SDD:MPC/SK
F. #2011R00298

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

16M 383

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UNITED STATES OF AMERICA

- against -

MIRSAD KANDIC,

Defendant.

**TO BE FILED UNDER SEAL**

COMPLAINT AND AFFIDAVIT IN SUPPORT OF APPLICATION FOR ARREST WARRANT

(18 U.S.C. § 2339B(a)(1))

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EASTERN DISTRICT OF NEW YORK, SS:

ROBERT J. ELMEN, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

In or about and between December 2013 and the present, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIRSAD KANDIC did knowingly and willfully conspire to provide material support and resources, as defined in 18 U.S.C. § 2339A(b), including services and personnel (himself and others), to a foreign terrorist organization, to wit: the Islamic State of Iraq and the Levant ("ISIL").

(Title 18, United States Code, Section 2339B(a)(1))

The source of your deponent's information and the grounds for his belief are as follows:[1]

1. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") for approximately 17 years and have been assigned to the New York Joint Terrorism Task Force ("JTTF") for approximately 6 years. As a Special Agent, I have investigated numerous matters during the course of which I have conducted physical surveillance, interviewed witnesses, executed court-authorized search warrants and used other investigative techniques to secure relevant information. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the investigative file, and from reports of other law enforcement officers involved in the investigation.

2. The defendant MIRSAD KANDIC is a 34-year old legal permanent resident of the United States and citizen of Kosovo. Between approximately May 2003 and November 2013, KANDIC resided in the Bronx and Brooklyn, New York. In December 2013, KANDIC travelled to Istanbul, Turkey, and joined ISIL. As set forth in more detail below, KANDIC worked to further ISIL's media operations and recruit foreign fighters. He presently serves as an ISIL facilitator in Turkey.

A. ISIL

3. ISIL is a foreign terrorist organization that, since 2013, has claimed credit for numerous terrorist activities, including seizing Mosul, a city in northern Iraq, and launching rocket attacks on eastern Lebanon in March 2014. These terrorist activities are part of ISIL's

[1] Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

broader goal of forming an Islamic state or "caliphate" in Iraq and Syria. On October 15, 2004, the United States Secretary of State designated al-Qaeda 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-Qaeda in Iraq as an 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 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. Although the group has never called itself "al-Qaeda in Iraq," this name has frequently been used to describe it through its history. In an audio recording publicly released on June 29, 2014, ISIL announced a formal change of its name to the Islamic State ("IS"). To date, ISIL remains a designated FTO.

B. KANDIC's Travel to Join ISIL

4. On or about August 20, 2015, law enforcement agents interviewed a cooperating witness ("CW-1").[2] CW-1 stated, in sum and substance and in part, that: approximately nine or ten years ago, CW-1 and KANDIC met through a third individual; at the

[2] In 2009, CW-1 was arrested and pleaded guilty to obstruction of justice pursuant to a cooperation agreement with the government. Since October 2009, CW-1 has been cooperating with the government. CW-1 has proven reliable in the past and his information has been corroborated.

time, KANDIC was a doorman at a building in the Bronx, New York; during one of their meetings, KANDIC expressed a desire to travel to Pakistan and engage in jihad against U.S. military forces; and KANDIC stated that his fundamental motivation for this desire was martyrdom as well as the opportunity to fight against non-Muslims.

5. CW-1 further stated, in sum and substance and in part, that: several years later, CW-1 met with KANDIC again; at that time, KANDIC had moved to Brooklyn, New York and become a taxi driver; KANDIC discussed the possibility of travelling to Afghanistan to engage in jihad; and KANDIC stated that once he arrived in Europe or Iran, he would take a smuggler's route to a war zone.

