.

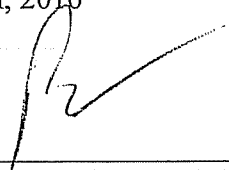
b. CS-1 emphasized to CC-1 that the DTO had "goods that are stocked in Mexico . . . the white [that is, cocaine]," which had not yet been transported because the DTO did not "have enough iron weapons to protect it and get it to America." CC-1 responded "I am ready!" (in other words, that CC-1 was prepared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

WHEREFORE, your deponent respectfully requests that a warrant be issued for the arrest of SABER KARIMCH, a/k/a "Abu Farouk," 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