

19 MAG 11 095

Approved: Gillian Grossman
GILLIAN GROSSMAN / SIDHARDHA KAMARAJU
Assistant United States Attorneys

Before: THE HONORABLE ROBERT W. LEHBURGER
United States Magistrate Judge
Southern District of New York

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	:	
UNITED STATES OF AMERICA	:	<u>SEALED</u>
	:	<u>COMPLAINT</u>
	:	
- v. -	:	Violations of
	:	18 U.S.C. §§ 2,
ZACHARY CLARK,	:	842(p), and 2339B
a/k/a "Umar Kabir,"	:	
a/k/a "Umar Shishani,"	:	COUNTY OF OFFENSE:
a/k/a "Abu Talha,"	:	NEW YORK
	:	
Defendant.	:	
-----X	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

COURTNEY BONGIOLATTI, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

(Attempted Provision of Material Support to a Designated Foreign Terrorist Organization)

1. From at least in or about April 2019, up to and including in about November 2019, in the Southern District of New York and elsewhere, ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, knowingly and intentionally attempted to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), to a foreign terrorist organization, to wit, the Islamic State of Iraq and al-Sham ("ISIS"), which at all relevant times has been designated by the Secretary of State as a foreign terrorist organization, pursuant to Section 219 of the Immigration and Nationality Act ("INA"), and is currently designated as such as of the date of the filing of this Complaint, including, among other things, training, services, and personnel,

knowing that ISIS was a designated foreign terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that ISIS engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the INA), and that ISIS engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

(Title 18, United States Code, Sections 2339B and 2.)

COUNT TWO

(Distribution of Information Relating to Explosives, Destructive Devices, and Weapons of Mass Destruction)

2. In or about 2019, in the Southern District of New York and elsewhere, ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, knowingly taught and demonstrated the making or use of an explosive, a destructive device, and a weapon of mass destruction, and distributed by any means information pertaining to, in whole or in part, the manufacture and use of an explosive, destructive device, and weapon of mass destruction, with the intent that the teaching, demonstration, and information be used for, and in furtherance of, activities that constitute Federal crimes of violence, to wit, CLARK distributed bomb-making instructions over the internet with the intent that the information be used for, and in furtherance of, the use of a weapon of mass destruction, in violation of Title 18, United States Code, Section 2332a; and bombing a place of public use, in violation of Title 18, United States Code, Sections 2332f.

(Title 18, United States Code, Sections 842(p) and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

3. I am a Special Agent with the FBI, currently assigned to the New York Joint Terrorism Task Force (the "JTTF"). I have been personally involved in the investigation of this matter, and I base this affidavit on that personal experience, as well as on my conversations with other law enforcement agents, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of

others are reported herein, they are reported in substance and in part, except where otherwise indicated.

The Islamic State of Iraq and al-Sham

4. On or about October 15, 2004, the United States Secretary of State designated al Qaeda in Iraq ("AQI"), then known as Jam 'at al Tawid wa' al-Jahid, 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. On or about May 15, 2014, the Secretary of State amended the designation of AQI as an 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 of State also added the following aliases to the FTO listing: The Islamic State of Iraq and al-Sham ("ISIS"—which is how the FTO will be referenced herein), The Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furquan Establishment for Media Production. On September 21, 2015, the Secretary added the following aliases to the FTO listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

5. Based on my participation in this investigation and my review of open-source reporting, I know, among other things, that on or about September 21, 2014, then-ISIS spokesperson Abu Muhammad al-Adnani ("Adnani") issued a recorded statement calling for attacks against citizens—civilian or military—of the countries participating in the United States-led coalition against ISIS. Adnani specifically called for suicide bombings, shootings, and vehicle attacks.

6. ISIS members and associates make and have made public statements and issued public declarations, which, among other things, (a) proclaimed and acknowledged that acts of violence had been committed by ISIS; (b) threatened future acts of violence if ISIS's demands were not met; and (c) were intended to promote and foster the prestige and standing of ISIS. ISIS has claimed responsibility for the following terrorist attacks, among others: (i) on or about November 13 and 14, 2015, a group of attackers carried out attacks in Paris, France, which killed approximately 130 people; (ii) on or about March 22, 2016, a group of attackers carried out bombings in Brussels, Belgium, which killed at least 32 people; and (iii) on or about July 14, 2016, an attacker used

a truck to run over civilians in Nice, France, killing more than 80 people and injuring more than 300.

7. To gain supporters, ISIS, like many other terrorist organizations, spreads its message using social media, Internet platforms, and email. Using these platforms, ISIS has disseminated a wide variety of recruiting materials and propaganda through social media, which includes photographs and videos depicting ISIS activities, including beheadings and other atrocities, as well as audio and video lectures by members of ISIS and members of other Islamic extremist organizations.

8. Among other internet and social media platforms, ISIS has popularized the use of end-to-end encrypted communication services and applications ("Encrypted Applications") as a means of recruiting, communicating with, and disseminating terrorist training materials and propaganda to its members and supporters. ISIS members and supporters use Encrypted Applications to communicate and to disseminate information in part due to the perception that such applications offer users anonymity and are difficult for law enforcement to infiltrate, monitor, surveil, or otherwise search.

Overview

9. ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, is a 40-year-old resident of New York City. Beginning in at least approximately March 2019, CLARK, operating at times in and around the Bronx, New York, used mobile applications, including but not limited to Encrypted Applications, to disseminate propaganda and other information supporting acts of terrorism by ISIS and calling upon others to engage in acts of violence, such as suicide bombings, in the United States and elsewhere. In or about July 2019, CLARK formally pledged *bayat*, or allegiance, to ISIS in a video subsequently recovered by the FBI. Following CLARK's pledge to support ISIS, between in or about July and November 2019, CLARK regularly used Encrypted Applications and other means to communicate with other members, associates, and supporters of ISIS and to distribute detailed bomb-making instructions and attack training manuals promoting violent attacks in the United States. In or about October 2019, following the death of ISIS leader Abu Bakr al-Baghdadi, CLARK again pledged *bayat* to ISIS's announced new leader, Abu Ibrahim al-Sashemi al-Qurayshi, in an electronic message subsequently recovered by the FBI.

10. Between in or about July and November 2019, ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, primarily created and distributed ISIS propaganda and attack-planning materials over a particular Encrypted Application ("Application-1") that allows users to send and receive messages in exchanges referred to as "chats," which are private amongst their participants. Application-1 also allows users to create "channels." Subscribers to a particular channel can communicate with and disseminate information to other members of that user community. The creator, or "owner," of a channel has the ability to designate one or more "administrators" to help manage the channel. The administrator has the ability to, among other things, add subscribers, remove subscribers, and change the name of the channel.