6. Law enforcement investigation revealed that, in December 2013, KANDIC travelled to Istanbul, Turkey. Specifically, on November 18, 2013, KANDIC traveled on Compania Panamena de Aviacion, S.A. (CM) Flight No. 263, from Monterrey, Mexico to Panama City, Panama; later the same day, KANDIC traveled on Compania Panamena de Aviacion, S.A. (CM) Flight No. 759 from Panama City, Panama to Sao Paolo, Brazil, arriving the next day November 19, 2013. According to information provided by the Turkish government, on December 25, 2013, KANDIC entered Turkey through Istanbul Sabiha Gokcen International Airport.

7. Records obtained from Western Union revealed that between December 2013 and July 2014, KANDIC received wire transfers; the money was sent from the Bronx, New York to KANDIC in Istanbul, Turkey.

8. Based on my knowledge, training, and experience, Turkey is a common transit point to obtain entry into Syria. Many citizens of Western countries who have travelled

from the United States and Europe to join ISIL in Syria have followed the route of entering Turkey legally and then being smuggled by facilitators across the border into Syria.

C. KANDIC's Furtherance of ISIL Media Operations

9. Based on my knowledge, training, and experience, and consultation with other law enforcement officers and researchers who investigate terrorism crimes relating to Islamic extremism, I know that ISIL members and sympathizers often create multiple related email and social media accounts, over time and in succession, for various reasons including to protect the content of their accounts, circumvent suspension, and evade detection and surveillance. By the same token, they also often relate the accounts in some manner in order to retain followers. For example, I have observed ISIL members continue their Twitter activity across multiple accounts by opening up new accounts with the same or substantially similar usernames and a number added to the end, the same or substantially similar screen names, the same profile photograph or cover photograph, and messages referring to prior accounts. Based on my knowledge, training, and experience, the foregoing observations, and a review of the records in this investigation, including publicly-available information on Twitter and records obtained from Twitter, I have identified a series of related Twitter accounts that I believe KANDIC has used to express his support of ISIL and provide support to ISIL.

10. From approximately April 2014 to the present, KANDIC used multiple Twitter accounts to publicize ISIL activities, disseminate ISIL propaganda, and otherwise further ISIL's media operations. For example, in June 2014, Twitter username "@Dawla_NewsMedia" ("Twitter Account A"), whom I believe to be KANDIC, posted multiple messages, including the following:

a. On June 11, 2014, international media reported that ISIL members had kidnapped 49 Turkish citizens from the Turkish consulate and 31 Turkish truck drivers. Later that day, KANDIC posted the following message: "Turks are not kidnapped.. They are only taken to a safe location and until the investigation procedures are completed.."

b. On June 12, 2014, the Turkish media reported that Twitter Account A was "one of the top social media accounts reporting about the most recent activities of ISIL in Syria and Iraq since April." On that same day, after hundreds of Turks and Kurds reportedly flooded Twitter Account A with messages, KANDIC posted a message expressing that he was "annoyed" by certain Turks and Kurds and that he was "opening a new Account soon."

11. Specifically, the investigation revealed that Twitter Account A was created using the e-mail "isis.news.media@gmail.com." During the course of the investigation I discovered that isisnewsmedia@gmail.com (alternate e-mail isis.news.media@gmail.com) listed brothermirsad@gmail.com as the recovery e-mail. Further investigation revealed that the brothermirsad@gmail.com email address was used for an eBay account operated by KANDIC. Furthermore, it listed the user ID: kandi_mirsa; e-mail address: brothermirsad@gmail.com; and an address and telephone number that belonged to KANDIC when he resided in New York.

12. A review of publicly-available information on Twitter revealed that Twitter Account A used the screen names "Join Islamic State" and "Islamic State Media." Further review of publicly-available information on Twitter revealed that Twitter Account A posted messages reflecting an intent to support ISIL. Twitter Account A was also used to

recruit personnel to ISIL, publicize ISIL activities, disseminate ISIL propaganda, and otherwise further ISIL's media operations.

