

CMX 2015R00482

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CLERK'S OFFICE
AT BALTIMORE

UNITED STATES OF AMERICA

DEPUTY

Criminal No.

ELH-16-09

v.

MOHAMED ELSHINAWY,

Defendant.

: Conspiracy to Provide Material
: Support to a Foreign Terrorist
: Organization, 18 U.S.C. § 2339B
: Providing and Attempting to Provide
: Material Support to a Foreign
: Terrorist Organization,
: 18 U.S.C. § 2339B
: Terrorism Financing,
: 18 U.S.C. § 2339C(a)
: False Statements, 18 U.S.C. § 1001
: Aiding and Abetting, 18 U.S.C. § 2

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INDICTMENT

The Grand Jury for the District of Maryland charges that:

COUNT ONE

Islamic State of Iraq and the Levant

1. 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 to add the alias Islamic State of Iraq and the Levant ("ISIL") as the primary name for AQI, and the following additional aliases: 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. At all times material to this Indictment, ISIL remained, and continues to

remain, a designated FTO.

The Defendant and Other Coconspirators

2. At all times material to this Indictment, Defendant Mohamed ELSHINAWY, a United States citizen of Egyptian descent, resided in Maryland.

3. At all times material to this Indictment, Coconspirator #1, an individual not charged in this Indictment but referenced herein, was an Egyptian national who resided overseas and was ELSHINAWY's childhood friend.

The Charge

4. Beginning in or about February 2015, and continuing to on or about December 11, 2015, in the District of Maryland and elsewhere,

MOHAMED ELSHINAWY,

defendant herein, did knowingly and intentionally combine, conspire, confederate, and agree with Coconspirator #1, and with others known and unknown to the Grand Jury, to knowingly provide material support or resources to a foreign terrorist organization, namely ISIL, to wit, personnel, services (including means and methods of communication), and financial services, knowing that ISIL is a designated terrorist organization and that it has engaged, and engages, in terrorist activity and terrorism.

Manner and Means

5. It was part of the conspiracy that the defendant and his coconspirators utilized various methods of surreptitious and other forms of communication in order to conceal from law enforcement their criminal association, the substance of their communications, and their criminal activities, including, among other things, social media, electronic mail and messaging accounts and applications, electronic communication devices, and "pay as you go" cellular phones, in

many instances registering said devices and accounts under alias names and/or fake addresses.

6. It was further part of the conspiracy that the defendant and his coconspirators utilized various financial accounts and services to transfer monies into the United States from overseas to be used to conduct a terrorist attack, including, among other things, bank accounts, online financial accounts, prepaid credit/debit cards, online e-commerce accounts, and the business account of a company headquartered overseas ("Overseas Company").

7. It was further part of the conspiracy that the defendant and Coconspirator #1 recruited, and sought to recruit, others to join ISIL and further its cause of violent jihad.

8. It was further part of the conspiracy that the defendant and Coconspirator #1 provided themselves as personnel to ISIL and swore allegiance to ISIL and its cause.

9. It was further part of the conspiracy that in order to effect its unlawful objectives, the defendant, Coconspirator #1, and other members of the conspiracy performed, participated in, and committed certain acts in the District of Maryland and elsewhere, including the following acts on or about the dates listed.

10. On February 17, 2015, during a discussion with Coconspirator #1 over social media, ELSHINAWY pledged his allegiance to ISIL, described himself as its soldier, asked Coconspirator #1 to convey his message of loyalty to ISIL leadership, and committed himself to committing violent jihad. Coconspirator #1 cautioned ELSHINAWY not to discuss his plans for a potential terrorist attack with anyone, to which ELSHINAWY agreed and acknowledged that committing such an attack would be a crime in the United States.

11. On March 11, 2015, during a discussion over social media with an individual believed to be his brother, ELSHINAWY inquired as to whether his brother had joined ISIL yet. In order to encourage his brother to join, ELSHINAWY indicated that he was about to pledge his

allegiance to ISIL through the phone (although he had already done so), and that Coconspirator #1 had pledged allegiance personally to Abu Bakar Al-Baghdadi (ISIL's leader). ELSHINAWY told his brother to keep his pledge secret. ELSHINAWY also spoke of his desire to join Coconspirator #1 overseas, become a mujahideen like Coconspirator #1 and live among "the State" (ISIL). He indicated, however, that he would remain in the United States for now since he had his own plan to undertake. ELSHINAWY also advised that he had taken certain steps to protect himself in case he was being monitored.

