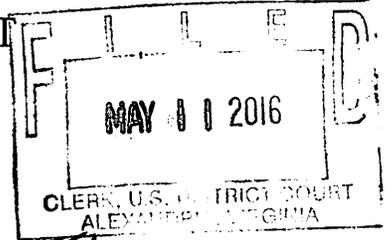


UNDER SEAL UNITED STATES DISTRICT COURT
for the

Eastern District of Virginia



Case No. 1:16mj 213-JFA

United States of America
v.

MOHAMAD JAMAL KHWEIS

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the dates of December 2015 to March 14, 2016, in the extraterritorial jurisdiction of U.S. and in the Eastern District of Virginia, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
U.S.C Title 18 Section 2339B	Knowingly providing and knowingly, intentionally and unlawfully conspiring to provide material support and resources to a designated foreign terrorist organization.

This criminal complaint is based on these facts:
Please see the attached affidavit

✓ Continued on the attached sheet.

Reviewed by AUSA and Trial Attorney:
Dennis M. Fitzpatrick, EDVA
Raj Parekh, DOJ NSD

Victoria I. Martinez
Complainant's signature
FBI SA Victoria I. Martinez
Printed name and title

Sworn to before me and signed in my presence.

Date: May 11, 2016

JFA
/s/
John F. Anderson
United States Magistrate Judge
Judge's signature
JOHN F. ANDERSON
U.S. MAGISTRATE JUDGE
EASTERN DISTRICT OF VIRGINIA
Printed name and title

City and state: Alexandria, Virginia

oneself), to a foreign terrorist organization, namely the Islamic State of Iraq and the Levant (“ISIL”), knowing that the organization was a designated foreign terrorist organization, and knowing that the organization had engaged in and was engaging in terrorist activity.

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), assigned to the Washington Field Office. I have been an FBI Special Agent for approximately four and a half years. During the course of those four and a half years I have investigated and participated in the investigation of numerous criminal matters, as well as international and domestic terrorism violations, including but not limited to, the investigation of extremist groups which target United States persons both domestically and abroad. As a Special Agent, I have received training at the FBI Academy, Quantico, Virginia, in cyber, criminal and counterterrorism matters. I stay apprised of developments in terrorism-related matters with information provided by partner law enforcement agencies. As a result of my training and experience, I am familiar with the tactics, methods and techniques of terrorist networks and their members, including the use of computers, cell phones, social media, email, and the Internet in connection with criminal activity.

3. I am familiar with the facts and circumstances of this investigation from: (a) my personal participation in this investigation; (b) my review of records and reports generated by other law enforcement agents in the United States and elsewhere; (c) my review of communications data recovered during the investigation; (d) information provided to me by other agents and law enforcement officials; and (e) information otherwise obtained by credible and reliable sources. The information contained in this affidavit is sufficient to support probable cause and does not set forth all of the information I have gathered during the course of my investigation.

4. I have learned that MOHAMAD JAMAL KHWEIS is a 26-year-old United States citizen (date of birth: XX/XX/1989), who last resided in Alexandria (Fairfax County), Virginia, before traveling to Syria and northern Iraq to join ISIL.

5. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq (AQI), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq ("AQI") as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham ("ISIS"), the Islamic State of Iraq and Syria ("ISIS"), ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. On September 21, 2015, the Secretary added the following aliases to the ISIL listing: Islamic State, ISIL, and ISIS. To date, ISIL remains a designated FTO. ISIL is engaged in a concerted campaign to acquire by force substantial land in Syria and Iraq for the purported purpose of creating an Islamic caliphate.¹ ISIL has engaged in terrorist activity against United States citizens and against the national security interests of the United States.