11. As set forth in greater detail below, ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, ran numerous ISIS-related channels on Application-1 targeting ISIS members, associates, supporters, and potential recruits. CLARK flooded those channels with instructional manuals detailing the methodology for carrying out various types of violent attacks, including, among others, bombings, shootings, knife attacks, and vehicle attacks. Many of the manuals described methodologies used in actual attacks committed by ISIS supporters and other terrorists. The ISIS-related channels CLARK ran included a particular channel ("Channel-1") that had a large international following and was among the most popular and prolific distributors of ISIS propaganda, attack training manuals, and other ISIS recruitment content on Application-1.

12. In addition to attack training materials, CLARK regularly distributed propaganda promoting ISIS's violent ideology and encouraging ISIS supporters to commit a terrorist attack in the United States. Much of the material disseminated by CLARK called for and promoted "lone wolf" attacks—that is, acts of terrorism carried out by radicalized individuals who prepare and commit violent attacks on behalf of foreign terrorist organizations without first traveling abroad to meet with and receive training from other members of the terrorist organization. CLARK relied on Application-1's end-to-end encryption and software to mask his IP address¹ as terrorist tradecraft for purposes of operational security, which allowed CLARK to post, and subscribers

¹ Based on my training and experience, I know that an IP address is a numerical label assigned to an internet-connected computer that identifies the computer's physical location.

to CLARK's channels to view and download, his attack training manuals and other content with reduced risk of detection or identification by law enforcement.

CLARK's Pledge of Allegiance to ISIS

13. Based on my involvement in this investigation, conversations with other law enforcement officers, and review of FBI reports and screenshots², I have learned that in or about July 2019, an individual later identified as ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, communicated with an FBI confidential source ("CS-1")³, who was posing as an ISIS member based in the Middle East, over Application-1 and a second Encrypted Application ("Application-2"). In his communications with CS-1, CLARK expressed his support for ISIS including by, among other things, sending CS-1 a video in which CLARK pledged *bayat*, or allegiance, to ISIS. In particular, I have learned that CS-1's communications with CLARK included the following, in substance and in part:

a. On or about July 19, 2019, CLARK asked CS-1 whether CS-1 had any "contacts" in ISIS who could work with him to support ISIS on the "East coast" of the United States. CLARK said, "I promise on Allah I'm ready for bayah."

b. On or about July 20, 2019, CLARK sent CS-1 a video of him pledging *bayat* to ISIS in Arabic. The video further depicts what appears to be a homemade ISIS sign in a window behind CLARK. Based on my review of a draft translation of CLARK's statements in the video, I know that CLARK's *bayat* pledge generally conformed to a script commonly used by ISIS supporters to pledge *bayat*.

² Based on my training and experience, I know that a screenshot is a visual capture of a computer screen at a particular moment in time. In the course of this investigation, law enforcement officers and witnesses took screenshots of, among other things, their electronic communications with ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, and content posted by CLARK on Application-1.

³ CS-1 is assisting law enforcement in exchange for monetary compensation. CS-1 has provided information in this investigation that has proven reliable, some of which has been independently corroborated.

14. Based on my involvement in this investigation, conversations with other law enforcement officers, and review of FBI reports and screenshots, I have learned that between in or about March and July 2019, ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, communicated with an FBI confidential source ("CS-2")⁴, who was posing as an ISIS member, over Application-1 and email. In particular, I have learned that CS-2's communications with CLARK included the following, in substance and in part:

a. On or about April 17, 2019, CLARK sent CS-2 messages on Application-1 discussing various ways of supporting ISIS. In particular, CLARK said that he "want[ed] to do media" for ISIS. In addition, CLARK sent CS-2 a manual entitled "Car Bombs as Weapons of War," which contained instructions for making a car bomb.

b. On or about April 18, 2019, CLARK sent CS-2 an email saying that he wanted to conduct a terrorist attack in the United States. In particular, CLARK wrote, in part, "[E]ven for me to take action here I would need funding and advice. I am willing to stay and die as a true majahid here amongst the swine and really make example even if I have to die a martyr . . . but I would need money for materials and some help." Based on my training and experience, I believe that CLARK's use of "majahid" was a misspelling of *mujahid*, a term that refers to a person engaged in jihad.

c. On or about May 1, 2019, CS-2 sent CLARK an email saying that CS-1 had given CLARK's contact information "to some Ikhwa" who would contact CLARK to discuss conducting a terrorist attack in the United States. Based on my training, experience, and involvement in this investigation, I believe *ikhwa* refers to ISIS members. In or about May and June 2019, CS-2 introduced CLARK to two undercover law enforcement officers who were posing as ISIS representatives. CLARK declined to meet with the undercover law enforcement officers, however, and he told CS-1, in substance and in part, that he did not feel comfortable meeting them because he believed the "Ikhwa" were working with law enforcement.

⁴ CS-2 is assisting law enforcement in exchange for monetary compensation. CS-2 has provided information in this investigation that has proven reliable, some of which has been independently corroborated.

d. On or about July 29, 2019, CLARK sent CS-2 an email saying that he had "been hectic with all the media work I'm doing directly for IS," and describing the "media work" as "fruitful." Based on my training, experience, and involvement in this investigation, I believe that "IS" is an abbreviation for "Islamic State" and refers to ISIS.

CLARK's Distribution of Bomb-Making Instructions and Attack Training Materials

15. I have spoken with several FBI employees who acted in an undercover capacity online (collectively, the "UCs"). The UCs used Application-1 and Application-2, among other methods, to communicate with ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, under circumstances that suggested the UCs were apparent ISIS members or supporters. As set forth in greater detail below, based on my conversations with the UCs and other witnesses and my review of law enforcement reports and screenshots, I have learned that CLARK used Application-1 to distribute numerous attack training manuals and terrorist propaganda with the intent to engage, encourage, and assist ISIS supporters to commit violent attacks in the United States. CLARK distributed these materials on more than a dozen pro-ISIS channels on Application-1, for which CLARK served as an owner or administrator. The channels specifically promoted lone-wolf attacks, and many of the training manuals distributed by CLARK detailed methodologies used in actual attacks conducted by ISIS members and other terrorists.