12. On March 13, 2015, during a discussion with Coconspirator #1 over social media, ELSHINAWY stated that he was preparing himself for jihad and taking extreme security measures to protect himself. He indicated his belief that his phone was bugged and that he would soon have another phone on which he and Coconspirator #1 could safely speak.

13. On March 23, 2015, ELSHINAWY received, through a transfer of funds by the Overseas Company into his online financial account, a sum of approximately \$1,500 to be used to conduct a terrorist attack on behalf of ISIL.

14. On March 28, 2015, ELSHINAWY purchased a new cellular phone, as previously indicated to Coconspirator #1, to further his communications with Coconspirator #1 and other ISIL operatives.

15. On April 2, 2015, ELSHINAWY activated the cellular phone he had purchased a few days earlier and registered it under the fake name "Black Eyes," and the fake address "earth planet, Aberdeen, Maryland," in an effort to conceal his ownership and use of the phone.

16. On April 3, 2015, during a discussion with Coconspirator #1 over social media, ELSHINAWY advised that he had many targets, but was taking his time. He also stated that he would join Coconspirator #1 overseas when he was done, and indicated that he was indebted to

Coconspirator #1 for showing him the way to martyrdom.

17. On April 16, 2015, ELSHINAWY received, through a transfer of funds by the Overseas Company into his online financial account, a sum of approximately \$1,000 to be used to conduct a terrorist attack on behalf of ISIL.

18. On April 22, 2015, during a discussion over social media, ELSHINAWY and Coconspirator #1 discussed ELSHINAWY's plan to obtain or make some sort of explosive device.

19. On April 25, 2015, during a discussion over social media, Coconspirator #1 told ELSHINAWY to provide him with an unattributable phone number in order to enable covert communication with ISIL operatives.

20. On April 27, 2015, during a discussion over social media with an individual believed to be his brother, ELSHINAWY persisted in his attempt to recruit his brother to join ISIL, indicating this time that he had already pledged his allegiance to the group. ELSHINAWY advised that he had received a lot of money from ISIL and would be receiving more in the future. He directed his brother to take steps to conceal their communications regarding ISIL.

21. On May 1, 2015, ELSHINAWY received, through a transfer of funds by the Overseas Company into his online financial account, a sum of approximately \$1,000 to be used to conduct a terrorist attack on behalf of ISIL.

22. On May 2, 2015, during a discussion with Coconspirator #1 over social media, ELSHINAWY reiterated his commitment to ISIL and its cause.

23. On May 14, 2015, ELSHINAWY received, through a transfer of funds by the Overseas Company into his online financial account, a sum of approximately \$3,000 to be used to conduct a terrorist attack on behalf of ISIL.

24. On May 25, 2015, during a discussion over social media with an individual believed to be his brother, ELSHINAWY stated his desire to die as a martyr.

25. On May 29, 2015, during a discussion over social media with an individual believed to be his brother, ELSHINAWY stated that he dreamt about "the State" (ISIL) almost every day. He detailed a dream he had in which he committed violent jihad by killing people in a church with a gun. ELSHINAWY asked his brother to pray for the mujahideen.

26. On June 7, 2015, ELSHINAWY received, through a transfer of funds by the Overseas Company into an account held in the name of the woman with whom he resided, a sum of \$1,200 to be used to conduct a terrorist attack on behalf of ISIL.

27. On June 25, 2015, during a discussion over social media, Coconspirator #1 attempted to recruit an individual to join ISIL by, among other things, referencing the blessing of becoming a martyr and entering paradise.

28. On June 28, 2015, ELSHINAWY received, through a wire transfer by an individual located in Egypt, a sum of approximately \$1,000 to be used to conduct a terrorist attack on behalf of ISIL.

29. On July 17, 2015, in an effort to conceal and minimize the nature and extent of his criminal involvement with ISIL, ELSHINAWY falsely claimed to agents of the Federal Bureau of Investigation ("FBI") that he had only received a total of \$4,000 from an ISIL operative overseas.

30. On July 18, 2015, in an effort to conceal his connection to ISIL operatives, ELSHINAWY removed the name of an ISIL sympathizer from his list of "friends" on his social media account. On or about that same period of time, ELSHINAWY blocked Coconspirator #1's access to that same account in a further effort to conceal his connection to ISIL operatives.