13. In October 2014, Twitter username "@IS_World_Press" ("Twitter Account B"), whom I believe to be KANDIC, engaged in communications with an unidentified individual ("UI-1") regarding content for ISIL media operations. During the communications, KANDIC told UI-1, "I worked in media department before and I know some brothers in Dawlah."[3] KANDIC further told UI-1, "It will be great to have a brother who can work only on the maps"; "Take his time and make it look really advanced"; "And we would centralize the news of tge conquered places to be send to him." UI-1 agreed to perform such work and create a new account for that purpose. Further investigation revealed that Twitter Account B used the display name, "GREAT IS NATION." A review of the 58 Twitter accounts operated by KANDIC revealed that KANDIC informed others that he intended to use the same user names with sequential numbers to communicate and GREAT IS NATION as a logo. For example, the username "@Greatest_Nation," revealed a direct message conversation between @Greatest_Nation and another Twitter user on March 5, 2015. The Twitter user asked @Greatest_Nation if he would always keep the @ the same and just add numbers in the event he got suspended. @Greatest_Nation responded, "Yes in ShaAllah. GREAT IS NATION is my logo and JOIN IS NATION."

[3] The term "Dawla" (or "Dawlah") is an Arabic word meaning "the state" and, in this context, refers to ISIL.

14. KANDIC subsequently sent UI-1 a series of updates regarding ISIL-claimed territory. For example, on October 5-7, 2014, KANDIC, using Twitter Account B, sent UI-1 the following updates:

- "#Baghdad surburb of Abu Ghraib falls to #IslamicState ; 228 ISF militants killed Across #Iraq http://t.co/MvtG3RuQnr"
- "ISF pulled out of Albu Khanfar area between Nahiyat al-Karmah and Tharthar area, #IS asserted control over the Tharthar canal 28km bridge."
- "#Ramadi reportedly almost empty of #Iraqi Safavid forces! IS\n\nISF withdrawal to Anbar Ops Command HQ outside city"
- "#Syria #IslamicState take control of Mount Mishtenur & some neighborhoods of #Kobane"
- "#Iraq: IS seizes Albu Khanfar area in al-Karma connecting wider Fallujah area w/ Samarra district"
- "Lots of reports floating: Dhuluiyah completely in IS control.confirmed re all sections of town,except Jabour area.need clarification on that"
- "The Islamic state now controls 95% of Al Anbar province that includes part of Furat wilaya, Anbar Wilaya and Faluja wilaya."[4]
- "#Kobane battle NEW MAP on Oct 6, 2014 : #IS entered city from SE on Sunday http://t.co/IMzlKDcLxE"
- "#IS controlled the school and killing a rawafidh [objectors or Shia] near

[4] The term "wilaya" (or "wilayat") is an Arabic word meaning "province" and, in this context, refers to administrative divisions in ISIL's proclaimed caliphate.

#Samarra South of #Tikrit"

- "Bismillah. The #IslamicState's transnational armies also cleared #Ramadi today and battles are raging near Joint Base Balad Airbase"
- "Mandate of Salahuddin - #Tikrit liberated by lions of Allah #IslamicState - #تكريت [Tikrit] http://t.co/x52CvbaXOV"
- "#IslamicState take over new hospital at south western entrance of Kobane http://t.co/81WLN3ihJ8"
- "#Syria Clashes btw #IslamicFront & #IslamicState in northern rural #Aleppo-#IS try to encircle #IF hold city of #Mare http://t.co/XfxTvnirFi"

15. KANDIC, using Twitter Account B, instructed UI-1 to "Take your time it's not a rush" and "Just make it advanced professional way so that kufar [the infidels] know that we're good in what we do." KANDIC also discussed map details such as color and composition, telling UI-1 to "Try to use nice color for IS territory" like "silver to look clean and purified" and make it so that "You can zoom in and the map it's clear with all the names of the villages and towns" and "city's."

16. UI-1 informed KANDIC (at Twitter Account B) that "@IS_maps is the new account for maps." On October 8, 2014, KANDIC asked UI-1, "Did you post it?" UI-1 responded, "Yep posted." A review of publicly-available information on Twitter revealed that, on October 8, 2014, an individual with Twitter username "@IS_maps" posted a map with the message "latest map"; the map depicted territory in Iraq and Syria colored in silver and labeled "Islamic State" and identified various towns and cities in the region by name.