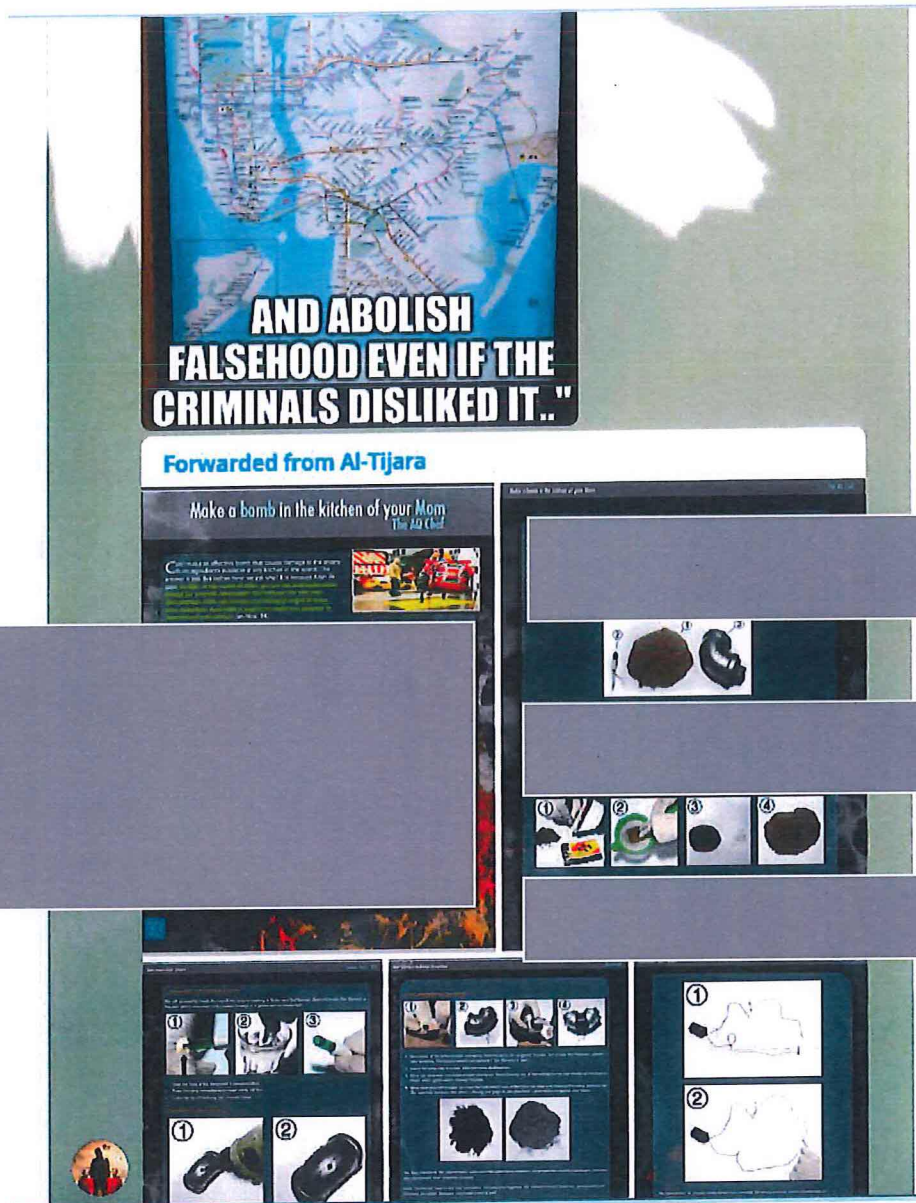
16. Based on my involvement in this investigation, conversations with other law enforcement officers, including one of the UCs ("UC-1"), and my review of law enforcement reports and screenshots taken by UC-1, I know that in or about July 2019, UC-1 communicated with ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, over Application-1 and Application-2. In addition, UC-1 observed posts made by CLARK containing detailed bomb-making instructions and other attack training manuals on pro-ISIS channels on Application-1. In particular, I have learned the following, in substance and in part:

a. On or about August 3, 2019, CLARK invited UC-1 to a particular pro-ISIS channel on Application-1 ("Channel-2"). After subscribing to Channel-2, UC-1 observed that CLARK had posted a series of highly detailed instructions regarding how to carry out a lone-wolf terrorist attack. The instructions addressed, among other things, how to select an attack target; how to conduct preoperational surveillance; how to conduct operational planning;

and how to avoid attracting law enforcement attention while preparing for and conducting the attack.

b. CLARK subsequently invited UC-1 to another pro-ISIS channel on Application-1 ("Channel-3"), for which CLARK was the owner. Channel-3 had approximately 194 subscribers. After joining Channel-3, UC-1 observed that CLARK had posted a graphic depicting a map of the New York City subway system. Immediately after the subway graphic, CLARK had posted pages from a highly detailed set of instructions entitled "Make a bomb in the kitchen of your Mom," excerpts of which are pictured below. Based on my training, experience, and conversations with other law enforcement officers, I have learned that Inspire magazine, a propaganda publication by a designated foreign terrorist organization called al Qaeda in the Arabian Peninsula ("AQAP"), originally published the bomb-making instructions (the "AQAP Bomb Manual"). In addition, I know that the AQAP Bomb Manual was found in the possession of Ahmad Khan Rahimi, who planted and detonated some of the types of bombs described in the manual in and around New York and New Jersey in 2016.⁵

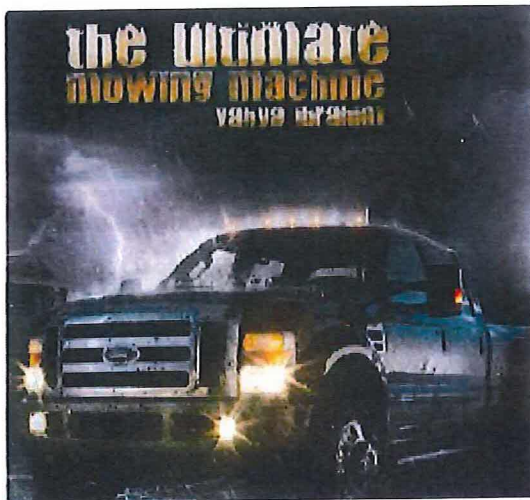
⁵ On or about October 16, 2017, a jury trial convicted Rahimi of using and attempting to use a weapon of mass destruction; bombing a place of public use; destroying and attempting to destroy property by means of fire or explosive; interstate transportation and receipt of explosives; and using a destructive device in furtherance of a crime of violence, in connection with his September 2016 bomb attack.



c. Among other things, the AQAP Bomb Manual said that it was possible to make "an effective bomb that causes damage to the enemy from ingredients available in any kitchen in the world." The manual included extensive step-by-step instructions for creating a bomb, including, among other things, how to "prepare" and "extract" an "inflammable substance"; how to create a timer for the bomb; how to insert shrapnel into a bomb; and where to place the device and how to camouflage it in order to cause maximum casualties. Based on my training, experience, and involvement in this investigation, I believe CLARK paired the image of the New

York City subway with the AQAP Bomb Manual in order to encourage subscribers to Channel-3 to commit a bomb attack on the New York City subway.

d. In addition to the AQAP Bomb Manual, in or about July 2019, CLARK posted multiple graphics to Channel-3 promoting a violent attacks in the United States. For example, as shown below, CLARK posted an image of a truck, accompanied by the words "the ultimate mowing machine," among numerous other graphics. Based on my training, experience, and conversations with other law enforcement officers, I know that ISIS supporters and other terrorists have committed several fatal attacks using trucks, including a 2016 truck attack in Nice, France in which more than 80 people were killed, see *supra* ¶ 6; a 2017 truck attack in Stockholm, Sweden in which approximately five people were killed; and a 2017 attack in New York, New York in which eight people were killed. CLARK also posted an essay, which based on my experience and review of open-source materials, I know was originally released by Nasir al-Wuhayshi, a leader and spokesman for AQAP, encouraging readers to commit attacks in the United States using knives, guns, bombs, explosives, and vehicles, or by burning down buildings.





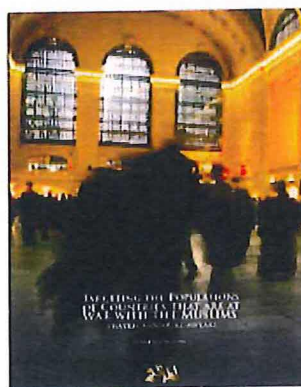
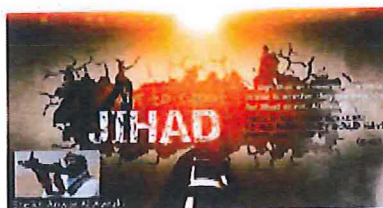
Umar Shishani

BBC News - Syria war: 'World shrugs' as 103 civilians killed in 10 days

<https://www.bbc.co.uk/news/world-middle-east-49126523>
<https://www.bbc.co.uk/news/world-middle-east-49126523>

'World shrugging' as Syria death toll mounts
(<https://www.bbc.co.uk/news/world-middle-east-49126523>)

The UN human rights chief says it is unlikely air strikes on schools and hospitals are accidental.



e. On or about July 28, 2019, UC-1 sent CLARK messages advising CLARK to confirm that graphics CLARK had posted on Application-1 channels did not contain metadata that could link the graphics to CLARK's Application-1 account or to his devices. CLARK told UC-1 that he needed help getting rid of metadata. CLARK then contacted another account on Application-1, which, unbeknownst to CLARK, UC-1 also operated. UC-1 continued communicating with CLARK under this second persona, which appeared to be an individual with expertise in digital security. In particular, on or about July 31, 2019, CLARK sent UC-1's second persona a message saying that he was "told you could help me out w[ith] some things as far as security stuff." CLARK added that he



had "been making alot [sic] of photos for channels but someone mentioned metadata can trace photos? Is this true?" CLARK then asked how he could get rid of metadata associated with photos and whether there was a program that could help him.

17. Based on my involvement in this investigation, my conversations with other law enforcement officers, including one of the UCs ("UC-2"), and my review of law enforcement reports and screenshots taken by UC-2, I know that on or about July 31, 2019, UC-2 observed posts made by ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, on Channel-3. Among other things, CLARK's posts included multiple training manuals for conducting violent attacks and propaganda promoting attacks on behalf of ISIS in the United States. In particular, I have learned the following, in substance and in part:

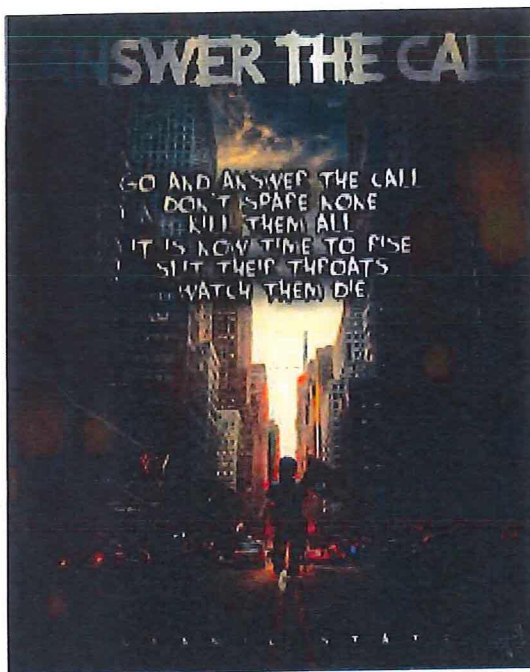
a. CLARK posted several graphics offering explicit justifications for violent attacks on behalf of ISIS. For example, as shown below, CLARK posted a graphic celebrating and justifying the 2017 truck attack on civilians in Stockholm, Sweden, *see supra* ¶ 16(d), in which an ISIS supporter hijacked a truck and drove into a crowd of civilians, killing and seriously injuring a number of people.

Umar Shishani

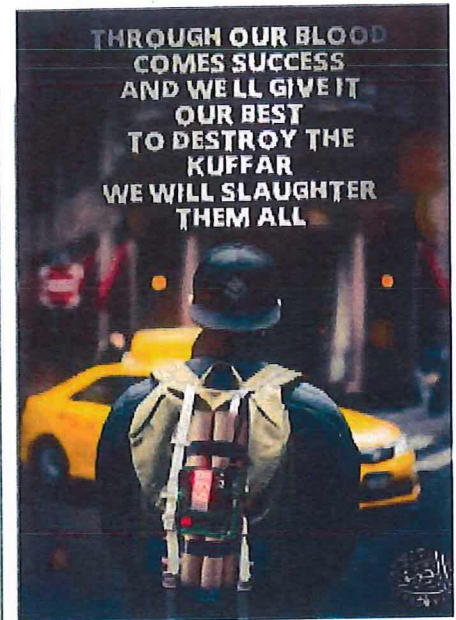
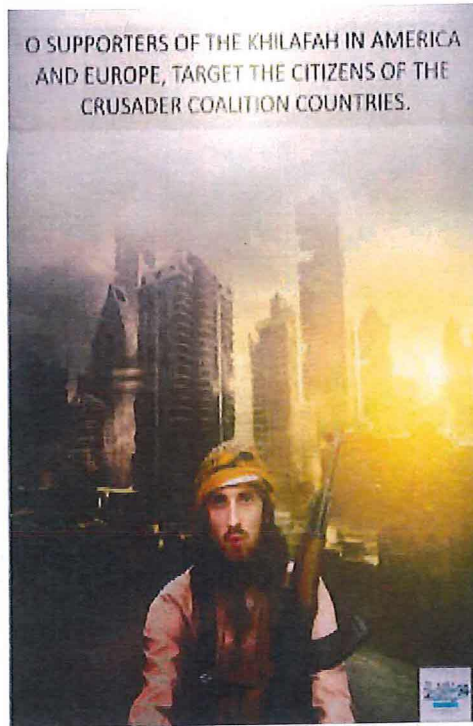
BEFORE STOCKHOLM TRUCK ATTACK

BEFORE	AFTER
	
1,729 Dead Muslims by Swedish Chemical Attack in Syria	5 Dead Christians by Muslim brother in revenge for 2013 Swedish chemical attack
Media Response: Silence	Media Response: Outraged

b. CLARK also posted numerous graphics encouraging, among other things, violent attacks specifically targeting New York City. For example, CLARK posted the graphics set forth below, which include references to the terms *kuffar* and *khilafah*. Based on my training and experience, I believe that *kuffar* is a derogatory reference to non-Muslims; and *khilafah* is a term used by ISIS to refer to its "caliphate" and supporters.



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بسم الله الرحمن الرحيم

#New_Design
#Ash_Shaff_Foundation
Presents :

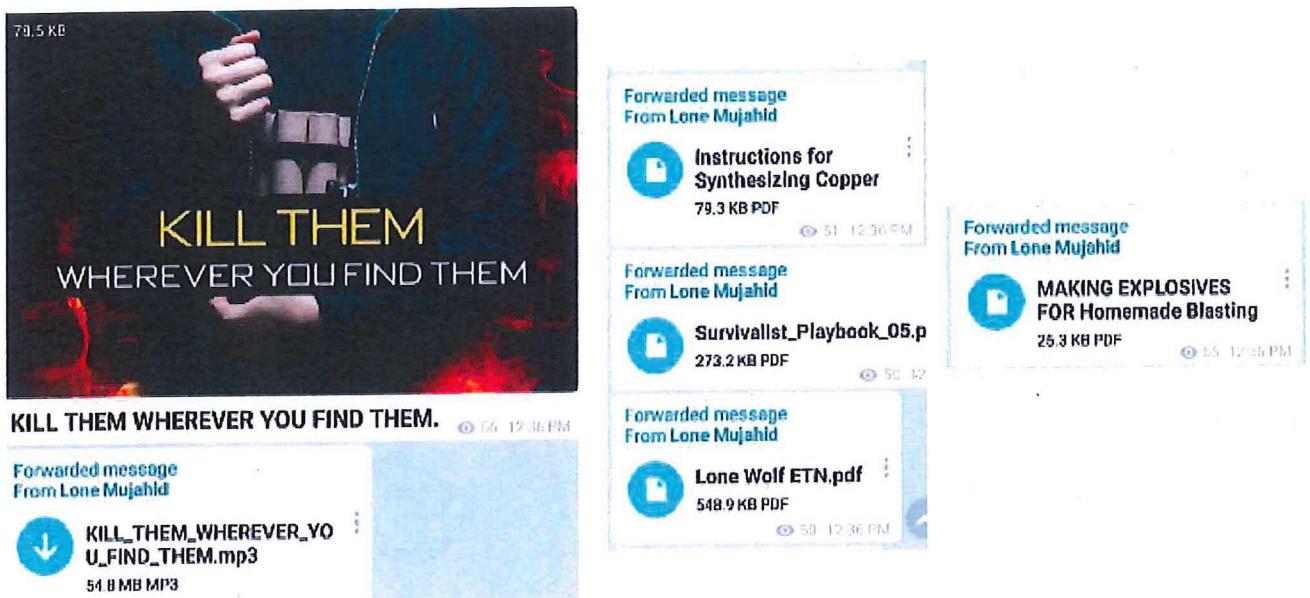
" we will slaughter them all "

c. Some of the graphics CLARK posted on Channel-3 calling for violent attacks in the West invoked the methodology of actual attacks or atrocities committed by ISIS members. For example, CLARK posted a graphic depicting an image of a masked ISIS fighter holding President Trump in an orange jumpsuit. Based on my training, experience, and review of open-source materials, I recognize the graphic as an altered version of a well-known photograph released by ISIS, in which Mohammed Emwazi, an ISIS member known as "Jihadi John," held a prisoner dressed in an orange jumpsuit shortly before killing him. Emwazi gained notoriety through ISIS propaganda videos depicting him beheading more than 20 ISIS prisoners.

d. In addition to the graphic described above, CLARK posted on Channel-3 a manual entitled "Knife Attacks," setting forth justifications for such attacks and detailed instructions for how to commit a knife attack. Among other points, the manual argued that discomfort at "the thought of plunging a sharp object into another person's flesh" is "never an excuse for abandoning jihad" and that "[k]nives, though certainly not the only weapon for inflicting harm upon the kuffar, are widely available in every land and thus readily accessible." Among other things, the manual's instructions specified organs that should be stabbed in the victim's body; described slicing a victim's windpipe as a "direct implementation of Allah's command"; advised against beheadings as too time-consuming; emphasized that the objective of a knife attack is to "attain a reasonable kill count" while inflicting "terror on the crusader citizens" through gruesome violence; and suggested a "swift slice across the face" as a means of subduing victims. Based on my training, experience, and review of open-source materials, I know that a number of terrorist attacks have involved mass stabbings, including, among others, a 2016 stabbing attack in Columbus, Ohio by an ISIS supporter.

e. CLARK also posted a manual to Channel-3 detailing how to plan a lone-wolf attack in the United States while avoiding law enforcement detection. Among other things, the manual - which "strongly encourage[d] . . . brothers to fight jihad on U.S. soil" - provided guidance on avoiding law enforcement informants and electronic surveillance; detailed various options for committing attacks and the respective tactical advantages of each, including firing into a crowd at random, driving a truck through a crowd, and developing a chemical weapon of mass destruction; and emphasized that the best attack "is the one where you come up with an innovative idea that the authorities have not yet turned their attention to, and that leads to maximum casualties or-equally important-maximum economic losses."

18. Based on my conversations with UC-1 and my review of law enforcement reports and screenshots taken by UC-1, I know that in or about September 2019, UC-1 observed posts made by ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, on a particular pro-ISIS channel on Application-1 ("Channel-4"), for which CLARK served as an administrator. As of in or about September 2019, Channel-4 had approximately 104 subscribers. CLARK's posts on Channel-4 included a graphic, shown below, depicting an individual wearing a suicide vest and the words "Kill Them Wherever you Find Them," immediately followed by an audio file promoting violent attacks, and approximately 20 different explosives training manuals available for download as PDFs. Among other things, the training manuals included the following titles: "Making Tetryl"; "Small Batch AN"; "Instructions for Synthesizing Copper"; "Lone Wolf ETN"; "Making Explosives for Homemade Blasting"; and "Easy-to-Make Potassium Chlorate." Based on my training, experience, conversations with other law enforcement officers, and review of open-source materials, these manuals appear to provide instructions for creating bombs and explosives, or components of bombs and explosives. In particular, I know that tetryl, AN (an abbreviation for ammonium nitrate), copper, potassium chlorate, and ETN (an abbreviation for erythritol tetranitrate) are all substances that can be used as components of bombs or explosives.



19. Based on my involvement in this investigation, conversations with other law enforcement officers, including one of the UCs ("UC-3"), and review of law enforcement reports and

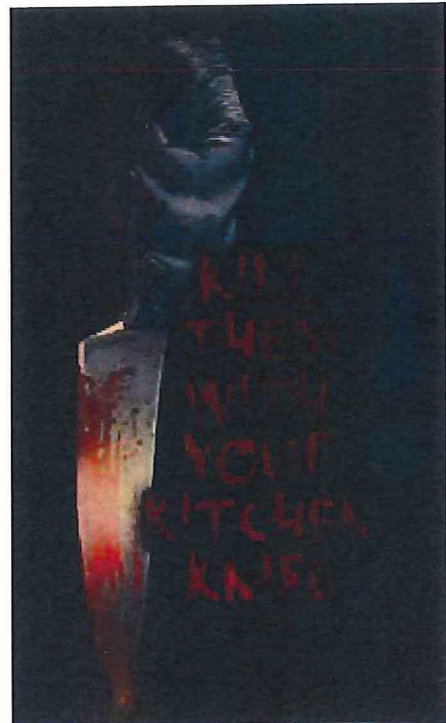
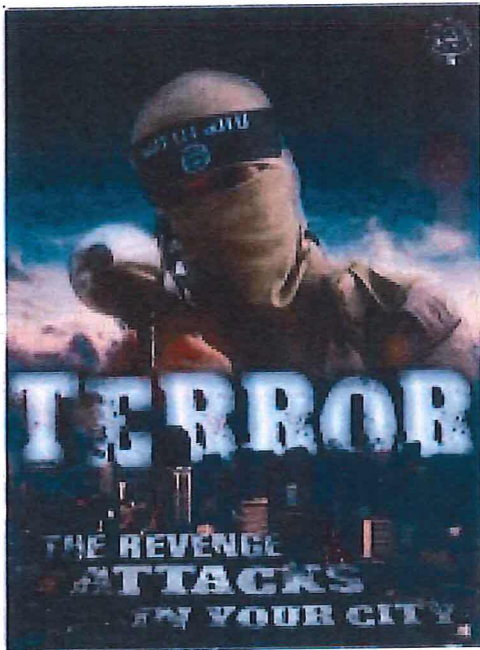
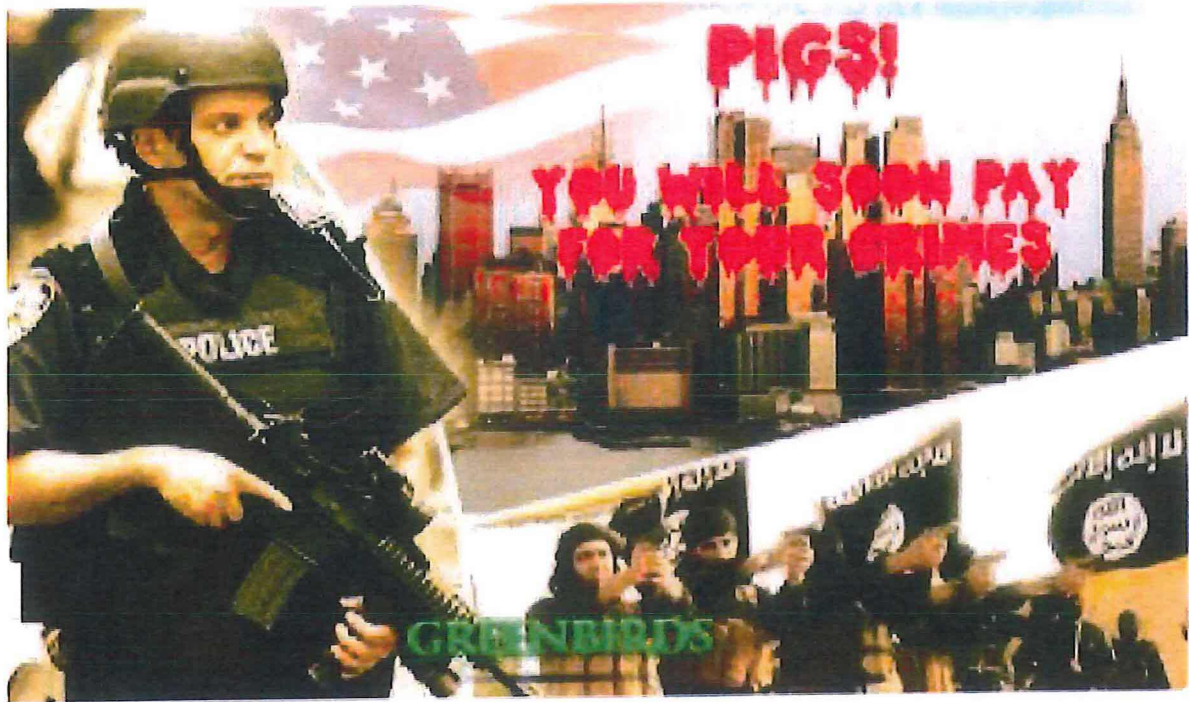
screenshots taken by UC-3, I know that between in or about July and September 2019, UC-3 communicated with ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," over Application-1 and observed posts made by CLARK on several pro-ISIS channels, for which CLARK served as an administrator. As in the channels described above, CLARK's posts included multiple attack training manuals and other content encouraging violent attacks on behalf of ISIS in the United States. In particular, I have learned the following, in substance and in part:

a. In a particular pro-ISIS channel ("Channel-5"), CLARK posted the AQAP Bomb Manual that UC-1 had observed in Channel-3, see *supra* ¶ 16(b).

b. On or about August 25, 2019, CLARK told UC-3 that he was starting Channel-4, see *supra* ¶ 18, and sent UC-3 an invitation to the channel. Within six days of starting Channel-4, CLARK had created approximately 46 pages of pro-ISIS content. The subtitle for Channel-4 referenced a command from Allah to "inspire the believers to fight."

c. On or about August 26, 2019, CLARK posted a message to Channel-4 warning "all brothers" that Channel-1, for which CLARK also served as an administrator, did not have a corresponding account on a different encrypted messaging application ("Application-3"). As noted above, see *supra* ¶ 11, based on my training, experience, and conversations with other law enforcement officers, I have learned that Channel-1 was a significant international source of ISIS media, including attack training manuals and other terrorism propaganda. CLARK cautioned that Application-3 "is not a secure platform" and displays phone numbers that "[i]ntelligence agencies" identify and give "to police." CLARK reiterated that his subscribers on Application-1 should not join any groups on Application-3 claiming to be affiliated with Channel-1 and should "not fall for kuffar dog traps like these."

d. On Channel-4, CLARK posted several graphics aimed at inspiring a violent terrorist attack on behalf of ISIS in the United States, including, for example, the images set forth below:



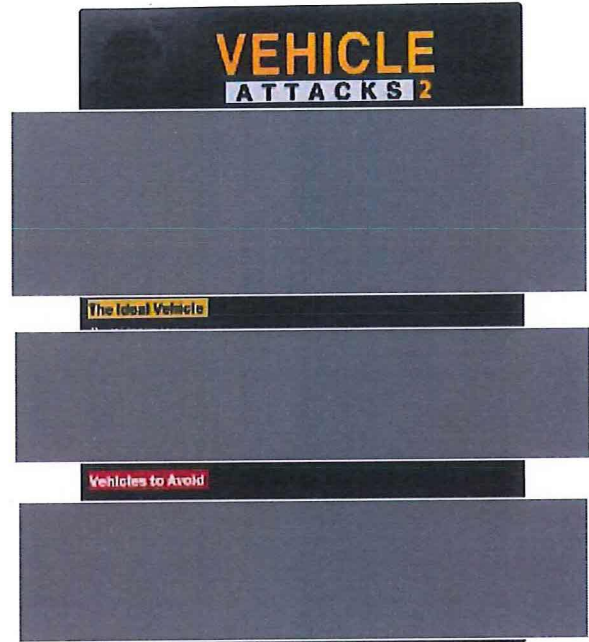
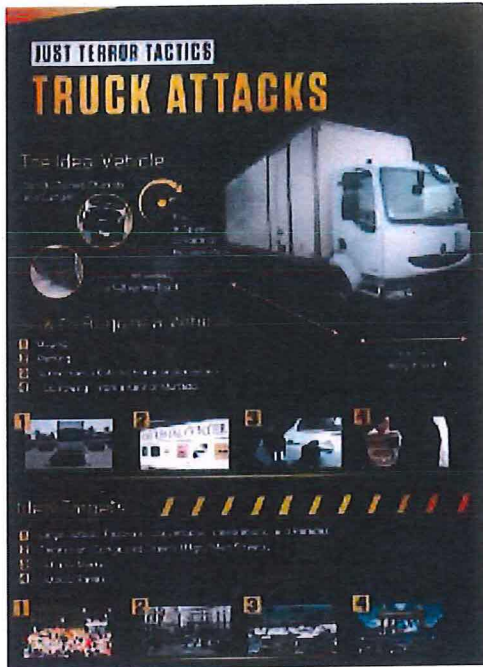
e. CLARK also posted on Channel-4 information about resources where individuals could find English-language translations of ISIS media. In particular, CLARK posted a graphic listing other channels on Application-1 "dedicated to the translation of media from the Khilafah," as well as an invitation to the Application-1 account of an organization, which, based on my training, experience, and involvement in this investigation, I believe aims to swiftly translate ISIS media into English and French.

f. CLARK posted numerous terrorist attack training materials on Channel-4. For example, CLARK posted a three-part video demonstrating how to create a suicide-bomb. He also posted a manual with instructions for committing a terrorist attack by poisoning commercial food products, which detailed locations where an attacker could procure derivatives of cyanide; identified food products in which the poison could be injected; and explained techniques for injecting food with cyanide inside stores, including by holding a cyanide-filled syringe "inside the sleeves of your sweatshirt" while using it to inject food. The manual described poisoning the food supply in part as "a just retribution for unbelievers." UC-3 further observed that CLARK had posted on Channel-4 the same detailed training manual providing instructions for how to plan, prepare for, and execute a lone-wolf attack that UC-1 had observed him post on Channel-2, see *supra* ¶ 16(b).

g. On or about September 8, 2019, CLARK posted on Channel-4 approximately 13 English-language attack training manuals available for download as PDFs. Based on my review of the titles of the manuals and descriptions posted with the PDFs, I am aware that the manuals appeared to address, among other topics, explosives, firearms, chemical weapons, biological weapons, and "a detailed explanation of nitroglycerine, nitroglycol, nitromethanol, betin, ARDX, ammonium nitrate mixtures, etc.," which, based on my training, experience, and conversations with other law enforcement officers, I believe are chemicals used to create explosive devices. In addition, CLARK posted a manual containing "detailed explanations for the manufacture of poison gas, nerve gas . . . [and] ricin toxin," among other weapons. Immediately after posting the 13 training manuals, CLARK posted text encouraging his subscribers to "answer the call" by committing a violent attack.

h. In addition, on or about September 8, 2019, CLARK posted on Channel-4 detailed instructions for committing a truck or vehicle attack, excerpts from which are shown below. As noted

above, ISIS has inspired multiple actual truck attacks in the United States and Europe, see *supra* ¶¶ 6, 16(d).



i. On or about September 16, 2019, UC-3 observed that CLARK had posted on Channel-4 an image, as shown below, depicting what appeared to be a homemade ISIS flag. Beneath the image, CLARK included text encouraging ISIS supporters "to make bayah and show the support needed to our beloved Emir and state." Based on my training and experience in this and other investigations involving ISIS, I believe that "Emir" was a reference to al-Baghdadi. In addition, based on my conversations with other law enforcement officers, I have learned that ISIS supporters around the world posted similar images on Application-1 and other social media platforms following al-Baghdadi's release of a video in or about September 2019 addressing ISIS members and supporters.



j. CLARK also repeatedly posted text on Channel-4 encouraging subscribers to commit attacks in the West by any and all available means, a core component of ISIS's recruitment and attack-promotion strategy, see *supra* ¶¶ 5, 11. For example, CLARK posted text stating, in part, "If you can't make a bomb because family, friends or spies are watching or suspecting you, take a knife, molotov, sound bombs or a car at night and attack the tourists (crusaders), police, and soldiers . . . or Western Embassies in every country you are in this planet."

20. Based on my involvement in this investigation, conversations with other law enforcement officers, and review of FBI reports and screenshots depicting correspondence between ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, and an FBI confidential source ("CS-3")⁶ who was posing as an ISIS supporter, I have learned that from in or about April 2019 up to and including in or about September 2019, CS-3 and CLARK communicated through Application-1, email, text messages, and phone calls, among other things. I have learned that CS-3's communications with CLARK included the following, in substance and in part:

⁶ CS-3 is assisting law enforcement in exchange for monetary compensation. CS-3 has provided information in this investigation that has proven reliable, some of which has been independently corroborated.

a. In or about early July 2019, CS-3 sent CLARK a message over Application-1 expressing, in substance and in part, admiration for the graphics that CLARK had posted on Application-1 channels encouraging terrorist attacks in New York City and asked CLARK how he had created the images. CLARK told CS-3 to download a particular photo-editing application.

b. On or about July 21, 2019, CLARK sent CS-3 an email saying that Application-1 "is getting to be scary place [sic] w[ith] all the pigs and kuffar agents its [sic] best to be sure nothing can come back to you I even use vpn at times." Based on my training, experience, and involvement in this investigation, I know that VPN is an application that, among other things, anonymizes a user's internet activity by masking IP address associated with their computer.

c. On or about July 29, 2019, CLARK sent CS-3 a message on Application-1 saying that he had become an administrator of Channel-1, see *supra* ¶¶ 11, 19(c). CLARK added that "controlling and distributing media . . . in itself is action."

d. On or about July 31 and August 1, 2019, CS-3 observed CLARK post, on at least three different pro-ISIS channels on Application-1, the graphic encouraging a violent attack on the New York City subway, followed by AQAP Bomb Manual, which UC-1 and UC-3 also observed, see *supra* ¶¶ 16(b), 19(a).

e. On or about August 18, 2019, CLARK and CS-3 spoke on a phone call. During the call, CLARK said that he ran a number of pro-ISIS channels on Application-1 and that he had posted ISIS propaganda and attack training guides on these channels. CLARK explained, in substance and in part, that he stored terrorist training manuals and propaganda on storage media, such as his cellphone and a tablet device in his home. CLARK further said that he wanted to continue posting such content on Application-1, and that he was committed to serving ISIS through the distribution of propaganda and attack training materials on Application-1.

f. On or about April 26, 2019, CLARK sent CS-3 a message over Application-1 saying that he had created his own channel on Application-1 and that he had "a lot of stuff old and new" and "[t]ons of PDFs." CLARK then sent CS-3 an invitation to his channel ("Channel-6"), which had a photograph of al-Baghdadi as its profile picture. After joining Channel-6, CS-3 observed that CLARK posted several documents in a series entitled "Resources for the Mujahid: The Art Of War Collection," which were available for download as PDFs. The manuals included the following titles,

among others: "Combat," "Marksmanship," "Snipe," "Tactics," and "Explosives."

g. In or about September 2019, CS-3 observed that in a particular pro-ISIS channel on Application-1 ("Channel-7") which had approximately 79 subscribers and for which CLARK served as an administrator, CLARK had posted more than 100 documents, available for download as PDFs, that appeared to consist of attack instructional manuals. The manuals included documents with the following titles, among others:

- "Bloody Brazilian Knife Fighting Techniques"
- "Chemical Warfare"
- "Terrorist Explosives Handbook"
- "Transnational Criminal Organization"
- "Four Easy Ways of Making an Explosive Belts [sic]"
- "Explosives Engineering"
- "Improvised Munitions"
- "Making Explosives for Homemade Blasting"
- "Weapons of Jihad"
- "Tactical Pistol Marksmanship"
- "AK47 USArmy [sic] Operator Manual"
- "M16 Manual"
- "Improvised Land Mines"
- "Expedient Hand Grenades"
- "Explosives for Sabotage Manual"

The manuals that CLARK posted on Channel-7 included many of the same explosives-related manuals that UC-1 had observed on Channel-4, see *supra* ¶ 18. CLARK interspersed posts calling for violent attacks among the manuals. In addition, CLARK posted the same

vehicle attack training manual on Channel-7 that UC-3 had observed CLARK post on Channel-4, see *supra* ¶ 19(h).

h. On or about September 6, 2019, CS-3 observed the contents of CLARK's Google Drive account, which contained numerous bomb-making and other attack training materials, as well as propaganda encouraging violent terrorism on behalf of ISIS.

i. On or about September 14, 2019, CS-3 observed CLARK's post on Channel-4 containing a photograph of a homemade ISIS flag and a message encouraging ISIS supporters to "make *bayah*," see *supra* ¶ 19(i). CS-3 asked CLARK about the post, and CLARK explained that ISIS supporters "were showing support from everywhere but [the United States] so [I] had to do it." CLARK instructed CS-3, in substance and in part, to "make sure to edit metadata" before CS-3 posted an image in support of *bayat* on Application-1.

j. On or about September 15, 2019, CLARK sent CS-3 an email saying, in substance and in part, that the "kuffar in position[s] of authority" were "so scared" and "fearing the lone wolf." CLARK added, "I always know in my heart that this is my jihad for now working with media and channels etc. and not letting any kuffar get in way or back me down."

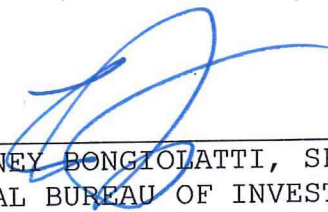
CLARK Revived the Predominant Pro-ISIS Channel on Application-1

21. Based on my experience with this and other investigations involving ISIS, my conversations with other law enforcement officers, and my review of law enforcement reports and records, I have learned that, as noted above, Channel-1, for which CLARK served as an administrator, see *supra* ¶¶ 19(c), 20(c), was among the most popular and well-known sources of ISIS media and recruitment propaganda online. In or about October 2019, two of the creators of Channel-1 were arrested overseas by foreign law enforcement authorities, and Channel-1 ceased to operate. Following those arrests, CLARK created new channels on Application-1 - the titles of which were slight variations on the title of Channel-1 - in an attempt to maintain and continue the original Channel-1 platform for ISIS propaganda and recruitment materials. CLARK populated these channels with numerous graphics encouraging ISIS supporters to commit violent attacks in the United States. In a conversation with UC-3 over Application-1, CLARK confirmed that he had created the graphics himself.

22. Based on my involvement in this investigation, conversations with other law enforcement officers, and review of


law enforcement reports and screenshots, I know that on or about October 26, 2019, al-Baghdadi died during a U.S. military operation. Following his death, CS-3 observed that CLARK posted a message on Application-1 pledging *bayat* to ISIS's new leader, al-Qurayshi. CLARK also sent a message to the subscribers of a particular pro-ISIS channel on Application-1 that focuses on disseminating English translations of ISIS media, saying "Any brothers stuck here in land of kuffar message me privately."

WHEREFORE, deponent prays that a warrant be issued and that ZACHARY CLARK, a/k/a "Umar Kabir," a/k/a "Umar Shishani," a/k/a "Abu Talha," the defendant, be imprisoned or bailed, as the case may be.



COURTNEY BONGIOLATTI, SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Sworn to before me this
28 day of November, 2019



THE HONORABLE ROBERT W. LEHBURGER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK