


Approved: 
Kimberly Ravener / Michael D. Lockard
Assistant United States Attorneys

Before: THE HONORABLE DEBRA FREEMAN
United State Magistrate Judge
Southern District of New York

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: UNITED STATES OF AMERICA
: - v. -
: MALEK MOHAMMAD BALOUCHZEHI,
: a/k/a "Malek Khan," and
: FNU LNU,
: a/k/a "Muhammad,"
: a/k/a "Muhammad Balouchzehi,"
: Defendants.
: ----- X

SEALED COMPLAINT
Violations of
21 U.S.C. §§ 959 & 963,
18 U.S.C. § 2
COUNTY OF OFFENSE:
NEW YORK

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

SPECIAL AGENT STEPHEN CASEY, being duly sworn, deposes and says that he is a Special Agent with the U.S. Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE
(Conspiracy to Import Heroin)

1. From at least in or about October 2019, up to and including the date of this Complaint, in Mozambique and elsewhere, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, MALEK MOHAMMAD BALOUCHZEHI, a/k/a "Malek Khan," and FNU LNU, a/k/a "Muhammad," a/k/a "Muhammad Balouchzehi," the defendants, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, intentionally and knowingly combined,

conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that MALEK MOHAMMAD BALOUCHZEHI, a/k/a "Malek Khan," and FNU LNU, a/k/a "Muhammad," a/k/a "Muhammad Balouchzehi," the defendants, and others known and unknown, would and did distribute a controlled substance in schedule I intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States, in violation of Title 21, United States Code, Sections 812 and 959(a).

3. It was further a part and an object of the conspiracy that MALEK MOHAMMAD BALOUCHZEHI, a/k/a "Malek Khan," and FNU LNU, a/k/a "Muhammad," a/k/a "Muhammad Balouchzehi," the defendants, and others known and unknown, would and did import into the United States from a place outside thereof a controlled substance in schedule I, in violation of Title 21, United States Code, Sections 812 and 952(a).

4. The substance that MALEK MOHAMMAD BALOUCHZEHI, a/k/a "Malek Khan," and FNU LNU, a/k/a "Muhammad," a/k/a "Muhammad Balouchzehi," the defendants, conspired to distribute, intending, knowing, and having reasonable cause to believe it would be unlawfully imported into the United States; and to import into the United States from a place outside thereof, was one kilogram and more of a mixture and substance containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 960(b)(1)(A).

(Title 21, United States Code, Sections 952(a), 959(a), 960(b)(1)(A), and 963; 18 U.S.C. § 3238)

COUNT TWO

(Distributing Heroin, Knowing and Intending It Would Be Imported)

5. From at least in or about October 2019, up to and including the date of this Complaint, in Mozambique and elsewhere, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, MALEK MOHAMMAD BALOUCHZEHI, a/k/a "Malek Khan," and FNU LNU, a/k/a "Muhammad," a/k/a "Muhammad Balouchzehi," the defendants, who are expected to be first brought to and arrested in the Southern District of New York, intentionally and knowingly did distribute a controlled substance, to wit, one kilogram and more of a mixture and substance containing a

detectable amount of heroin, and aided and abetted the same, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States, in violation of Title 21, United States Code, Sections 959(a) and 960(b)(1)(A).

(Title 21, United States Code, Sections 959(a) and 960(b)(1)(A);
18 U.S.C. §§ 2 and 3238)

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

6. I am a Special Agent with the DEA. In the course of my duties with the DEA, I received training in, and participated in, investigations of, among other things, violations of the U.S. narcotics laws.

7. This affidavit is based upon my own knowledge, my conversations with others, including other law enforcement agents, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all 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.