31. On July 20, 2015, in an effort to further misdirect the criminal investigation against him, ELSHINAWY amended his prior false statement to the FBI by falsely claiming to FBI agents that he had received no more than \$5,200 from an ISIL operative overseas, when, in fact, there were at least three additional payments to ELSHINAWY totaling approximately \$3,500 from an ISIL operative overseas.

32. On July 24, 2015, during a discussion over social media, Coconspirator #1 and an associate shared ISIL-related propaganda and discussed setting up and utilizing electronic and social media accounts with fake identifying information in order to retain their anonymity when engaging in communications that would be considered suspect and subject to scrutiny.

33. On August 12, 2015, during a discussion over social media with an individual believed to be his brother, ELSHINAWY stated that he was trying to avoid contact with Coconspirator #1 and had taken steps to conceal their communications over social media. ELSHINAWY directed that his contact information not be shared with Coconspirator #1.

34. On August 15, 2015, during a discussion over social media with an individual believed to be his brother, ELSHINAWY explained that due to his belief that he was being monitored, he had stopped communicating with Coconspirator #1.

35. On August 31, 2015, during a discussion over social media with an individual believed to be his brother, ELSHINAWY directed his brother to advise Coconspirator #1 that ELSHINAWY had been revealed and uncovered. He also directed his brother to take steps to conceal their communications and any communications with Coconspirator #1 on this matter.

36. On September 4, 2015, during a discussion with an associate over social media, Coconspirator #1 stated that he was a member of ISIL.

37. On October 16, 2015, during a discussion over social media, Coconspirator #1

provided specific direction and guidance to an associate regarding ISIL logistics and ISIL operations in which the associate could participate.

18 U.S.C. § 2339B(a)(1)

18 U.S.C. §§ 2339B(d)(1)(A), (d)(1)(D), (d)(1)(E) and (d)(1)(F)

COUNT TWO

1. The allegations set forth in paragraphs 1-3 and 5-37 of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. Beginning in or about February 2015, and continuing to on or about December 11, 2015, in the District of Maryland and elsewhere,

MOHAMED ELSHINAWY,

defendant herein, did knowingly provide and attempt to provide material support or resources to a foreign terrorist organization, namely ISIL, to wit, personnel, services (including means and methods of communication), and financial services, knowing that ISIL is a designated terrorist organization and that it has engaged, and engages, in terrorist activity and terrorism.

18 U.S.C. § 2339B(a)(1)

18 U.S.C. §§ 2339B(d)(1)(A), (d)(1)(D), (d)(1)(E), and (d)(1)(F)

18 U.S.C. § 2

COUNT THREE

1. The allegations set forth in paragraphs 1-3 and 5-37 of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. Beginning in or about March 2015, and continuing to in or about June 2015, in the District of Maryland,

MOHAMED ELSHINAWY,

defendant herein, did willfully collect funds, directly and indirectly, with the knowledge that they were to be used, in full or in part, to carry out a terrorist act, to wit, an act intended to cause death or serious bodily injury to a civilian, the purpose of which, by its nature and context, was to intimidate a population.

18 U.S.C. § 2339C(a)(1)(B)

18 U.S.C. § 2339C(a)(3)

18 U.S.C. § 2

COUNT FOUR

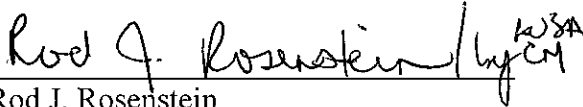
1. The allegations set forth in paragraphs 1-3 and 5-37 of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. In or about July 2015, in the District of Maryland,

MOHAMED ELSHINAWY,

defendant herein, did knowingly and willfully make materially false, fictitious, and fraudulent statements and representations to agents of the Federal Bureau of Investigation ("FBI") in a matter within the jurisdiction of the executive branch of the government of the United States, to wit, a terrorism investigation of the defendant being conducted by the FBI, which statements and representations minimized, mischaracterized, and concealed the full extent of his criminal conduct with ISIL, including the true nature and extent of his association with, and relationship to ISIL, the amount of monies he received from ISIL, and the support he provided to ISIL, which statements and representations the defendant then and there knew to be false.

18 U.S.C. § 1001(a)(2)


Rod J. Rosenstein
United States Attorney

A TRUE BILL:

SIGNATURE REDACTED

per person

01-13-16

Date