D. KANDIC's Facilitation of Foreign Fighters

17. From approximately May 2014 to the present, KANDIC used multiple Twitter accounts to recruit foreign fighters and facilitate their travel into ISIL-controlled territory.

18. On May 11, 2014, KANDIC, using Twitter Account A, told an unidentified individual ("UI-2"), in sum and substance and in part, that it is possible for an individual to make hijrah[5] so long as he or she undergoes a background check.

19. In August 2014, KANDIC, using Twitter Account A, engaged in communications with an unidentified individual ("UI-3"), who was interested in joining ISIL. During the communications, KANDIC asked UI-3 about his background, including his age, financial status, and whether he had a reference in ISIL. KANDIC advised UI-3 not to fly to Iraq, asked UI-3 whether he could travel to Turkey, and instructed UI-3 to get back in touch after UI-3 had obtained the necessary visa and budget.

20. In August 2014, KANDIC, using Twitter Account A, engaged in communications with an unidentified individual ("UI-4"), who purported to be interested in joining ISIL. During the communications, KANDIC asked UI-4 about his country of origin. KANDIC advised UI-4 not to fly to Saudi Arabia and instructed UI-4 to fly one-way to Europe and then to Istanbul, Turkey. KANDIC explained, "One way to Europe..because you're not sure when you are getting back to US ;)." UI-4 responded, "Or if. I would of course desire to

[5] The term "hijra" (or "hijrah") is an Arabic word meaning "migration" and, in this context, refers to travelling to join ISIL.

come back, but if Allah has other plans for me, I shall accept Jannah [Paradise] with no resistance."[6]

21. In August 2014, KANDIC, using Twitter Account A, engaged in communications with an unidentified individual ("UI-5"), who indicated that he already had a ticket. During the communications, KANDIC provided UI-5 with a contact number and instructed UI-5 to call the number after arriving in Istanbul. KANDIC also directed that all further communications from UI-5 take place on a different, encrypted social media application.

22. In August 2014, KANDIC, using Twitter Account A, engaged in communications with an unidentified individual ("UI-6"). During the communications, KANDIC asked UI-6 about his background, including his country of origin and whether he had a reference "inside." KANDIC advised UI-6 on how to fly to "ist" (Istanbul, Turkey) and instructed UI-6 to get back in touch when he was on his way so that KANDIC could "send a brother" for UI-6.

23. In February 2015, Twitter username "@Here_Akhy" ("Twitter Account C"), whom I believe to be KANDIC, engaged in communications with an unidentified individual ("UI-7"), who asked what he could do for friends going to ISIL. KANDIC responded by instructing UI-7 to contact him via a different, encrypted social media application.

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[6] The term "Jannah" is an Arabic word meaning "heaven" or "paradise" and refers to a place reached after death.

24. On September 20, 2015, Twitter username "@JoinISNation81" ("Twitter Account D"), whom I believe to be KANDIC, posted the following message: "#BREAKING\n\"URGENT\" Please refrain from making any Hijrah plans for Shaam [Syria], As the borders are closed.!!\nHowever other Wilayat are still open." On that same day, KANDIC engaged in communications with an unidentified individual ("UI-8"). During the communications, KANDIC identified himself as "work[ing] directly with Hudud office" and having "do[ne] this 24/7 for 6-7 years." Based on my knowledge, training, and experience, and consultation with an Arabic linguist, the term "Hudud office" means the Border Office.

E. KANDIC's Facilitation of "Jihadi Jake"

25. From approximately August 2014 to March 2015, KANDIC used multiple Twitter accounts to facilitate the travel of an individual who has been identified as Jake Bilardi, also known as "Abu Abdulla al-Australi" and "Jihadi Jake," a citizen of Australia. Based on my knowledge, training, and experience, and a review of the records in this investigation, I have identified multiple Twitter accounts that Bilardi used to communicate with ISIL members.

