

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)
)
 v.) No. 1:16-CR-0020
)
 JOSEPH HASSAN FARROKH,)
)
 Defendant.)

STATEMENT OF FACTS

The United States and the defendant, JOSEPH HASSAN FARROKH, agree that the United States would have proven at trial the following facts beyond a reasonable doubt with admissible and credible evidence:

1. Beginning in or about August 2015, and continuing through January 15, 2016, within Prince William County in the Eastern District of Virginia and elsewhere, the defendant, JOSEPH HASSAN FARROKH, did knowingly and unlawfully combine, conspire, confederate, and agree with Mahmoud Amin Elhassan to provide and attempt to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b), to wit, personnel, to a designated foreign terrorist organization, namely the Islamic State of Iraq and the Levant (“ISIL”), also known as the Islamic State of Iraq and Syria (“ISIS”) and other names, in that, as more particularly described below, Farrokh attempted to travel to Iraq and Syria to join and fight for, and at the direction of, ISIL.

2. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq, then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization under Section

219 of the Immigration and Nationality Act, and as a Specially Designated Global Terrorist under Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq as a Foreign Terrorist Organization under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under Executive Order 13224, to add the aliases Islamic State of Iraq and the Levant ("ISIL"); the Islamic State of Iraq and al-Sham ("ISIS"); and the Islamic State of Iraq and Syria ("ISIS"). To date, ISIL remains a designated FTO.

3. In an audio recording publicly released on or around June 29, 2014, ISIL announced a formal change of its name to the "Islamic State." Abu Bakr al-Baghdadi was and is the self-anointed "caliph" or leader of the terrorist organization. Members of the terrorist organization accept Baghdadi as their leader. ISIL has spread its violent message to individuals who identify with ISIL beyond the borders of Iraq and Syria.

4. Joseph Hassan Farrokh is a 28-year old United States citizen who was born in Pennsylvania. Farrokh resided in Woodbridge, Virginia, since July 2015. Mahmoud Amin Mohamed Elhassan is a 25-year old resident of Woodbridge, Virginia, who is originally from Sudan, and became a legal permanent resident of the United States in June 2012. Farrokh and Elhassan met during the summer of 2014.

5. Beginning in or about 2015, and continuing through their arrests on January 15, 2016, Farrokh and Elhassan conspired with each other to provide material support to ISIL, a designated foreign terrorist group. Both Farrokh and Elhassan agreed to provide personnel to ISIL by traveling from the United States to Syria in order to fight with the terrorist group. As part of their plan, Farrokh would travel first, followed by Elhassan at a later date. Farrokh and

Elhassan spoke in detail about their planned travel, including discussing the different routes each would take to travel to Syria. Farrokh provided \$600 to Elhassan to aid in Elhassan's future travel.

6. Farrokh and Elhassan spoke openly with each other about supporting ISIL and supporting violent jihad. Farrokh and Elhassan watched videos online that glorified terrorism in support of Islam, such as videos depicting sermons by Anwar Awlaki. Farrokh and Elhassan discussed the contents of the videos and supported the ideology promoted in the videos. Farrokh learned from Elhassan about the sermons of a radical Sudanese cleric who supported ISIL. Farrokh understood that Elhassan was in direct contact with that radical Sudanese cleric.

7. In an effort to conceal their plans to support ISIL, Farrokh and Elhassan communicated in a manner in which they thought they could not be detected by law enforcement. For instance, they used an "app" proposed by Elhassan because Elhassan learned that the app was purportedly safe from law enforcement detection. On one occasion Farrokh and Elhassan purchased a prepaid phone for the purpose of communicating with someone overseas. Elhassan also created a Gmail account to register and download the secure communication app in order to further their criminal activity.

8. In an effort to conceal their near-daily communications in the latter half of 2015 about ISIL and violent jihad, Farrokh and Elhassan spoke about these topics primarily in person.