8. Since at least in or about October 2019, DEA agents have been involved in an investigation of the distribution of heroin, methamphetamine, and other controlled substances by MALEK MOHAMMAD BALOUCHZEHI, a/k/a "Malek Khan," and FNU LNU, a/k/a "Muhammad," a/k/a "Muhammad Balouchzehi" ("MUHAMMAD"), the defendants. As part of the investigation, another DEA special agent (the "UC") participated in recorded and preserved communications with BALOUCHZEHI in an undercover capacity. The UC held him or herself out as a drug trafficker operating in the United States, Australia, and other locations. In addition, a confidential source acting under the supervision and at the direction of the DEA (the "CS")¹ participated in recorded and preserved communications with MUHAMMAD, an associate of MALEK

¹ The CS has been a paid source for the DEA since approximately 2018. He has assisted in other investigations and the information provided by the CS has been reliable and corroborated by other sources. The CS was an employee of the U.S. government prior to becoming a confidential source with the DEA.

MOHAMMAD BALOUCHZEHI. Based on my review of the UC and CS's communications with BALOUCHZEHI and MUHAMMAD,² as well as financial records, interviews with witnesses, and conversations with other law enforcement agents and officers, I have learned, among other things, the following:

a. On or about September 27, 2019, the CS spoke with MUHAMMAD by phone. During the call, which was recorded, MUHAMMAD advised the CS that: "No one has our quality in Mozambique right now. Our ship will leave in one week" Later in the conversation, MUHAMMAD added, "It will leave next week . . . next week. It will leave from here. It will leave from Iran." Based on my training and experience and my review of materials derived from the investigation, I understand that MUHAMMAD was discussing the maritime transportation of controlled substances from Iran to Mozambique, and claiming that the quality of controlled substances that he and his associates supplied to Mozambique was the highest available.

b. Also during the call on or about September 27, 2019, the CS advised MUHAMMAD, "I will speak with [the UC]. I will tell [the UC] that the goods have left" The CS went on to explain, "we will take . . . we will buy one kilo, two kilos, or whatever is possible from you, for the sample." MUHAMMAD responded, "Ok, ok. Sure! Sure! Sure, God willing." The CS advised, "we will take the goods, and will send it to New York. To our customer, to see everything, and check the quality and everything. After that, God willing, we will make a plan to sit, and talk about the bigger delivery, and arrange a system." MUHAMMAD responded, "Ok. Sure! Sure, God willing."

c. On or about October 3, 2019, the CS spoke with MUHAMMAD by phone. During the call, which was recorded, the CS referred to videos MUHAMMAD previously sent to the CS, showing narcotics manufacturing facilities. The CS stated, "I saw your videos. They were very good videos. I was impressed when I was watching them. Is this, is this from your own factory . . . ?" MUHAMMAD confirmed, "Yes. All those things. We have white. We have brown. We have crystal, shisha. Whatever you want." Based on my training experience and my

² These communications were principally in Farsi. When those communications are described in this Complaint, they are described in substance and in part. Where quotations from these communications appear, they reflect draft English translations that are subject to change.

review of materials derived from this investigation, I understand MUHAMMAD's reference to "brown," "white," and "crystal" to refer to controlled substances, including heroin.

d. Also during the call on or about October 3, 2019, MUHAMMAD asked the CS about the sample discussed during the September 27, 2019 call: "You said, first you'll need two, three counts [i.e., kilograms] to take it, and see it?" The CS responded, "Right now, if there is one count, or two counts. Once it arrives, and gets settled, God willing, then I want to collect that, and take that, and send that to New York at once. . . once the customer . . . sees it, and likes the quality and everything, then I will give you, God willing, a bigger order. Right now, it's only a sample. I will take the sample from you." MUHAMMAD answered, "It is fine."

e. Later during the call on or about October 3, 2019, MUHAMMAD asked the CS if the CS could receive the sample in South Africa rather than Mozambique. The CS responded that he would have to discuss the matter with the UC, who was the leader of the purported drug trafficking organization. MUHAMMAD described "Malek Khan" as MUHAMMAD's uncle.

