

JDD:SK/JAM
F.#2016R01828

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA,

- against -

No. 17-M-199 (SIL)

ELVIS REDZEPAGIC,

Defendant.

- - - - -X

THE GOVERNMENT'S DETENTION MEMORANDUM

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PRELIMINARY STATEMENT

The defendant, Elvis Redzepagic, has been charged in a criminal complaint with a serious felony offense: attempting to provide material support to one or more foreign terrorist organizations — specifically, the Islamic State of Iraq and al-Sham (“ISIS”) and the al-Nusrah Front. The charged offense arises from the defendant’s attempts to travel to the Middle East in 2015 and 2016 in an effort to enter Syria and wage violent jihad. The charged offense carries a statutory maximum sentence of 20 years’ imprisonment. See 18 U.S.C. § 2339B(a)(1). Law enforcement agents arrested the defendant on Friday, March 3, 2017, and presented him for his initial appearance on Saturday, March 4, 2017, at which time United States Magistrate Judge Robert M. Levy entered a temporary order of detention. The government respectfully requests that the Court now enter a permanent order of detention.

STATEMENT OF FACTS

The defendant is a 26-year-old U.S. citizen who traveled to the Middle East with the intention of entering Syria and joining a terrorist organization, specifically ISIS or the al-Nusrah Front.

ISIS is a violent terrorist organization. Since 2013, it 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 ISIS's broader goal of forming an Islamic state or "caliphate" in Iraq and Syria. ISIS is a designated Foreign Terrorist Organization. On May 14, 2015, ISIS released an audio recording, purportedly containing a message from ISIS leader Abu Bakr al-Baghdadi, in which he urged Muslims to take up arms on behalf of ISIS by either traveling to the Middle East to fight for ISIS or launching attacks wherever they were. Specifically, al-Baghdadi was quoted in open source news articles as stating, "There is no excuse for any Muslim not to migrate to the Islamic State...Joining is a duty on every Muslim. We are calling on you either join or carry weapons [to fight] wherever you are."

Al-Nusrah Front, also known as Jabhat al-Nusrah, is a Syrian-based foreign terrorist organization that, since November 2011, has claimed credit for numerous terrorist activities, including several suicide bombing attacks in Syria, and publicly stated on the internet, "We are Syrian mujahideen, back from various jihad fronts to restore God's rule on Earth and avenge the Syrians' violated honor and spilled blood." Al-Nusrah Front seeks the establishment of an Islamic state in Syria and has labeled the United States and Israel as "enemies of Islam." In the past, Al-Nusrah Front has operated as an official branch of the global terrorist group al-Qaeda.

The defendant has repeatedly demonstrated an intent to follow the violent creeds of ISIS and al-Nusrah Front. In numerous social media postings and messages, the defendant expressed animus towards the United States, his affinity for violent jihad, and his intent to join a terrorist organization. In social media messages from October 2015, the defendant stated, “Listen once the Qur’an is no more and your time is up itll be to late . . . there come a time where people will only know to say Allahu Akbar . . . Jihad is the best for u sister . . . u have to believe in the eternal those that die for the sake of Allah get to be green birds under Allahs Arsh throne.”¹

In July 2015, the defendant attempted to realize these objectives. As further detailed in the complaint,² after attending a pro-ISIS mosque in Montenegro, the defendant traveled to Turkey — a common point of entry into Syria for those joining ISIS or al-Nusrah Front — and made numerous attempts to cross the border. The defendant stated, in sum and substance, that he was attempting to join his cousin, who the defendant knew to be a battalion commander with a violent jihadi organization in Syria.³ After losing contact with his cousin, and unable to cross into Syria through other means, the defendant returned to the United States. The defendant’s movements are corroborated through airline, bank, and other records, and his intentions to join a terrorist organization are clear from his statements to law enforcement and his social media messages. For example, in social media messages from

¹ The defendant’s social media postings are quoted verbatim, including typographical errors.

² The complaint is attached hereto as Exhibit A and incorporated by reference herein.

³ In social media postings and statements to law enforcement, the defendant admitted to purchasing a firearm in Montenegro in 2015, though he claimed that he did not bring it to Turkey.

October 2015, the defendant explicitly stated that he recently returned from Turkey “trying to perform Jihad and join Jabhat Al Nusra.” The defendant further explained that “jihad” is when “you fight for the sake of God,” and that one should “Support the martors that are shedding blood for the sake of Allah.”