9. In the late summer of 2015, Farrokh and Elhassan talked more seriously about going to join ISIL. When Farrokh and Elhassan discussed ways to reach the ISIL, they concluded that

they needed someone to help them do so. Elhassan was very active online, and knew like-minded people all over the world. To help them get to Syria, Elhassan used a communications app to contact “abobaraka,” who they thought was a member of a terrorist organization in Syria and who might be able to help them get to Syria. To contact “abobaraka,” Elhassan downloaded a communications app onto a prepaid phone that Elhassan and Farrokh purchased in Woodbridge, Virginia, and registered the account to a gmail account that Elhassan created for that purpose. Elhassan texted in Arabic with “abobaraka” for one or two weeks, but Farrokh and Elhassan abandoned that plan and destroyed the cell phone because the process was going too slowly. Farrokh and Elhassan also were in contact via a pre-paid cell phone with an individual that they believed to be an ISIL facilitator located in Turkey, but that plan did not work out either.

10. Elhassan told Farrokh that Elhassan knew an individual (“YA”) who had the connections to assist them with their plans to travel overseas to join ISIL, and who had previously introduced to Elhassan, a Jordanian from ISIL. Elhassan offered to introduce YA to Farrokh so that Farrokh could ask YA to find them another ISIL connection. In August 2015, Farrokh was introduced to YA by Elhassan, and asked YA for assistance in finding someone who could help Farrokh join ISIL.

11. On October 2, 2015, in a conversation about events in Syria between Farrokh and Elhassan, Farrokh said that he had no patience and that he wanted to go right away and “chop their heads.”

12. Farrokh, Elhassan and YA met again on October 17, 2015. During the meeting, Farrokh again asked YA for help in getting to Syria. YA said that he would help Farrokh find someone who could assist Farrokh’s travel to join ISIL.

13. On November 1, 2015, Elhassan notified Farrokh that YA had information for Farrokh about getting to Syria to join ISIL. Farrokh later met YA and gave YA a phone number for YA to provide to an individual that YA said could facilitate Farrokh's travel to join ISIL.

14. On November 13, 2015, an individual telephoned Farrokh and told Farrokh that YA had vouched for Farrokh. Farrokh and that individual (who, unbeknownst to Farrokh, was an FBI source and is hereinafter referred to as "CHS #1") agreed to meet on the weekend of November 20, 2015. On November 20, 2015, CHS #1 telephoned Farrokh and set up a meeting for later that day. CHS #1 told Farrokh that CHS #1 would bring to the meeting a trusted "brother."

15. On November 20, 2015, Farrokh met CHS #1 in CHS #1's car, in Springfield, Virginia. In the car, CHS #1 introduced Farrokh to another individual (who, unbeknownst to Farrokh, was an FBI source and is hereinafter referred to here as "CHS #2"). During the meeting, Farrokh, CHS #1, and CHS #2 discussed Farrokh's plan to travel to Syria to join ISIL. Farrokh expressed concern about trusting CHS #1 and CHS #2, commenting that he did not want to go to jail for 15 years. CHS #1 and CHS #2 told Farrokh that he could leave if he did not feel comfortable, and yet they would still remain brothers; they said that Farrokh did not have to talk if he did not feel comfortable.

16. Farrokh suggested that they swear an oath that anyone working with the kuffar (non-Muslims) would suffer the curse of Allah. Farrokh swore that oath; he said that he was smiling

during the oath because if he goes to jail as a result of the meeting he would feel good because it was for Allah.

17. Farrokh said that no one could prove to him that anything ISIL has done is against Islam. Farrokh asked about his chances of successfully getting into Syria. Farrokh was told that the best route was through Jordan. When asked what group he wanted to join, Farrokh referred to ISIL by answering "Dawlah, of course," and said that "now I'm saying something I can go to jail for."

18. Farrokh said that he felt like he was made to be a mujahideen and that he asked Allah every day to make him a shaheed (an Arabic term meaning holy martyr). Farrokh said that he wanted to kill for Allah's sake and be killed for Allah's sake, and that he asked that of Allah every day.

19. During the meeting, CHS #1 asked Farrokh whether Farrokh knew any other brothers who supported ISIL. Referring to Elhassan, Farrokh answered that there was one brother who could be trusted. CHS #1 asked Farrokh not to tell that one brother anything about the plan for CHS #1 and CHS #2 to help Farrokh reach ISIL, and Farrokh agreed not to do so.

20. Farrokh said that he had been asking Allah to help him get to Syria for a year now, and that meeting CHS #1 and CHS #2 made him very happy.

21. In the car, CHS #1 and CHS #2 told Farrokh that Farrokh would have to swear allegiance ("make bay'ah") to the leader of ISIL in order for them to help him get to Syria. When Farrokh asked whether he would have to do something in America if he swore allegiance to the

leader of ISIL, CHS #1 told him that Farrokh would not have to do anything in America, but that ultimately it would be Farrokh's decision.

22. After meeting with CHS #1 and CHS #2, Farrokh told Elhassan what occurred at the meeting, and together they concluded that Farrokh should continue to meet with CHS #1 and CHS #2 in order to get to Syria to join ISIL.

23. On November 21, 2015, following an exchange of texts between CHS #1 and Farrokh, the three men met again in CHS #1's vehicle in Springfield, Virginia. CHS #2 said that it was up to Farrokh if Farrokh did not want to go to Syria, or was uncomfortable with dying as a martyr in jihad, but that he and CHS #1 would still be brothers in Allah with Farrokh. In response, Farrokh said that he was really happy when he left the meeting the previous day because this was what he had been waiting for. Farrokh said that, in the past, he had other ways to get to Syria but they weren't secure, and that he needed a connection because he didn't want to get arrested.

24. While in the car, the three men again discussed giving Farrokh's giving the oath of allegiance to the leader of ISIL. Farrokh said that he knew that he would need to make his oath of allegiance once he got overseas, but did not understand why he needed to give it here, as it was something that the kuffar could use against him, and could result in him going to prison for 15 years. Ultimately, Farrokh agreed to make the oath of allegiance.

25. CHS #1 then explained each line of the oath of allegiance in English, and specified that the oath of allegiance was to the Caliph, "Abu Bakr," but that Abu Bakr's true name was Amir al Muhaimin the Khalifa Sheikh Abdullah Ibrahim Bin Alwad Bin Ibrahim al-Kharachi.

CHS #1 asked Farrokh “you are ready brother?” Farrokh responded “yes.” Farrokh then repeated each line of the oath of allegiance in Arabic.

26. After meeting with CHS #1 and CHS #2, Farrokh told Elhassan what occurred at the meeting, and together they concluded that Farrokh should continue to meet with CHS#1 and CHS #2 in order to get to Syria to join ISIL. Farrokh and Elhassan discussed the route that Elhassan would take to meet up with Farrokh in Syria once Farrokh made it there safely.

27. On December 9, 2015, Farrokh told Elhassan that Farrokh had recently put in his two-week notice at work in preparation for his travel to Syria in January 2016.

28. On December 15, 2015, Farrokh met CHS #1 in Baileys Crossroads, Virginia, and gave CHS #1 a copy of his Jordanian visa application. Farrokh learned from CHS # 1 that Farrokh was cleared by ISIL to travel to Jordan, where he would be met by an ISIL representative named “Abu Mohammed.” Farrokh learned that he would not just be given a gun and pointed in the direction to go fight; before being sent into Syria, Farrokh would spend about 30 days to learn the culture, some language, and receive weapons training.

29. Farrokh told CHS #1 that Farrokh would start researching flights, possibly out of Richmond, Virginia to avoid what Farrokh believed to be stricter law enforcement scrutiny at larger airports. Farrokh told CHS #1 that he would send CHS # 1 his flight information soon so that CHS #1 could assist Farrokh with his overseas travel plans.

30. Farrokh expressed concern that airport security or TSA would search his phone. Farrokh told CHS #1 that he would trim and style his beard to appear more American. Farrokh said that he had not been training and working out because he felt that doing so would raise suspicions; Farrokh said, however, that “Allah made me for jihad.” He said that he was

very excited and that he gives praise to Allah every time he sees the “black flag” (a reference to the ISIL flag).

31. On December 21, 2015, Farrokh texted CHS #1 that Farrokh had purchased his airplane ticket for Jordan, departing January 15, 2016 from Richmond, Virginia, and connecting in Chicago, Illinois.

32. Farrokh updated Elhassan of his plans to travel to Syria to join ISIL. In an effort to further the travel scheme and avoid suspicion, Farrokh and Elhassan agreed that Farrokh should tell his family that he intended to travel to Saudi Arabia to study. Farrokh sent Elhassan an article about a sting by police in Rochester, New York, against a man who wanted to join ISIL. Farrokh and Elhassan repeatedly discussed concerns that law enforcement was listening to their communications.

33. On January 8, 2016, Farrokh met with CHS #2 in Falls Church, Virginia. In the course of the meeting, CHS #2 said that once Farrokh reached ISIL, Farrokh would receive training, including training on weapons, and then go to the front lines. CHS #2 said that, as an American, Farrokh should know that United States Special Forces were fighting ISIL in Syria. In response, Farrokh said that “honestly, this is the best.” Farrokh said that he wanted to die a martyr.

34. Shortly before 8:00 a.m., on January 15, 2016, Farrokh left his residence in Woodbridge, Virginia, carrying two travel bags, and entered a taxi driven by Elhassan. Elhassan drove southbound on Interstate 95 towards Richmond. At a bathroom in Dale City, Farrokh shaved his beard in an effort to avoid scrutiny when he reached the airport.

35. During the trip to Richmond, Farrokh received reassurance from Elhassan that Farrokh’s travel to join ISIL in Syria was pleasing to Allah and that everyone had to make

sacrifices. Farrokh and Elhassan agreed that Elhassan would travel to join ISIL once Farrokh had made it there safely. Farrokh already had given Elhassan money to fund Elhassan's trip.

36. Upon reaching the vicinity of the Richmond International Airport, Farrokh and Elhassan stopped about a mile from the airport and stayed there for about two hours. At approximately noon, in an effort to protect Elhassan from being caught for his involvement in the trip in case Farrokh was to be arrested at the airport, Farrokh agreed to take a second taxi the rest of the way to the airport. Elhassan then called for another taxi for Farrokh, and Farrokh took this separate taxi to the Richmond International Airport.

37. Farrokh entered the airport terminal and proceeded to check-in for his flight to Jordan, via Chicago. Upon checking in, Farrokh cleared through the departure security area carrying two bags. Farrokh was arrested by the FBI as he was approaching his departure gate.

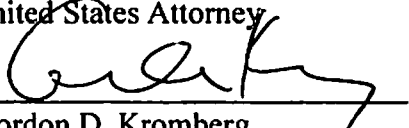
38. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

39. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

Dana J. Boente
United States Attorney

By:

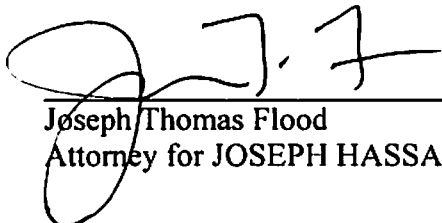

Gordon D. Kromberg
Dennis M. Fitzpatrick
Assistant United States Attorneys

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, JOSEPH HASSAN FARROKH and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



JOSEPH HASSAN FARROKH

I am Joseph Thomas Flood, the defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Joseph Thomas Flood
Attorney for JOSEPH HASSAN FARROKH