f. On or about October 12, 2019, the UC spoke with MALEK MOHAMMAD BALOUCHZEHI by phone. During the call, which was recorded, the UC asked MALEK MOHAMMAD BALOUCHZEHI to supply "the white things that are prepared in Afghanistan," that is, heroin, for the UC's purported customers in New York, and to supply "glass," that is, methamphetamine, for the UC's purported customers in Australia. MALEK MOHAMMAD BALOUCHZEHI responded that he could deliver heroin in Africa, from where the UC would import it into the United States; and could deliver methamphetamine in Indonesia, from where the UC could import it into Australia.

g. During the call on or about October 12, 2019, MALEK MOHAMMAD BALOUCHZEHI stated that he could supply two-to-three "pieces," that is, kilograms, of heroin in Mozambique as a sample for testing, at a price of approximately \$8,000 per kilogram.

h. On or about October 31, 2019, the UC spoke with MALEK MOHAMMAD BALOUCHZEHI by phone. During the call, which was recorded, the UC represented to MALEK MOHAMMAD BALOUCHZEHI that the UC was in Australia to meet with the UC's customers for methamphetamine. MALEK MOHAMMAD BALOUCHZEHI asked, "They are only asking for the glass [i.e.,

methamphetamine] for now, right?" The UC answered, "Yes, they are getting the glass, but I am getting the other one, right? . . . I am getting the items that come from Afghanistan, ok?" MALEK MOHAMMAD BALOUCHZEHI confirmed, "Yes, yes, I know that." The UC further clarified, "I am getting that for New York." MALEK MOHAMMAD BALOUCHZEHI confirmed, "Ok."

i. During the October 31, 2019 call, the UC asked MALEK MOHAMMAD BALOUCHZEHI if he could send a sample of methamphetamine to Mozambique along with the sample of heroin. MALEK MOHAMMAD BALOUCHZEHI responded that "We don't send glass [i.e., methamphetamine] to Mozambique," but that he would speak with "the ship," meaning an individual responsible for the maritime transportation of the narcotics, to see if a sample of methamphetamine could be delivered to Mozambique for testing.

j. On or about November 7, 2019, the UC spoke with MALEK MOHAMMAD BALOUCHZEHI by phone. During the call, which was recorded, MALEK MOHAMMAD BALOUCHZEHI stated that his ship would arrive within the next 15 days, meaning that the maritime shipment containing heroin would be in Mozambique. MALEK MOHAMMAD BALOUCHZEHI further stated that he instructed another individual to give the UC "two pieces," that is, two kilograms of heroin. The UC informed MALEK MOHAMMAD BALOUCHZEHI that the UC would be sending an individual from New York to Mozambique to arrange to pick up the two pieces. MALEK MOHAMMAD BALOUCHZEHI predicted that the two kilograms would be ready by the end of November or early December. The UC confirmed that the price for the two kilograms was \$16,000 (reflecting \$8,000 per kilogram), to which BALOUCHZEHI responded: "Yes. It won't be more than \$16,000. \$16,000 is enough."

k. During the call on or about November 7, 2019, MALEK MOHAMMAD BALOUCHZEHI and the UC further discussed the sale of heroin to be distributed in New York and the sale of methamphetamine to be distributed in Australia. The UC stated to MALEK MOHAMMAD BALOUCHZEHI that one of their "programs," that is, transactions, "will be the items which I will take from you which are in Mozambique, right? . . . After I bring them to the customers in New York and I find the customers to be content with them, I will get 300 to 400 pieces [kilograms] from you, ok?" MALEK MOHAMMAD BALOUCHZEHI responded, "God willing!" MALEK MOHAMMAD BALOUCHZEHI then discussed his ability to deliver heroin to the American buyers through maritime channels: "Ok. Speak to the American friends. I can set up the work on the open sea or anywhere on the ocean, even up to the vicinity of Indonesia and all the way to those sides, and even in the

vicinity of Malaysia Speak to the friends in America. If anyone has a ship, we can come to them anywhere on the ocean."

l. On or about November 26, 2019, the UC spoke with MALEK MOHAMMAD BALOUCHZEHI by phone. During this call, which was recorded, MALEK MOHAMMAD BALOUCHZEHI informed the UC that the two kilograms of heroin had arrived in Mozambique: "The tools [i.e., narcotics] have arrived, ok? The tools have arrived. They are in Mozambique" MALEK MOHAMMAD BALOUCHZEHI stated that he was sending the shipment of heroin from Mozambique to South Africa, but would keep two kilograms in Mozambique for the UC's sample.

m. On or about December 4, 2019, the UC spoke with MALEK MOHAMMAD BALOUCHZEHI by phone. During this call, which was recorded, MALEK MOHAMMAD BALOUCHZEHI advised the UC to inform him, MALEK MOHAMMAD BALOUCHZEHI, when the individual who would collect the two kilograms of heroin was traveling to Mozambique so that he, MALEK MOHAMMAD BALOUCHZEHI, could coordinate the delivery. The UC asked MALEK MOHAMMAD BALOUCHZEHI whether the UC should send the payment from New York, and he confirmed: "If it is possible, send the money from New York. . . ."

n. On or about December 12, 2019, the UC spoke with MALEK MOHAMMAD BALOUCHZEHI by phone. During this call, which was recorded, MALEK MOHAMMAD BALOUCHZEHI stated that the individual he tasked to deliver the two kilograms of heroin was scared about making the delivery and would be more comfortable delivering the heroin to an individual from Mozambique. The UC informed MALEK MOHAMMAD BALOUCHZEHI that the UC would instruct one of the "movers," that is, the individuals who purportedly would be transporting the heroin out of Mozambique to New York for testing, to take delivery.

o. On or about December 12, 2019, MALEK MOHAMMAD BALOUCHZEHI sent the UC an electronic communication, which included bank account information for an account held in Indonesia.

p. On or about December 13, 2019, the UC sent MALEK MOHAMMAD BALOUCHZEHI an electronic communication with the telephone number of the individual who would receive the two kilograms of heroin.

q. Later on or about December 13, 2019, an undercover law enforcement officer ("UC-2") received a telephone

call on the phone number the UC sent to MALEK MOHAMMAD BALOUCHZEHI. The caller told UC-2 to meet at a particular location the following morning.

r. On or about December 14, 2019, UC-2 met an unidentified male ("UM-1") at the location identified during the telephone call on or about December 13, 2019. UM-1 told UC-2 that "Muhammad" had sent UM-1, and handed UC-2 a black plastic bag, inside of which were two white plastic bags.

s. Later on or about December 14, 2019, law enforcement agents met UC-2 and collected the black plastic bag and its contents. Each of the white plastic bags bore a circular mark with the words "BLUE SAPPHIRE," the number "999" above an image of crossed swords, and the number "555." Each of the white plastic bags appeared to contain approximately one kilogram of a white, crumbly substance. A field test was administered, and the contents of the bags tested positive for the presence of heroin.

t. Also on or about December 14, 2019, MALEK MOHAMMAD BALOUCHZEHI sent the UC an electronic communication containing a photograph of a white plastic bag that was similar in appearance to the two white plastic bags that UM-1 delivered to UC-2, and which bore the same "BLUE SAPPHIRE" circular stamp marking.

u. On or about December 19, 2019, the DEA caused approximately \$16,000 to be wire transferred from a bank account held in New York to the bank account identified in MALEK MOHAMMAD BALOUCHZEHI's December 12, 2019 electronic communication. MALEK MOHAMMAD BALOUCHZEHI later confirmed to the UC that the funds had been received by the bank.

WHEREFORE, the deponent prays that MALEK MOHAMMAD BALOUCHZEHI, a/k/a "Malek Khan," and FNU LNU, a/k/a "Muhammad,"

a/k/a "Muhammad Balouchzahi," the defendants, be arrested and imprisoned, or bailed, as the case may be.


Stephen Casey, Special Agent
Drug Enforcement Administration

Sworn to before me this
8th day of January 2020


S/Debra Freeman

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