6. Abu Bakr al-Baghdadi has led ISIL during all the material events set forth in this affidavit and continues to lead the terrorist organization today. On or about, July 5, 2014, in a rare public address within a mosque in Mosul, Iraq, al-Baghdadi declared the Islamic State a

¹ "Caliphate" is a term that can be used to refer to ISIL's self-proclaimed system of religious governance, with Abu Bakr al-Baghdadi as the caliphate's self-proclaimed leader.

caliphate and he anointed himself the caliph, or leader, of the organization. The objective of the terrorist organization is the forcible acquisition of land for the stated goal of creating an Islamic State without recognizing any national boundaries. ISIL seeks to accomplish its goals through the commission of various criminal acts and acts of terror against the United States and the world community. ISIL's leadership seeks to accomplish its criminal goals, in part, by recruiting and accepting new members from across the globe, including the United States.

PROBABLE CAUSE

7. On or about March 14, 2016, Kurdish Peshmerga military forces detained the defendant near Sinjar Mountain within the Kurdish-controlled territory in northern Iraq. The defendant voluntarily submitted to Peshmerga authority upon traveling into Kurdish-controlled territory after leaving a *katiba*² in the ISIL-controlled city of Tal Afar, located in northwestern Iraq. Shortly after his detention, the Peshmerga publicly released images and video of the defendant. The Peshmerga also released images of the defendant's Virginia driver's license, which he carried with him. According to Virginia Department of Motor Vehicles ("DMV") records, the information contained in those images matches the information contained in official DMV records.

8. When he was detained by the Peshmerga on March 14, 2016, the defendant also possessed three mobile phones, SIM/memory cards, two bank cards, four hundred fifty-one United States dollars, two hundred eighty-five Turkish Lira, and approximately twenty thousand Iraqi Dinar.

9. I have reviewed data and images retrieved from the defendant's electronic devices and SIM/memory cards. In a subsequent *Mirandized* interview, further explained in paragraph 14, the defendant admitted he possessed and owned the electronic devices I reviewed. Among

² I know that *katiba* is a term that can be used to refer to an ISIL neighborhood or military battalion.

other things, the defendant admitted that he used one of his phones to contact ISIL recruiters while he was in Turkey. The defendant admitted that he used a phone to conduct Internet searches on individuals and/or clerics with Islamic extremist views while he was in Iraq with ISIL. The defendant admitted that he used a phone to view extremist videos produced by ISIL. When your affiant and another FBI Special Agent showed a video that was found on one of the defendant's devices which depicted individuals holding rifles and black flags, the defendant stated that the video, which cuts off after approximately five seconds for unknown reasons, was sent to him by another ISIL member who claimed to the defendant that the ISIL member was in the footage of the video.

10. An examination of the defendant's phones and SIM/memory cards revealed that the defendant possessed, among other things, thumbnail images of certain ISIL and other terrorist-related propaganda, which appear to have been stored as a result of the defendant's web browsing activity in or about December 2015. Data stored on the defendant's electronic devices includes images of the World Trade Center burning on September 11, 2001; ISIL fighters; the black flag of ISIL, again with ISIL fighters; Abu Bakr al-Baghdadi; and a well-known American Al-Shabaab³ fighter who was killed in 2013. Additionally, there are numerous stored images showing maps of Turkey, Syria, and Iraq, and a combination of all three including maps outlining the battle lines in Syria, maps showing the border area between Turkey and Syria, maps focusing on the Gaziantep region,⁴ Google Maps images of specific areas of Gaziantep, the border area between Syria and Turkey, and zoomed in portions of other parts of Syria, including Aleppo and Raqqa, which your affiant knows are cities that are inhabited by ISIL.

³ I know that Al-Shabaab is another violent designated foreign terrorist organization with a base of operation in Somalia.

⁴ Gaziantep is the city in the south of the Republic of Turkey near the Syrian border where the defendant admitted traveling for the purpose of gaining entry to ISIL-controlled territory.

11. On or about March 17, 2016, a Kurdistan media organization publicly released a video on the Internet containing excerpts of an interview conducted with the defendant. The defendant describes his contacts with *Daesh*⁵ throughout the video, including residing at several houses and locations and undergoing weeks of Sharia training.⁶ At the end of the video, the defendant claims to renounce ISIL's ideology. I have reviewed this video and have confirmed that the person depicted in the video is the defendant. The defendant appears lucid, uninjured and free from duress in the video. The defendant is shown in the video walking into a room on his own accord and free from any constraints. The defendant is depicted in the video freely smoking cigarettes as he speaks, and smiling and laughing at times.

12. In a subsequent *Mirandized* interview, further explained in paragraph 14, the defendant confirmed that he is the individual depicted in the video. The defendant stated that, while he initially had misgivings about being interviewed for the media report in part because the video would be disseminated publicly, he nonetheless decided to voluntarily participate in the media interview without any threats or coercion applied against him. The defendant acknowledged that his statements to the Kurdish media about his involvement with *Daesh* were accurate, but that he also provided misleading information in the video for self-protection.⁷

13. Subsequent to the defendant's detention by the Peshmerga, the defendant was interviewed in Iraq while in Kurdish custody by your affiant and another FBI Special Agent. Prior to each interview session, the defendant was apprised of his *Miranda* rights orally and in writing, acknowledged understanding his rights orally and in writing, and voluntarily agreed to

⁵ I know that "*Daesh*" is a term that is used to refer to ISIL.

⁶ When the defendant refers to "Sharia," I believe he is referring to a system of Islamic religious law.

⁷ Your affiant also notes that, during the defendant's initial visit with consular officials from the United States Department of State, the purpose of which was to check on the general well-being of the defendant, he provided a different account than he did in the media interview and in subsequent *Mirandized* interviews of what he was doing in Iraq and did not say, nor was he asked, whether he joined ISIL.

waive those rights, again orally and in writing. During the *Mirandized* interviews, the defendant made several admissions concerning providing, and conspiring to provide, material support and resources to ISIL. In addition to other facts contained throughout this affidavit, the information from the *Mirandized* interviews is intended to be summaries sufficient to support probable cause. These summaries are not intended to reflect all of the information the defendant voluntarily provided. Throughout the interviews, the defendant made admissions concerning his involvement with ISIL, often followed by his own justifications for his conduct. I believe these justifications were an effort to mitigate his involvement with ISIL.

14. The defendant admitted that he conducted extensive research concerning ISIL beginning in or about 2015. He admitted that, before he left the United States, he knew what the members and followers stood for and that he knew a lot about the organization. He stated he frequently watched videos of ISIL members conducting terrorist operations and the execution of ISIL prisoners, including the burning of a Jordanian pilot. During the interview, the defendant stated he “gave himself” to ISIL and that they controlled him. The defendant stated he was aware that ISIL wants to attack and destroy the United States. The defendant stated that ISIL wants America to be taken over.

15. The defendant was inspired to join ISIL because he saw that they had established an Islamic caliphate and were in the process of expanding it. The defendant stated that he knew ISIL used violence in its expansion of the caliphate, but he also stated that ISIL engaged in peaceful and humanitarian efforts.

16. The defendant frequently viewed ISIL “military” videos including those depicting ISIL terrorist operations. The defendant admitted that he knew, before traveling to Syria, that ISIL was a terrorist group and they conducted terror attacks against countries that “helped”

ISIL's opponents. The defendant was also aware before traveling to Syria that ISIL conducted attacks outside of Syria and Iraq, to include Europe. He specifically confirmed his understanding that the attack in Paris, France was one such attack.⁸ The defendant admitted that he knew that Abu Bakr al-Baghdadi is the *Emir* or leader of ISIL, and further stated that he viewed al-Baghdadi's speeches before traveling to Syria.

17. The defendant admitted first acquiring an interest in traveling to Syria to join ISIL in mid-2015. The defendant stated he contacted ISIL-affiliated social media accounts to gain information and discuss his desire to travel to Syria to join ISIL. The defendant admitted that he conducted online research on ways to be smuggled across the Syrian-Turkish border to get into Syria.

18. The defendant admitted beginning his travel to join ISIL in mid-December 2015 by renting a car in Alexandria, Virginia and traveling to Baltimore-Washington International (BWI) Airport to depart. Investigation revealed that the defendant departed from BWI Airport on or about December 16, 2015. The defendant stated he sold his personal car prior to departing the United States.

19. The defendant described in detail his travel from the United States to ISIL-controlled territory in Syria and Iraq. His travel included a stop in London for approximately two days before eventually continuing to the Republic of Turkey.⁹ The defendant admitted that, while in London, he sent a message to a well-known Islamic extremist cleric who supports terrorism. The defendant admitted asking the cleric to meet and speak with him.

⁸ ISIL publicly claimed responsibility for the November 2015 terrorist attacks in Paris, France, killing at least 130 people.

⁹ I have reviewed Internet Protocol (IP) log-in records for some of the defendant's email accounts which place him during the time period of his travel in the U.K., The Netherlands and the Republic of Turkey, all places he described visiting before going to ISIL-controlled territory.

20. The defendant admitted that, after arriving in the Republic of Turkey, he relied upon multiple social media platforms and programs to securely and privately communicate with ISIL. The defendant stated he traveled to Gaziantep, the city in the Republic of Turkey near the Syrian border, with the intent to gain entry into Syria in order to join ISIL. The defendant admitted creating an account on a social media platform with the phrase “green bird” while in Turkey. He stated he created this account to make the ISIL recruiters feel comfortable in dealing with him. The defendant admitted that the term “green bird” was used by ISIL members and other Jihadists to show their support for violent jihad. Based on my training and experience, I know that ISIL and other terrorist organizations use the term in that manner.

21. The defendant described in detail to your affiant the steps he took with the aid of ISIL facilitators to travel to Syria to join ISIL. He described traveling into Syria with four other ISIL recruits from countries other than the United States.

22. The defendant admitted that he first stayed at an ISIL safe house upon arriving in Raqqa, Syria. He stated the distinctive black ISIL flag was prominently displayed in the house. He also stated he was in the house with numerous other ISIL recruits from around the world. The ISIL member in charge of this intake process retrieved identification cards and passports of the newly arrived ISIL members. The defendant stated he was asked to provide his *kunya*, which is a term used to describe an alias or nickname. He claimed *Abu Omar* as his *kunya*. He was instructed not to give his true name to anyone. While the defendant was being interviewed by another ISIL member, he saw his name described as “*Abu Omar al-Amriki*” (which essentially means “Abu Omar the American”) on a document held by the ISIL member.

23. The defendant stated another ISIL member asked him if he wanted to be a suicide bomber. The defendant answered “yes.” The defendant stated that he thought this question was intended to test his commitment to ISIL.

24. The defendant stated he moved to a second ISIL safe house, in or near Raqqa, Syria, in early January 2016 and spent approximately two weeks there. During his stay at this safe house, representatives from *Jaysh Kalifa*, a group described by the defendant as ISIL’s “offensive group,” visited the new ISIL recruits. The representatives explained that their group was responsible for accepting volunteers from foreign countries who would be trained and sent back to their home countries to conduct operations and execute attacks on behalf of ISIL. The group’s requirements, among other things, were that the recruits had to be single, would train in remote locations, must be free of any injuries, and had to stay reclusive when returning to their home countries. The defendant claimed that he did not commit to this training.

25. The defendant admitted that he resided within an ISIL location in Mosul, Iraq, where he received a majority of his ISIL-directed religious training. The defendant admitted that at the end of every lesson, the Imam stated “may God destroy America.”

26. The defendant admitted that firearms were commonplace in the ISIL facilities he resided and that most of the ISIL leaders carried weapons. The defendant stated that he only touched a firearm once, moving a firearm aside on a couch so that he could sit down.

27. The defendant admitted that he burned his laptop computer and destroyed two additional mobile phones prior to his detention by the Peshmerga.

CONCLUSION

28. The foregoing demonstrates that the defendant provided material support to ISIL in the form of personnel, and conspired to do so, by joining the terrorist organization and