26. On August 17, 2014, KANDIC, using Twitter Account A, engaged in the following communications with Bilardi, using Twitter username "@Abu_Abdullah_IS":

| | |
|---|---|
| BILARDI: | Asalamualaikum wa rahmatullah [May the peace and mercy of Allah be with you]. Do you want me to tell you when I'll arrive in Turkey? |
| KANDIC: | Wa alaykum sallam wr wb [and upon you be peace, mercy, and blessings] |
| KANDIC: | Yes Akhy [brother] |
| BILARDI: | I'll arrive in Istanbul in on 26 Aug |

| | |
|---|---|
| BILARDI: | Also, should I book a hotel? I'll be getting there in the morning. If so how long should I book it for? |
| KANDIC: | Time? |
| BILARDI: | 6:10am |
| KANDIC: | Ok |
| KANDIC: | No booking |
| KANDIC: | A brother will pick you up |
| BILARDI: | At the airport? |
| KANDIC: | Yes |
| KANDIC: | What's the name of the airport |
| BILARDI: | Ataturk international airport |
| KANDIC: | Ok |
| KANDIC: | Good |
| KANDIC: | You don't need the Hotel |
| BILARDI: | Ok. Jazak Allah khair [God bless you] |
| KANDIC: | He will tell you what and how |
| KANDIC: | Ameen wa iyyaka [And you too] |
| KANDIC: | We will speak again |
| BILARDI: | Inshallah [God willing] :) |
| KANDIC: | Before you get on your way |
| KANDIC: | I will give you the brothers number |
| BILARDI: | Ok |

KANDIC: Don't forget to ask me for the number

BILARDI: Ok, will do.

27. The conversation between KANDIC, using Twitter Account A, and Bilardi continued. On August 21, 2014, they exchanged the following messages:

BILARDI: Also you said you would give me the brothers number but I won't have a working phone to even contact him.

KANDIC: That's correct so don't worry about it

BILARDI: How will we find each other then?

KANDIC: I'll let you know what to do when you arrive there.. so he recognizes you

BILARDI: Ok np [no problem]. Do you want me to message you a few hours before I leave?

KANDIC: Yes

28. The conversation between KANDIC, using Twitter Account A, and Bilardi continued. On August 24, 2014, they exchanged the following messages:

BILARDI: I'm going to be leaving in a few hours

KANDIC: Wa alaykum sallam wa rahmetullah [and upon you be peace and mercy]

KANDIC: In shaAllah [God willing]

KANDIC: May Allah keep you safe

BILARDI: Ameen

KANDIC: So you will be in Ist [Istanbul] on tge 25th or 26th ?

KANDIC: In the morning?

BILARDI: 26th at 6:10am

KANDIC: In shaAllah [God willing]

KANDIC: The brother will be there for you

BILARDI: How will we find each other?

. . .

KANDIC: When you exit from the airport..and you reach where the people are waiting for there loved once walk to the right side..

KANDIC: .. there will be a phones booth..stand or sit next to it

KANDIC: The phone booth will be on the same side almost against the wall

KANDIC: That's it

KANDIC: The brother will say that I sent him

KANDIC: :)

KANDIC: Ok?

BILARDI: Ok

29. A review of airline reservation records revealed that on August 25-26, 2014, Bilardi travelled from Tullamarine Airport in Melbourne, Australia to Istanbul Ataturk Airport in Istanbul, Turkey.

30. On December 24, 2014, Twitter username "@IS_WorldPress" ("Twitter Account E"), whom I believe to be KANDIC, engaged in the following communications with Bilardi, using Twitter username "@AbuAbdullah_Aus":

BILARDI: I've been wanting to speak to you ever since I came but I haven't had any internet until now.

