

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO: 18-mj-06588-PMH

UNITED STATES OF AMERICA

vs.

TAYYAB TAHIR ISMAIL,

Defendant.

Government Summary Proffer of Factual Basis in Support of PTD

The Government is seeking Pretrial Detention based upon both risk of flight and danger to the community. The facts contained in the Criminal Complaint and the factors in Title 18, United States Code, Section 3142(e), support the detention of the defendant. Below is a brief summary of the facts contained in the Complaint (DE 1).

Summary

On at least five occasions in or around July, August, and September 2018, ISMAIL posted bomb-making instructions to a social media application (also known as a Mobile Messaging room), specifically in rooms or channels with individual members who support violent jihad. Bomb-making instructions qualify as information pertaining to the manufacture or use of an explosive, destructive device, or weapon of mass destruction. ISMAIL was a member of various Mobile Messaging rooms and many of these rooms contained members who support violent jihad. Investigators obtained the internet Google searches done by ISMAIL. Thereafter, they compared the searches to the activity that he then conducted in the social media application (also known as a Mobile Messaging platform). On many occasions, a Google search was done and then within minutes, the same material was posted to the platform. The evidence obtained during this

investigation has revealed that ISMAIL was the user of various email addresses, the creator and user of two Websites, and the individual who posted the bomb-making instructions. In the social media application, Ismail's profile picture was the ISIS flag.

Ismail's Intent

This investigation revealed that Ismail researched bomb-making instructions and thereafter, post the instructions into platforms with many members who supported violent jihad. Ismail's intent to commit this crime is evidenced in his personal conversations with an FBI confidential human source, his comments and posts on-line, and his post-*Miranda* statement to law enforcement.

In June 2015, ISMAIL discussed with a reliable FBI confidential human source his disdain for the United States and his desire to travel to and live in "the Caliphate" after its creation. During the summer of 2015, "the Caliphate" was a reference to the designated foreign terrorist organization known as the Islamic State in Iraq and al Sham (hereinafter "ISIS"). ISMAIL repeatedly referred to Anwar al-Aulaqi¹ as a hero, noted that he regularly listened to al-Aulaqi's lectures, and stated his desire to travel to conduct jihad at some point in time. ISMAIL also described jihad as an Islamic duty, stating, "hypocrisy is when one refuses to go to jihad." He later stated he believed in following the "Prophet's" wish to die performing jihad. Notably, ISMAIL voiced support for ISIS, stating they did good things in Syria and that he had considered joining

¹ Anwar al-Aulaqi was an extremist ideologue and a leader in al Qaeda in the Arabian Peninsula (hereinafter "AQAP"), an al Qaeda affiliate located in Yemen, who was killed in a United States drone strike in Yemen in late-September 2011. Al-Aulaqi was a prolific producer of English-language jihadist propaganda, which, even after his death, continues to inspire individuals to participate in violent jihad.

ISIS. He discussed ISIS fulfilling prophecies about reestablishing the Caliphate and described westerners as “kuffar,”² comparing them to animals.

Ismail was arrested on December 14, 2018. In his post-*Miranda* statement, Ismail admitted to posting the bomb-making instructions, however, he claimed it was just for “research” and to “archive” the material. Ismail further acknowledged that he knew members of the rooms were supporters of terrorist organizations, including ISIS, and others who support violent jihad. Ismail admitted to being a member of over 100 rooms in the social media application. He also admitted to creating approximately 10 rooms and inviting others to join. Ismail stated that he wanted to be anonymous on line so that he would not be “trapped”. In order to be anonymous, he used names other than his own, a Google voice number, and a virtual private network (vpn). Ismail provided advice in the rooms on how to evade detection by law enforcement and how “mujahideen” (fighters) could reach maximum privacy within the social media application.

Bomb-Making Instructions

On or about July 15, 2018, at approximately 11:10 p.m. UTC, ISMAIL searched for and visited a website, which had bomb-making instructions (T.E.C.). Approximately 27 minutes later, ISMAIL posted the same link to a mobile messaging room. ISMAIL included an alternative link to the same PDF file for download (hereinafter “Alternative Link”). On or about November 21, 2018, the FBI queried the open source internet for Alternative Link. The Google site revealed that the instructions posted on or about July 15 by ISMAIL, were the same month and day that ISMAIL (a) researched the document using Google services, and (b) posted the same document.

² “Kuffar” is a transliterated Arabic term used to define non-Muslims; the term is derogatory in nature and essentially refers to non-Muslims as disbelievers.

On or about July 16, 2018, at approximately 12:50 a.m. UTC, ISMAIL searched for and visited a different website containing bomb-making instructions (A.C.). At approximately 5:06 a.m. the same day, ISMAIL posted the link to the platform.

On or about July 16, 2018, at approximately 5:28 a.m. UTC, ISMAIL searched for bomb-making instructions then immediately visited a related website. At approximately 5:37a.m. UTC the same day, ISMAIL posted the document with the instructions (A.C. Version 2000).

On or about August 23, 2018, at approximately 6:51 p.m. UTC, ISMAIL posted another document containing bomb-making instructions (B.b.C.S.O.T.A.I.M.). A review of Google records revealed approximately three minutes later the same day, ISMAIL searched for and visited the website with the same name as the document.

On or about September 17, 2018, at approximately 3:27 p.m. UTC, ISMAIL posted a video depicting step-by-step instructions on how to construct a bomb. Review of the video revealed the instructor in the video wearing a black balaclava to conceal his face and camouflage military fatigues. Throughout portions of the video, a small graphic of a black flag generally synonymous with ISIS is visible in the corner of the video.

Criminal History

The defendant has an arrest for Domestic Battery in Broward County in 2015. Agents are looking into the disposition of this case.

Sentencing Guidelines

According to the 2018 USSG Manual, the Sentencing Guideline section for an offense of Title 18, United States Code, Section 842(p) could either be 2K1.3 or 2M6.1. It is the position of the government that section 2M6.1 applies in this case in that this case involved the federal crime of violence of a weapon of mass destruction.

Pursuant to 2M6.1, the base offense level is 42. Offense level 42, with a criminal history category of 1, has an advisory guideline range of 360 months - life. The statutory maximum is 20 years' imprisonment for each count of 18 USC 842(p). The government intends to seek an Indictment for five counts of 18 USC 842(p).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 20, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Karen E. Gilbert
Assistant United States Attorney