The defendant made another attempt to enter Syria from Jordan in August 2016. While in Jordan, the defendant was approached by Jordanian officials, who queried him as to why he was attempting to travel to Syria, and ultimately deported him back to the United States. While the defendant claimed the purpose of his trip was to enroll in an Arabic language school, he conceded to law enforcement officials that he still sought to enter Syria. Predictably, upon being deported from Jordan, U.S. Customs and Border Protection officials searched an electronic device in the defendant’s possession and found files including “Commanders of the Muslim Army” and “Jihad in the Quran & Sunnah.”

During the course of the investigation, law enforcement officials located and recovered other evidence of the defendant’s violent ideology, including nasheeds, or Islamist hymns, and social media postings praising known terrorists and celebrating terrorist acts.

Over the past month, the defendant has engaged in a series of actions, which highlight the danger he presents to the community, in general, and himself, his family, and law enforcement authorities, in particular. During that time, two 911 calls were placed by the defendant’s family to remove him from the home due to his violent behavior. As stated in the complaint, after being arrested by the Suffolk County Police Department in February, the defendant told officers that he was “going to leave this country and [he was] going to come back with an Army — Islam is coming.” Just last week, the defendant was removed from his home after attempting to cut his tattoos off with a knife and threatening to behead

his mother. Finally, upon his federal arrest for the instant offense, on March 3, 2017, the defendant told one of the arresting officers, “I really feel like stabbing you right now.”

In the past, the defendant has failed to appear when required for even a misdemeanor offense in state court, causing a bench warrant to be issued. In this case, after his federal arrest on March 3, 2017, the defendant told law enforcement agents, in sum and substance, that he would do anything not to go to jail.

ARGUMENT

I. Federal Law Applies a Presumption of Detention

Federal law requires that a defendant be detained pending trial if the Court determines that “no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(e)(1). A finding of dangerousness must be supported by clear and convincing evidence, and a finding of flight risk must be supported by a preponderance of the evidence. See United States v. Ferranti, 66 F.3d 540, 542 (2d Cir. 1995); United States v. Jackson, 823 F.2d 4, 5 (2d Cir. 1987). Courts consider several factors in making the determination of whether detention is appropriate: (i) the nature and circumstances of the offense charged, including — specifically — whether the offense is a federal crime of terrorism; (ii) the weight of the evidence against the defendant; (iii) the history and characteristics of the defendant, including family ties, employment, community ties, and past conduct; and (iv) the nature and seriousness of the danger to the community or to an individual. See 18 U.S.C. § 3142(g). In making this determination, the Court is entitled to rely on evidence presented by proffer. See United States v. Abuhamra, 389 F.3d 309, 320 n.7 (2d Cir. 2004); United States v. LaFontaine, 210 F.3d 125, 130-31 (2d Cir. 2000).

The law applies a rebuttable presumption that in cases involving certain specified offenses that Congress has deemed especially serious, there is no set of conditions that will reasonably assure the appearance of the defendant at trial or the safety of the community. 18 U.S.C. § 3142(e)(3). The crime charged in this case falls within that classification. In sum, where the defendant has been charged with attempting to provide material support to a foreign terrorist organization, in violation of Title 18, United States Code, Section 2339B, there is a presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant and the safety of the community. See 18 U.S.C. § 3142(e)(3)(C) (18 U.S.C. § 2339B is a crime listed in 18 U.S.C. § 2332b(g)(5)(B)).

In light of the presumption, the defendant bears the burden of production to rebut the presumption by coming forward with evidence that he does not pose a danger to the community or a risk of flight. See United States v. Mercedes, 254 F.3d 433, 436 (2d Cir. 2001). However, even if the defendant were to meet this burden, the presumption favoring detention “does not disappear entirely, but remains a factor to be considered among those weighed” by the Court. Id. The presumption remains a factor because it “reflects Congress’s substantive judgment that particular classes of offenders should ordinarily be detained prior to trial” and “represents Congressional findings that certain offenders . . . are likely to continue to engage in criminal conduct undeterred either by the pendency of charges against them or by the imposition of monetary bond or other release conditions.” United States v. Stone, 608 F3d 939, 945-946 (6th Cir. 2010) (internal quotation marks and citation omitted) (ellipsis in original).