BILARDI: I'm in Ramadi right now, I'm signed up as istishhadi [a

martyr], inshallah [God willing] I'll be going soon so I wanted to speak to you before I go.[7]

KANDIC: Ma shaAllah [God willed it]

KANDIC: Yes Akhy [brother]

KANDIC: Al hamdu lillah [Praise be to God]

KANDIC: May Allah grant you the best of the best of jannatul Firdaws [the highest level of Paradise] in shaAllah [God willing]

BILARDI: There were ten istishhadiyeen [martyrs] in the house I'm at right now and now four have gone and I'm number 6 so inshallah [God willing] it's very close.

BILARDI: Ameen

KANDIC: Al hamdu lillah [Praise be to God]

KANDIC: When did you decide to be istishhadi [a martyr]

KANDIC: :)

BILARDI: After about 1 month in Sham [Syria] I signed up as istishhadi [a martyr] and they sent me to Baiji in Iraq

BILARDI: I actually went on an operation in Baiji, there were eight istishhadiyeen [martyrs], 3 went and I was the fourth but the emir pulled everyone back...

BILARDI: because there were constant airstrikes.

BILARDI: After that, I thought too much and decided to fight instead so I was fighting in Baiji for a while and then I signed up as istishhadi [a martyr] again.

BILARDI: And they sent me to Ramadi walhamdulilah [Praise be to God]

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[7] The term "istishhadi" is an Arabic word meaning "martyr" and, in this context, refers to a suicide bomber.

KANDIC: :)

KANDIC: Ma shaAllah [God willed it]

KANDIC: May Allah give you what is best for you

31. From March 4 to March 6, 2015, Twitter username "@Greatest_Nation" ("Twitter Account F"), whom I believe to be KANDIC, engaged in the following communications with Bilardi, using Twitter username "@Muhajir_Aus":

KANDIC: How are you Akhy [brother]

KANDIC: You're still breathing this worldly air

BILARDI: Alhamdulilah [Praise be to God] I'm good. How are you?

BILARDI: Unfortunately yes, hahaha

BILARDI: I keep getting told its only a few days away and then I'm left waiting another month. From what's been happening here though

BILARDI: I think they've got something big planned for Ramadi and it should be relatively soon.

KANDIC: In shaAllah [God willing]

. . .

BILARDI: Alhamdulilah akhi [Praise be to God brother], just went to look at my target today for my operation, inshallah [God willing] it should only be a couple of days now.

BILARDI: There's about 200 brothers from Sham [Syria] that have been brought to Ramadi, everything's ready to go. Alhamdulilahi Rabbil Alameen [Praise be to God, the Lord of the worlds]

KANDIC: May Allah reward you immensely

. . .

KANDIC: So how do you feel about your mission

BILARDI: Oh Okay

KANDIC: May Allah make there inner organs implode

32. On March 11, 2015, Twitter username "@GreatISNation45," whom I believe to be KANDIC, posted the following messages announcing that Bilardi had carried out a suicide attack in Ramadi, Iraq: "Breaking News: Australian citizen Jake Bilardi aka Abu Abdullah carried the martyrdom operation in #Ramadi, #Iraq http://t.co/KizJDRO3J8"; "RT @_R0eschick_: May Allah give hime highest of ranks in Jannah [Paradise] InSha Allah [God willing]. Martyr abu Abdullah australi. #IS \n http://t.co/x9YGeux65U." Approximately nine months later, on December 1, 2015, Twitter usernames "@JoinISNation92" and "@GreatISNation96," whom I believe to be KANDIC, posted the following message re-publicizing Bilardi's suicide attack: "Australian #IS Lion Istish'hadi (Fidai) [Marytr (Self-Sacrificer)] Jake Bilardi who killed 57 Shia kufar [infidels] and wounded many more In #Ramadi."

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant MIRSAD KANDIC, so that he be dealt with according to law.

Robert J. Elmen

ROBERT J. ELMEN
Special Agent, Federal Bureau of Investigation

Sworn to before me this
22nd day of April, 2016

/s/

THE HONORABLE ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK