

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

I, FBI Task Force Officer George W. Loder, being duly sworn, state as follows:

A. Introduction and Agent Background

1. I make this affidavit in support of an application for a search warrant for information that is controlled by Facebook, a social networking company headquartered at 1601 Willow Road, Menlo Park, California 94025. This warrant applies to information associated with the Facebook accounts adnan.fazeli@facebook.com (account # 100000019635604) and adnan.alkaabi@facebook.com (account # 100002330317464) (collectively “the accounts”) that is stored at Facebook’s premises and is further described in the following paragraphs and in Attachment A hereto. This affidavit is made in support of an application for a search warrant under Title 18, United States Code, Sections 2703(a), (b)(1)(A) and (c)(1)(A) to require Facebook to disclose to the government records and other information further described in Attachment B hereto. Upon receipt of the information described in Section 1 of Attachment B, government authorized persons will review that information to locate the items described in Section II of Attachment B.
2. I have been employed by the Maine State Police (MSP) for over 21 years. I have a valid certification from the Maine Criminal Justice Academy. During my time with the MSP I have conducted and assisted in numerous criminal investigations, and have been the affiant on several search warrants issued by the Maine state courts. I was promoted to detective approximately four years ago. I am currently assigned as a Task Force Officer (TFO) to the Federal Bureau of Investigation’s Joint Terrorism Task Force (JTTF) in Portland, Maine, and have been deputized to enforce Titles 18 and 21 of the United States Code. I have received specialized training in counter-terrorism investigations from the Federal Bureau of Investigation (FBI), the Department of Homeland Security, and the State Local Anti-Terrorism Training Program (SLATT) administered by the Department of Justice. I am involved, together with several other members of the JTTF, in the investigation of multiple individuals currently or formerly residing in Maine who are suspected of providing material support to a designated Foreign Terrorist Organization (FTO).
3. Based on my training and experience, and the facts set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Section 2339B, providing material support to an FTO and conspiracy to provide material support to an FTO, specifically the Islamic State in Iraq and the Levant (ISIL) and the Al-Nusrah Front (ANF), have been committed by Adnan Fazeli aka Abu Nawaf aka Abdullah Abu Al-Ahwazi (who is believed deceased), and others. There is also probable cause to search the information described in Attachment A for evidence and instrumentalities of these crimes as further described in Attachment B.

B. Jurisdiction

4. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by Title 18, United States Code, Section 2711. Title 18, United States

Code, Sections 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, this Court is a “district court of the United States that has jurisdiction over the offense being investigated.”

C. ISIL and Al-Nusrah Front

5. On October 15, 2004, the U.S. 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 December 11, 2012, the Secretary of State amended the designation of AQI to include the following aliases: al-Nusrah Front (“ANF”), Jabhat al-Nusrah, Jabhet al-Nusra, The Victory Front, and Al-Nusrah Front for the People of the Levant. On May 15, 2014, the Secretary of State, in response to the evolving nature of the relationship between ANF and AQI, amended the FTO designation of AQI to remove all aliases associated with al-Nusrah Front. Separately, the Secretary of State then designated al-Nusra Front, also known as Jabhat al-Nusrah, also known as Jabhet al-Nusra, also known as the Victory Front, also known as Al-Nusrah Front for the People of the Levant, also known as Al-Nusrah Front in Lebanon, also known as the Support Front for the People of the Levant, and also known as Jabaht al-Nusra li-Ahl al-Sham min Mujahedi al-Sham fi Sahat al-Jahid, 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.
6. On 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 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 Syria (“ISIS”), the Islamic State of Iraq and al-Sham (“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 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 Islamic State (IS).

D. Probable Cause

7. Cooperating Individual 1 (CI 1) is a person who has been providing information to the FBI for approximately two years. Some of that information has been corroborated and none has been found to be inaccurate. On August 23, 2013, CI 1 told a local FBI agent that CI 1 believed an individual named “Abu Nawaf” had converted from a Shia to a Sunni Muslim. CI 1 reported further that Nawaf was an Iranian national then residing in Freeport, Maine, and had recently grown a beard and had become very religious. On December 19, 2013, I and an FBI agent showed CI 1 a Bureau of Motor Vehicles driver’s license photograph of Adnan Fazeli, date of birth [REDACTED] 1976. CI 1 identified the photograph as depicting the person that CI 1 knew as Abu Nawaf, adding that the photograph no longer resembles Nawaf (the photo was of a clean-shaven Fazeli). CI 1 told us that

CI 1 had overheard Nawaf expressing anti-American rhetoric while at an Iraqi market in Portland, Maine where Nawaf was known to associate. CI 1 told us that Nawaf had been ostracized by the Iraqi refugee community and did not have many associates in Maine. The FBI has provided payments to CI 1 in exchange for information received.

8. Cooperating Individual 2 (CI 2) is a person who has been providing information to the FBI for approximately two years. Some of that information has been corroborated and none has been found to be inaccurate. On May 7, 2014, CI 2 provided information to a Portland FBI agent that Adnan Fazeli is a refugee of Iranian descent who came to Portland, Maine through the Catholic Charities Refugee program. According to CI 2, Fazeli came to the U.S. to get a better job and build a better life for his family, but at some point changed and became very angry. Fazeli told CI 2 that he hated the Iranian government because it was anti-Sunni. Fazeli told CI 2 that the U.S. had destroyed Iran and has done nothing to help. CI 2 had not seen Fazeli for some time but had heard from a close relative of Fazeli's that he had traveled to Turkey or Syria. The FBI has provided payments to CI 2 in exchange for information received.
9. On April 16, 2014, the FBI received a call-in tip from Cooperating Individual 3(CI 3). CI 3 is a close relative of Fazeli who stated that he/she had been informed in an email from another close relative of Fazeli that Fazeli was currently in Syria fighting as a jihadist with an unknown group. On May 6, 2014, CI 3 was interviewed by a FBI agent. CI 3 stated that Adnan Fazeli was born in Kuwait, but later returned to Iran where he attended Sharif University of Technology and attained a degree as a Computer Engineer. The Fazeli family is an ethnic minority from the town of Ahwaz, Iran, which is located in southwest Iran and in close proximity to Iraq. The population of this part of Iran are ethnic minorities and often pass as being from southern Iraq because of their accents and Arab descent.
10. On May 6, 2014, CI 3 further said that around 2007 or 2008, while Fazeli was still in Iran, Fazeli was notified by summons that he was going to be arrested by the Iranian government for being a dissident. Fazeli decided not to turn himself in and instead he left his family and fled for Syria. Fazeli's family later joined him and they fled Syria for Lebanon because they feared the Syrian government would deport them back to Iran. In 2009 Fazeli came to the United States as a refugee and obtained asylum. According to CI 3, Fazeli did not adapt well to living in the United States. Fazeli, who was raised a Shia Muslim, converted to a form of Islam called Wahhabism, which your affiant knows to be a form of Sunni Islam. CI 3 believed that Fazeli had become radicalized while residing in the United States.
11. On June 5, 2014, I interviewed Cooperating Individual 4 (CI 4). CI 4 is a person who had detailed knowledge of Adnan Fazeli, and whose information the FBI has determined is credible and reliable. CI 4 stated that Fazeli was from Iran and was raised Shia, but he was not from a devout family. CI 4 stated that Fazeli's behavior began to change approximately four years ago. CI 4 stated that Fazeli became more and more interested in religion, and frequently spent hours at a time watching Islamic videos on YouTube. Fazeli converted to Sunni Islam, grew a beard, and started wearing pants shorter at the ankles.

12. CI 4 further said that Fazeli's change in behavior alienated him from many of his Shia and moderate Sunni friends in the area. However, there were a few local Sunnis who supported his new fervor and treated him with a great deal of respect. Fazeli started holding occasional religious meetings at his home in Freeport.
13. CI 4 further said that when Fazeli left the U.S. in August 2013, he told CI 4 that he was going to visit his father in Dubai. CI 4 told me that about two weeks later CI 4 discovered that Fazeli did not go to visit his family. Thereafter, Fazeli claimed to be in several places such as Lebanon, Turkey, and Egypt, but CI 4 believed that Fazeli was in Syria. CI 4 told me that Fazeli utilized Skype to communicate with family and friends while overseas.
14. On July 17, 2014, CI 4 told me that CI 4 had spoken to Fazeli via Skype as recently as July 10th. CI 4 told me that Fazeli had claimed in conversations to be in the "Sham", a term used for an ancient province encompassing parts of Syria, Lebanon, Jordan, Israel, and Palestine. He also mentioned being able to freely cross the border into Turkey. Fazeli told CI 4 that a good friend of his was killed recently. He referred to his friend as "Shaheed" then said he too will be known as "Shaheed" too if he is killed. [I know from my training that the term "Shaheed" refers to a martyr]. CI 4 stated that Fazeli appeared to be proud of that. Fazeli spoke of his nephew, who is living in Iran, and is learning English in school. Fazeli became irritated by this and claimed "one day we'll kill all these people". Fazeli asked CI 4 if CI 4 was aware if any government men came to his house to ask about him yet. On July 17th, CI 4 showed me a very short (6 second) video of a Skype session with Fazeli in which Fazeli appears in a khaki button-down camouflage uniform shirt with epaulets. This was on CI 4's cell phone. I did not obtain a copy of that video on that day.
15. On August 19, 2014, I and an FBI agent met with CI 4. CI 4 again played the short video mentioned above, and also a much longer video of a Skype chat (over 6 minutes) which was also on CI 4's cell phone. The FBI agent made copies of the two videos. CI 4 summarized the conversation with Fazeli that occurred during the longer video which was in Arabic. CI 4 told us that Fazeli stated that "they" killed 1000 of "them" while losing only 10 of their own. That recording was provided to an FBI linguist who translated the conversation. Confirming the above statement, the linguist stated that the conversation also contains statements by Fazeli that a bombardment audible in the background was coming from "them." He further states that for each one of his group that is killed ten of the others are killed. He also stated that 1450 were killed from the army while only ten were killed from his group. The FBI provided a payment to CI 4 in October 2014 for information received.
16. Investigation has revealed that Adnan Fazeli is associated with two Gmail accounts. They are adfazeli@gmail.com and adnanalkaabi@gmail.com. Records of those accounts indicate the subscribers to these accounts utilized a Maine land-based telephone number in connection with the account. That telephone number was assigned by AT&T to Adnan Fazeli of Freeport, Maine during 2011-2013. Both Gmail accounts also list an alternative email address of asfazeli1@yahoo.com. Records of that Yahoo account reveal that the registrant of that account utilized the same telephone number assigned to Adnan Fazeli as reference above. Also, the listed

“nickname” for the **adfazeli** Gmail account is “strong” (there is no nickname for the **adnanalkaabi** account). The name used to register the Yahoo email account was “Mr. strong ahwaz”. I note that Ahwaz is the city in southern Iran from which Fazeli originally hails.

17. Review of the **adfazeli** Gmail account records show that the account was accessed very frequently during the period for which records were available. From August 14, 2014 until January 20, 2015, there were well over 200 logins to that account. The final three dozen or so logins were in January 2015 and were from an Internet Protocol (IP) address that, according to open Internet sources, was traced back an Internet Service Provider (ISP) based in Turkey that provides satellite based internet services to many countries in the Middle East, including Iraq, Syria and Lebanon.
18. A review of the **adnanalkaabi** Gmail account records show that it too was very active during the period for which records were available. From August 1, 2014 until January 20, 2015 there also were well in excess of 200 logins to that Gmail account. The last three dozen or so logins were in January 2015 and made from the same IP address as described in the preceding paragraph.
19. Investigation has revealed that there are two Facebook accounts associated with Adnan Fazeli. They are adnan.fazeli@facebook.com (account # 100000019635604) and adnan.alkaabi@facebook.com (account # 100002330317464). The first account lists the subscriber as Adnan Fazeli, and the associated email address as adfazeli@gmail.com. The second account lists the subscriber as Adnan Alkaabi, and associated email address as adnan.alkaabi@gmail.com. I note that the Gmail account records for the account adnanalkaabi@gmail.com lists as an alternative email address adnan.alkaabi@gmail.com (with the “.” separating adnan and alkaabi).
20. The Adnan Fazeli Facebook account records reveal eleven logins spanning the period August 31, 2014 until October 6, 2014. The Adnan Alkaabi Facebook account records reveal one logout on September 2, 2014 and two logins on September 3, 2014. The login/logout IP addresses reflected in the Facebook records match closely to the login IP addresses for the **adfazeli** and **adnanalkaabi** Gmail accounts corresponding to the same days.
21. I am aware that preservation requests were served upon both Google and Facebook by the U.S. Attorney’s Office for the District of Maine on May 11, 2015, with a renewal of both requests on July 30, 2015. The preservation requests to Google directed preservation of the **adfazeli** and **adnanalkaabi** accounts, and the requests to Facebook directed preservation of the **adnan.alkaabi** and **adnan.fazeli** accounts. The second and final set of preservation requests requires Google and Facebook to preserve all records and content for 90 days from receipt of the renewal requests.
22. On January 26, 2015, CI 3 called the FBI to report that CI 3 had been notified that Adnan Fazeli had died in Lebanon. CI 3 stated this information came directly from a close relative of Fazeli’s who had in-turn been notified by a former schoolmate of Fazeli’s then residing in the U.K. Early on January 28, 2015, CI 3 sent an email with a copy of a news article written in Arabic. The article, from the Lebanese newspaper Annahar, was dated January 28, 2015 and was translated at a later date by an FBI linguist. It states, in part, that eight Lebanese forces were killed in a battle near Ras

Baalbeck in Lebanon on the previous Friday (which would be January 23rd by my calculation). The article states that about 150 members of Da'ish (another alias for ISIL) attacked and were stopped by the Lebanese army, leaving behind "tens" of dead. The article identifies one of the dead Da'ish fighters as Abu Abdullah Al-Ahwazi, identified as an Iranian previously associated with Al-Nusra Front but more recently allied with Da'ish.

23. On January 28, 2015, I and an FBI agent met with CI 3. CI 3 told us that he/she had received a brief phone call from an unidentified caller using a Maine telephone number very early on the morning of January 26, 2015. CI 3 related that there was loud Arabic talking in the background and a woman wailing and crying who stated "it's a shame he died." CI 3 told us that later that morning he/she received a telephone call from another close relative of Fazeli's who lives overseas who informed CI 3 that the relative had received word of Fazeli's death on January 23, 2015 (without detailing the source or sources). CI 3 told us that he/she believes that Abu Abdullah Al-Ahwazi is Adnan Fazeli based on the name and other information in the article.
24. I and an FBI agent met with CI 4 on July 15, 2015. CI 4 provided two photographs. One was of a lone male wrapped in a blanket or other covering who appears to be deceased. The other was of the same male along with another male who had a very bloodied face. Both are wrapped up and appear deceased. The male who appears in the two photos appears to me to very much resemble Adnan Fazeli as he appeared in the two Skype videos referenced above. CI 4 indicated no doubt that the male was in fact Adnan Fazeli. CI 4 indicated that CI 4 had obtained the photographs from the same U.K. based schoolmate of Fazeli's referenced above in paragraph 22.
25. I note that as of April of this year, there was no reported activity in either of the Gmail accounts associated with Adnan Fazeli, or in the Facebook accounts associated with him. Further, none of the Cooperating Individuals discussed above has reported any contact with Fazeli since January 2015 or has reported any information indicating that Fazeli has been in contact with anyone in Maine.
26. A search of government records reveals that on August 13, 2013, Fazeli departed the United States via Lufthansa Flight 423 from Boston-Logan International Airport to Frankfurt International Airport, Germany with a follow-on flight was the same day via Lufthansa Flight 1298 from Frankfurt International, Germany to Istanbul Ataturk Airport, Turkey. A return trip was booked for arrival back in the U.S. on November 3, 2013. Records show that Fazeli did not board that flight.
27. My investigation has revealed that Fazeli was employed at a car dealership located at 710 Forest Avenue in Portland, Maine called Dubai Auto. Investigation reveals that Fazeli was friendly with one or more persons associated with Dubai Auto. Bank records of Dubai Auto reveal that on June 5, 2013, Fazeli deposited \$14,500 cash into the Dubai Auto bank account maintained at TD Bank. TD Bank filed a Cash Transaction Report in connection with that large cash deposit.
28. Further review of the bank records of Dubai Auto revealed that a debit card issued on the Dubai Auto business bank account was used to purchase an airline ticket from Lufthansa Airlines in the

amount of \$685.30 on July 29, 2013. Records obtained from Lufthansa Airlines confirm that debit card was used to purchase a ticket issued to Adnan Fazeli for travel from Boston to Istanbul via Frankfurt, with a departure date of August 13, 2013. The ticket also had a return leg from Istanbul to Boston via Toronto, Canada for travel beginning on November 2, 2013 with arrival in the U.S. the next day. As noted above, investigation has revealed that Fazeli did not return to the U.S. on November 3, 2013.

29. Dubai Auto bank records further revealed that the same Dubai Auto debit card used to purchase the flight to Istanbul was used to purchase a roundtrip airline ticket from Portland, Maine to Washington D.C. on U.S. Airways for travel on July 23, 2013 in the name of Adnan Fazeli. It appears that Fazeli flew from Portland to D.C. and back on the same day.
30. Although it appears highly likely that Adnan Fazeli died in January 2015, the aforementioned facts in this affidavit establish that it is probable that others were aware of Fazeli's plans and assisted his travel to the conflict in the Iraq-Syria-Lebanon area, his ability to travel there, and his activities after his arrival. It is probable that review of the contents of the identified Gmail accounts described hereinabove and in Attachments A and B below will provide evidence of material support to a FTO, or conspiracy to provide such support or activities aiding and abetting the same.

E. Statutes Involved

Title 18, United States Code, Section 2339B provides in pertinent part "whoever knowingly provides material support to a foreign terrorist organization, or attempts or conspires to do so..." commits a felony offense. I know that ISIL and Al Nusra Front, were both designated as "foreign terrorist organizations" (FTOs) within the meaning of Section 2339B prior to the date of Fazeli's travel to Turkey. I know that the provision of oneself as "personnel" to an FTO constitutes "material support" within the meaning of Section 2339B, as defined in Title 18, United States Code, Section 2339A(b).

F. Background Concerning Facebook

I have learned the following about Facebook:

- a. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com> Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.
- b. Facebook asks users to provide basic contact and personal identifying information, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, security questions and answers, physical address, telephone numbers, screen names, websites and other personal identifiers. Facebook also assigns a user identification number to each account.

- c. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. A Facebook user can also connect directly with individual Facebook users by sending a “friend request”. Each Facebook user’s account includes a list of that user’s “friends” and a “News Feed”, which highlights information about a user’s “friends”.
- d. Facebook users can select different levels of privacy for the communications and information associated with their accounts. By adjusting these privacy settings, a Facebook user can limit or restrict the availability of information to others. Users can create lists of “friends” to facilitate application of these privacy settings.
- e. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Users can also post “status” updates about their whereabouts and actions, with links to videos, photographs, articles and other items available on the internet. In addition, users can “check in” to particular locations or add geographic locations to their Facebook posts, thereby revealing their geographic locations on particular dates and times. A user’s profile page also includes a “wall”, which is space where the user and his “friends” can post messages, attachments and links that normally are visible to anyone who can view the user’s profile.
- f. Facebook allows users to upload photos and videos, which may include any metadata such as the location that a user transmitted from when the user uploaded a photo or video. It also provides users the ability to “tag” other Facebook users in a photo or video. For Facebook’s purposes, the photos and videos associated with a user’s account will include all videos and photos uploaded by the user that have not been deleted, as well as those uploaded by any other user that have the user “tagged” in them.
- g. Facebook users can exchange private messages on Facebook with other users. These messages, similar to email messages, are sent to the recipient’s “inbox” on Facebook, which also stores copies of messages sent by the recipient, as well as other information.
- h. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. If a Facebook user does not want to interact with another user, the first user can “block” the second user from seeing the first user’s account.
- i. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log is visible to the user but cannot be viewed by others visiting the user’s Facebook page.
- j. Facebooks Notes is a blogging feature available to Facebook users. Facebook also has a “Marketplace” feature which allows users to post free classified ads.
- k. Facebook uses the term “Neoprint” to describe an expanded view of a given user profile. The “Neoprint” for a given user can include the following information: profile contact

information; News Feed information; status updates; links to videos, photographs and other items; Notes; Wall postings; friends lists; future and past event postings; rejected “friend” requests; comments, gifts, pokes and tags; and other information about the users access and use of Facebook applications.

- i. Facebook also retains Internet Protocol (IP) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID or IP address associated with the action.
- m. Social networking providers like Facebook typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of services utilized, and the means and source of any payments associated with the service.
- n. In my training and experience, a Facebook user’s “Neoprint”, IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. Further, Facebook account activity can show how and when the account was accessed or used. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to tag their location in posts. Further, information on the Facebook account may indicate the owner’s motive and intent to commit a crime, and the involvement of others in that criminal activity.
- o. Therefore, the computers of Facebook are likely to contain some or all of the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.


G. Conclusion

Based upon the information above, I have probable cause to believe that on the computer systems owned, maintained and/or operated by Facebook, headquartered at 1601 Willow Road, Menlo Park, California 94025, there exists evidence and instrumentalities of violations of Title 18, United States Code, Section 2339B. By this affidavit and application, I request that the Court issue a search warrant directed to Facebook allowing agents to seize email and other information stored on the Facebook servers for the Facebook accounts and files specified in Attachment A. The warrant will be faxed to Facebook personnel who will be directed to produce those accounts and files.

H. Request for Sealing

Since the investigation is continuing, disclosure of this affidavit, the application for a search warrant and its attachments, and/or a resulting search warrant will jeopardize the ongoing investigation. Accordingly, the government has requested in a separate motion that the Court

issue an order sealing the application for search warrant and its attachments including this affidavit, and any search warrant issued, until further order of the Court. The government has also requested that Facebook be directed not to disclose the existence of the application for a search warrant or the resulting warrant until further order of the Court.



George W. Loder, Detective
Maine State Police
JTTF Task Force Officer

Subscribed and sworn before me
October 27, 2015



Nancy Torresen
United States District Judge