II. The Defendant is a Danger to the Community

As set forth above, there is a presumption of detention. However, even if there were not a presumption, the nature and circumstances of the offense charged, a federal terrorism offense, the strength of the evidence against the defendant, the history and characteristics of the defendant, and the nature and seriousness of the threat presented by the defendant, see 18 U.S.C. § 3142(g), all support his detention as both a danger to the community and a risk of flight.

It is self-evident that the defendant poses a danger to the community given that his conduct demonstrates an allegiance to terrorist organizations, ISIS and al-Nusrah Front, and a continued intent to carry out their violent goals. Indeed, the evidence uncovered demonstrates that the defendant has embraced an extremely violent ideology that advocates the committing of violent jihad in the United States and abroad. See United States v. Farah, No. 15-MJ-312(2), 2015 WL 2353075, at *4 (D. Minn. May 15, 2015) (18 U.S.C. § 2339B case) (finding that a defendant poses a risk of harm to the community where he is “charged with attempting to join the most violent terrorist organization, ISIS”); United States v. Salkicevic, No. 15-CR-0060, 2015 WL 525556, at *2 (N.D. Ill. Feb. 10, 2015) (18 U.S.C. § 2339A case) (finding that, where a defendant is charged with conspiring to provide material support and resources to ISIS, the charged offense “could scarcely be more serious”). Specifically, on multiple occasions, separated by over a year, the defendant attempted to enter Syria and join ISIS or al-Nusrah Front — making numerous attempts to cross the border from Turkey in 2015, and then from Jordan in 2016. The government’s evidence of this conduct is solid and includes, without limitation: (i) the defendant’s own admissions; (ii) airline and bank records documenting the defendant’s travel to the Middle

East; (iii) audio files, maps, and other materials recovered from the defendant's laptop and cellular telephone further reflecting the defendant's travel and intentions; and (iv) photographs and social media messages from the defendant's Facebook and Instagram accounts including messages expressly confirming the defendant's intent to travel to Syria and support of violent jihad. Were he successful in fighting as part of ISIS or al-Nusrah Front in the Middle East, the defendant would pose a risk of harm to civilians abroad. See Salkicevic, 2015 WL 525556, at *2 (consideration of safety of the community "can, of course, include foreign communities"); see also Farah, 2015 WL 2353075, at *4 (finding dangerousness because there would be harm to the wider community of civilians in the Middle East if the defendant were successful). Were he to follow ISIS's directive of committing attacks in the United States, the risk of harm would be even more immediate.

Furthermore, the defendant has exhibited a propensity for violence here at home. In January 2012, the defendant was arrested for robbery in the second degree when he punched an individual and stole his cellular telephone; the charge was ultimately resolved with a plea of guilty to petit larceny. More recently, as detailed above, the defendant has exhibited violent behavior at home, resulting in two 911 calls from his family, has threatened to behead his mother, and has threatened to stab a law enforcement officer. Taken together, this evidence overwhelmingly supports a finding that the defendant is a danger to the community.

III. The Defendant is a Flight Risk

The defendant is also a flight risk as evinced by his repeated attempts to travel abroad to join ISIS and al-Nusrah Front. See Farah, 2015 WL 2353075, at *4 (finding that a

defendant poses a risk of flight where part of the offense conduct involves attempting to travel overseas to join a terrorist organization).

The defendant is a frequent traveler. Based on travel records and the defendant's statements to law enforcement officers, the defendant has taken multiple international trips over the past ten years, including frequent trips to Montenegro, two trips to Saudi Arabia, and the aforementioned trips to Turkey and Jordan. Moreover, as recently as February 2, 2017, the defendant told police officers that he sought to travel once again, stating, "I'm going to leave this country and I'm going to come back with an Army."

The defendant also has foreign ties that would facilitate flight. He has extensive familial ties in Montenegro, which the defendant referred to as "my country" during interviews with law enforcement, and where the defendant indicated he had a family home. Although the defendant's immediate family lives in New York, the defendant's repeated prior attempts to travel abroad, notwithstanding his U.S. citizenship and the presence of immediate family in New York, demonstrate that his ties to New York do not mitigate the flight risk. See Mercedes, 254 F.3d at 437 (finding that U.S. citizenship and offer by immediate family members to serve as suretors did not overcome presumption of flight risk where defendant's past conduct evidenced flight risk).

In addition, the defendant now faces a significant prison term, as the charged offense carries a statutory maximum sentence of 20 years' imprisonment. See 18 U.S.C. § 2339B(a)(1). This fact provides the defendant with further motive to flee. See Salkicevic, 2015 WL 525556, at *3 (finding that the defendant posed a risk of flight despite U.S. citizenship and living with immediate family because possibility of significant prison term provides "every motive to flee and far less to stay"); United States v. Kandasamy, No. 06-

CR-616, 2008 WL 2660610, at *4 (E.D.N.Y. July 3, 2008) (Dearie, J.) (18 U.S.C. § 2339B case) (finding that the defendant posed a risk of flight despite U.S. citizenship and living with family because possibility of significant prison term, weight of the evidence, and strength of membership in the terrorist organization).

CONCLUSION

For the foregoing reasons, the government respectfully requests that the Court enter a permanent order of detention.

Dated: Central Islip, New York
March 6, 2017

Respectfully submitted,

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EXHIBIT A

SDD/AAS:SK/JAM
F.#2016R01828

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

ELVIS REDZEPAGIC,

Defendant.

- - - - -X

TO BE FILED UNDER SEAL

**COMPLAINT AND
AFFIDAVIT IN
SUPPORT OF
APPLICATION FOR
ARREST WARRANT**

(18 U.S.C. §§ 2339B(a)(1) and
2339B(d))

EASTERN DISTRICT OF NEW YORK, SS:

MJ - 17 0199

MIKE ZELLER, being duly sworn, deposes and states that he is an Investigator with the United States Attorney's Office for the Eastern District of New York, duly appointed according to law and acting as such.

In or about and between July 2015 and October 2016, both dates being approximate and inclusive, within the Eastern District of New York and the extraterritorial jurisdiction of the United States, the defendant ELVIS REDZEPAGIC, together with others, did knowingly and intentionally attempt to provide material support and resources, as defined in Title 18, United States Code, Section 2339A(b), including personnel, including himself, to one or more foreign terrorist organizations, to wit: the Islamic State of Iraq and al-Sham (hereinafter "ISIS") and al-Nusrah Front, which at all relevant times have been designated by the Secretary of State as foreign terrorist organizations, knowing that the organizations were designated terrorist organizations and the organizations had engaged in and were engaging in terrorist activity and terrorism, and the defendant was a national of the United States (as

defined in section 101(a)(22) of the Immigration and Nationality Act), and after the conduct required for this offense occurred, the defendant was found in the United States, the offense occurred in whole and in part within the United States, and the offense occurred in and affected interstate and foreign commerce.

(Title 18, United States Code, Sections 2339B(a)(1) and 2339B(d))

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

1. I am an Investigator with the United States Attorney's Office for the Eastern District of New York and have been since 2005. I have been assigned to the New York Joint Terrorism Task Force ("JTTF"). As an Investigator, 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.

2. 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. Where the content of documents or statements are recounted herein, they are done so in pertinent part and in sum and substance, unless otherwise indicated.

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.

A. ISIS

3. ISIS is a foreign terrorist organization that, since 2013, has claimed credit for numerous terrorist activities, including seizing Mosul, a city in northern Iraq, launching rocket attacks on eastern Lebanon in March 2014, the November 2015 terrorist attacks in Paris, France, and the March 2016 suicide bombings in Brussels, Belgium, among many others. These terrorist activities are part of ISIS's broader goal of forming an Islamic state or "caliphate"² in Iraq and Syria. On October 15, 2004, the United States Secretary of State designated al-Qaeda in Iraq, 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"). The Secretary also added the following aliases to the ISIS listing: the Islamic State of Iraq and al-Sham ("ISIS"), the Islamic State of Iraq and Syria, 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 ISIS listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

² "Caliphate" is a term that can be used to refer to ISIS's self-proclaimed system of religious governance, with Abu Bakr al-Baghdadi as the caliphate's self-proclaimed leader.

B. Al-Nusrah Front

4. Al-Nusrah Front, also known as Jabhat al-Nusrah, is a Syrian-based foreign terrorist organization that, since November 2011, has claimed credit for numerous terrorist activities, including several suicide bombing attacks in Syria, and publicly stated on the internet, “We are Syrian mujahideen, back from various jihad fronts to restore God’s rule on Earth and avenge the Syrians’ violated honor and spilled blood.” Al-Nusrah Front seeks the establishment of an Islamic state in Syria and has labeled the United States and Israel as “enemies of Islam.” Since 2012, Al-Nusrah Front operated as an official branch of the global terrorist group al-Qaeda. In July 2016, al-Nusrah Front declared itself completely independent from al-Qaeda and announced that its new name would be Jabhat Fateh al-Sham. On December 11, 2012, the United States Secretary of State designated al-Nusrah Front as an FTO under Section 219 of the Immigration and Nationality Act as an alias for al-Qaeda in Iraq. On May 7, 2014, the Secretary of State designated the al-Nusrah Front as an FTO independent of its prior association with al-Qaeda in Iraq. To date, al-Nusrah Front remains a designated FTO.

C. REDZEPAGIC’s Travel to Attempt to Join an FTO

5. The defendant ELVIS REDZEPAGIC is a 26-year-old citizen of the United States who currently resides in Commack, New York. Based on REDZEPAGIC’s statements to law enforcement officers, social media messages, and other independent evidence, REDZEPAGIC traveled to the Middle East to attempt to join ISIS or al-Nusrah Front.

6. On or about February 2, 2017, Suffolk County police officers arrested REDZEPAGIC for a violation in Suffolk County, New York. Subsequent to

REDZEPAGIC's arrest, agents from JTTF were notified. That same day, REDZEPAGIC was advised of his Miranda rights by JTTF agents and waived them, after which REDZEPAGIC participated in an interview with law enforcement agents. The next day, REDZEPAGIC was released into the custody of law enforcement agents for presentment on a state warrant for a misdemeanor offense in Brooklyn, New York. Upon the warrant being vacated, REDZEPAGIC was released on his own recognizance. REDZEPAGIC voluntarily agreed to continue speaking with law enforcement agents. REDZEPAGIC was again advised of his Miranda rights by JTTF agents and waived them, after which REDZEPAGIC participated in another interview with law enforcement agents.

7. During the Mirandized interviews with JTTF investigators on February 2 and February 3, 2017 (the "JTTF interviews"), REDZEPAGIC stated, in sum and substance and in part, that: REDZEPAGIC became a devout Muslim while in Montenegro. He believed his cousin ("Foreign Fighter 1") was a member of ISIS or the al-Nusrah Front and the commander of a battalion in Syria. REDZEPAGIC had previously seen graphic photographs of dead U.S. military personnel and caskets covered with American flags posted to Foreign Fighter 1's Facebook page and knew Foreign Fighter 1 to be a follower of Abu Bakr Al-Baghdadi.

8. On January 6, 2015, international media reported that Foreign Fighter 1, who has been identified by law enforcement, was fighting in Syria, posted pictures from the battlefield on his Facebook page, and posted comments on Facebook promoting jihad. One of the January 6, 2015 articles featured a photograph depicting three ISIS fighters. During the JTTF interviews, REDZEPAGIC identified one of the fighters in the photograph to be

Foreign Fighter 1. In the photograph, Foreign Fighter 1 is wearing camouflage clothing and carrying an assault rifle.

9. REDZEPAGIC further stated, in sum and substance and in part, that: In or about 2015, REDZEPAGIC wanted to join Foreign Fighter 1 in Syria and began communicating with Foreign Fighter 1, who instructed REDZEPAGIC to travel to Turkey. Foreign Fighter 1 further instructed REDZEPAGIC to contact him when he arrived in Istanbul so that Foreign Fighter 1 could send someone to facilitate REDZEPAGIC's entrance into Syria. REDZEPAGIC then booked a flight from Montenegro to Amsterdam with a layover in Istanbul. REDZEPAGIC remained in Istanbul for approximately seven days and traveled towards the Syrian border, ultimately arriving in the city of Adana in southern Turkey. There, REDZEPAGIC made several unsuccessful attempts to obtain help and cross the border into Syria. Specifically, REDZEPAGIC stayed at a mosque and received several free cab rides to the border with Syria, after which he was directed to a border wall manned by military personnel. REDZEPAGIC was instructed not to cross at that location, and instead was told to make a two-day trip through a wooded area into Syria. Unable to communicate with Foreign Fighter 1, frustrated by the lack of assistance he was receiving, and unable to enter Syria, REDZEPAGIC left Turkey and returned to the United States.

10. A review of airline reservation records, bank records, business records, and records from U.S. Customs and Border Protection ("CBP") corroborate REDZEPAGIC's admissions. Specifically, travel records reveal that on July 3, 2015, REDZEPAGIC was booked on a flight from Podgorica, Montenegro to Amsterdam, the Netherlands, with a layover in Istanbul. Then, on July 4, 2015, REDZEPAGIC was booked on another flight from Podgorica, Montenegro, this time to John F. Kennedy International Airport in Queens,

New York ("JFK"), again with a layover in Istanbul, Turkey. On July 7, 2015, REDZEPAGIC was booked on a flight from Istanbul, Turkey to JFK, which he did not board. Finally, on July 10, 2015, REDZEPAGIC traveled from Frankfurt, Germany to JFK on Lufthansa Airlines Flight No. 404. 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 traveled from the United States and Europe to join ISIS or al-Nusrah Front in Syria have followed the route of entering Turkey legally and then being smuggled by facilitators across the border into Syria.

11. During the JTTF interviews, REDZEPAGIC stated that he was attempting to enter Syria to engage in jihad, which REDZEPAGIC stated could take many forms beyond simply active warfare or violence. REDZEPAGIC further stated that, at the time he attempted to enter Syria from Turkey, he was prepared to strap a bomb on and sacrifice himself for jihad. REDZEPAGIC stated that fighting in Syria was different than committing a terrorist attack in the United States and that he did not want to harm "innocent" people. REDZEPAGIC was unable, however, to answer when asked who would qualify as an innocent person. Later during the JTTF interviews, REDZEPAGIC claimed that he wanted to travel to Syria in order to "feed the children," though also stating that if he admitted to JTTF investigators that his true intentions were to join ISIS, he expected that he would go to jail.

12. During the JTTF interviews, REDZEPAGIC expressed admiration for Anwar al-Awlaki. Anwar Al-Awlaki was an Islamic lecturer and a leader of Al-Qaeda in the Arabian Peninsula ("AQAP"), a Yemen-based designated FTO that has claimed responsibility for terrorist acts against targets in the United States, Saudi Arabia, Korea and Yemen since its

inception in January 2009. Pursuant to a Presidential Executive Order, Al-Awlaki was designated by the United States as a “Specially Designated Global Terrorist” on July 12, 2010. Al-Awlaki was reportedly killed in Yemen in September 2011.

13. During the JTTF interviews, REDZEPAGIC stated that he was still in possession of the laptop computer that he used while on the trip to Turkey described above (supra ¶ 9). REDZEPAGIC voluntarily provided written consent for law enforcement agents to search the laptop and REDZEPAGIC’s cellular telephone. On or about February 3, 2017, REDZEPAGIC went to his residence, retrieved the laptop and cellular telephone, and provided them to investigators. In an abundance of caution, agents also obtained a warrant to search the laptop and cellular telephone. While executing the search, agents determined that the laptop contained, among other files, numerous maps of Syria and Turkey. The cellular telephone contained a file entitled “nasheed for jihad.” Based on my knowledge, training, and experience, and consultation with other law enforcement officers who investigate terrorism crimes relating to Islamic extremism, I know that a nasheed is an inspirational Islamist hymn; nasheeds are frequently featured in ISIS and al-Nusrah Front propaganda and recruitment videos.

14. During the JTTF interviews, REDZEPAGIC indicated that he was the user of a Facebook account (“Facebook Account 1”). REDZEPAGIC voluntarily provided written consent for law enforcement agents to access Facebook Account 1. In an abundance of caution, agents also obtained a warrant to search Facebook Account 1. Records obtained from Facebook revealed that Facebook Account 1 was registered under the name “Elvis Redzepagic,” with REDZEPAGIC’s date of birth and photographs of REDZEPAGIC included as profile photographs. Records obtained from Facebook also revealed that

REDZEPAGIC sent the following communications using Facebook Account 1 in October 2015:³

a. On or about October 13, 2015, REDZEPAGIC sent a message using Facebook Account 1 to another individual, stating: “I read alot about jihad”; “And shariah law”; “Its self explanatory you fight for the sake of God.”

b. On or about October 13, 2015, REDZEPAGIC sent a message using Facebook Account 1 to another individual, stating: “since i got back from turkey from trying to perform Jihad and join Jabhat Al Nusra the cia has been bothering me”; “Its annoying but i out smarted them.”

c. On or about October 14, 2015, REDZEPAGIC sent a message using Facebook Account 1 to another individual, stating: “Support the martors that are shedding blood for the sake of Allah every drop gets there sins forgivin. Also there musk smells of blood if you read some things i can show you that tells about the Mujahideen in El Sham and how there taking over theres many hadiths all authentic that tell yoi whats happened and whats happening and whats going to happen.” Based on my knowledge, training, experience, and consultation with an Arabic linguist, “Mujahideen” is a reference to individuals engaged in violent jihad (fighting in the name of Islam) and “El Sham” is a reference to Syria.

d. On or about October 14, 2015, REDZEPAGIC sent a message using Facebook Account 1 to another individual, stating: “i just dont like this country”; “Listen once the Qur'an is no more and your time is up itll be to late this life is alony worldy

³ All communications from REDZEPAGIC that are detailed in this paragraph are quoted verbatim, including typographical errors.

adornments the Hereafter is better”; “there come a time where people will only know to say Allahu Akbar”; “Jihad is the best for u sister trust me u have to believe in the eternal those that die for the sake of Allah get to be green birds under Allahs Arsh throne.” Based on the context of the conversation, I understand “this country” to refer to the United States. Based on my consultation with an Arabic linguist, “Allahu Akbar” is Arabic for “God is great” and “Arsh” is Arabic for “throne.”

e. On or about October 17, 2015, REDZEPAGIC sent a Facebook message using Facebook Account 1 to another individual, stating: “I’m trying to go over there”; “Or Syria InnShaaAllah.”

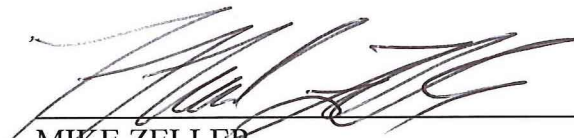
15. During the JTTF interviews, REDZEPAGIC further stated, in sum and substance and in part, that: In August of 2016, REDZEPAGIC traveled to Amman, Jordan with the idea of crossing the border into Syria. While in Jordan, REDZEPAGIC was approached by Jordanian officials, who queried him as to why he was attempting to travel to Syria. REDZEPAGIC reported that he responded that he wished to matriculate into an Arabic language program. REDZEPAGIC was stopped by Jordanian officials, returned to the United States, and was debriefed by CBP officials upon his return to the United States.

16. A review of airline reservation records and CBP records revealed that REDZEPAGIC traveled from JFK to Amman, Jordan on August 6, 2016, on Royal Jordanian Airlines Flight No. 262, and returned from Amman to JFK on August 13, 2016, on Royal Jordanian Airlines Flight No. 261. Upon his arrival at JFK from Amman, CBP officers interviewed REDZEPAGIC. During the CBP interview, REDZEPAGIC stated in sum and substance and in part, that he had traveled to Jordan alone, with no family, friends, or ties to Jordan, and the purpose of this travel was to learn Arabic. CBP officers also conducted a

border examination of an electronic device in REDZEPAGIC'S possession and discovered several downloaded files including, "Commanders of the Muslim Army," "The Jinn and Human Sickness," "Jihad in the Quran & Sunnah," and "The Religious and Moral Doctrine of Jihad." REDZEPAGIC told CBP officers that he had downloaded the foregoing files approximately two years earlier.

17. After his February 2, 2017, arrest by police officers in Suffolk County, New York, REDZEPAGIC told the officers, "I'm going to leave this country and I'm going to come back with an Army — Islam is coming."

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant ELVIS REDZEPAGIC, so that he be dealt with according to law. I further request that this affidavit and the arrest warrant be filed under seal as disclosure of this application would give the target of the investigation an opportunity to destroy evidence, harm or threaten victims or other witnesses, change patterns of behavior, notify confederates, and flee from or evade prosecution.


MIKE ZELLER
Investigator
United States Attorney's Office, EDNY

Sworn to before me this
3rd day of March, 2017


THE HONORABLE STEVEN I. LOCKE
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK