

RMT:MW  
F. #2016R00010

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**16M1049**

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UNITED STATES OF AMERICA

TO BE FILED UNDER SEAL

- against -

COMPLAINT AND  
AFFIDAVIT IN  
SUPPORT OF  
ARREST WARRANT

MOHAMED RAFIK NAJI,

Defendant.

(18 U.S.C. § 2339B(a)(1))

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EASTERN DISTRICT OF NEW YORK, SS:

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

In or about and between March 16, 2015 and September 12, 2015, both dates being approximate and inclusive, within the Eastern District of New York and the extraterritorial jurisdiction of the United States, the defendant MOHAMED RAFIK NAJI did knowingly and intentionally attempt to provide material support and resources, as defined in 18 U.S.C. § 2339A(b), including personnel, including himself, to a foreign terrorist organization, to wit: the Islamic State of Iraq and the Levant ("ISIL"), which at all relevant times has been designated by the Secretary of State as a foreign terrorist organization, knowing that the organization was a designated terrorist organization and the organization had engaged in and was engaging in terrorist activity and terrorism.

(Title 18, United States Code, Sections 2339B(a)(1) and 3551 et seq.)

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

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been assigned to the New York Joint Terrorism Task Force ("JTTF") for approximately one year. During my tenure with the FBI, I have participated in numerous investigations involving terrorists and foreign terrorist organizations, during the course of which I have, among other things, conducted physical surveillance, interviewed witnesses, executed court-authorized search warrants and used other investigative techniques to secure relevant information. I am familiar with the facts and circumstances set forth below from my participation in the investigation and from reports of other law enforcement officers involved in the investigation.

2. MOHAMED RAFIK NAJI is a 37-year-old citizen of Yemen and legal permanent resident of the United States who currently resides in Brooklyn, New York.

A. ISIL

3. ISIL is a foreign terrorist organization that, since 2013, has claimed credit for numerous terrorist activities. These terrorist activities are part of ISIL's broader goal of forming an Islamic state or "caliphate" in Iraq and Syria. On October 15, 2004, the United States Secretary of State designated al-Qaeda in Iraq, then known as Jam'at al Tawhid

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<sup>1</sup> 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. In addition, some of the communications referenced in this Complaint reflect draft translations of statements originally made in Arabic and are subject to revision. Unless otherwise indicated all statements attributed to the defendant or any other individual are in sum, substance and part. Social media posts, messages and other electronic communications quoted herein have not been edited to correct grammatical and/or spelling errors.

wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of al-Qaeda in Iraq as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham ("ISIS"), the Islamic State of Iraq and Syria ("ISIS"), ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. In an audio recording publicly released on June 29, 2014, ISIL announced a formal change of its name to Islamic State. On September 21, 2015, the Secretary of State added the following aliases to the ISIL listing: Islamic State, ISIL and ISIS. To date, ISIL remains a designated FTO.

4. Further, according to the U.S. Department of State, ISIL-Yemen, ISIL-Saudi Arabia, and ISIL-Libya all emerged as official ISIL branches in November 2014 when U.S. Department of State-designated Specially Designated Global Terrorist and ISIL leader Abu Bakr al-Baghdadi publicly announced that he had accepted the oaths of allegiance from fighters in Yemen, Saudi Arabia and Libya, and was thereby creating ISIL "branches" in those countries. Since 2014, ISIL has claimed responsibility for multiple terrorist acts in Yemen, including March 2015 suicide attacks on two mosques in Sanaa, the capital of

Yemen, which killed over one hundred people. ISIL-Yemen became a designated Foreign Terrorist Organization on May 19, 2016.<sup>2</sup>

B. NAJI'S SUPPORT OF ISIL

5. From 2014 through the present, NAJI has expressed his support for ISIL on Facebook accounts and through communications with a Confidential Human Source<sup>3</sup> (the "CHS") and Individual 1, referenced in more detail below.

6. The investigation has revealed that NAJI used a Facebook account with the vanity name "M Ali Salah" ("NAJI FACEBOOK ACCOUNT 1").<sup>4</sup>

7. Between September 2014 and May 2015, NAJI publicly posted several messages on NAJI FACEBOOK ACCOUNT 1 expressing his support for ISIL, including the following:

a. A September 17, 2014, post containing an image with the words "The Battle of Dabiq" and showing an icon with a world map "vs." an icon showing the ISIL flag. Based on my training and experience, I understand the Battle of Dabiq to refer to a prophecy involving a battle in the city of Dabiq, Syria. Dabiq is also the name of ISIL's official magazine.

b. A November 1, 2014 post updating the profile picture on NAJI FACEBOOK ACCOUNT 1. The profile picture depicts two men walking down a dirt

<sup>2</sup> As described above, ISIL was a designated Foreign Terrorist Organization at all times relevant to NAJI's attempt to provide material support to the group in Yemen in 2015.

<sup>3</sup> The CHS is an informant who is paid for the information he provides to law enforcement. The information provided by the CHS has been reliable and has been corroborated by other evidence, including, in many cases, by recordings of his conversations with NAJI.

<sup>4</sup> Subscriber information for this account shows that the telephone number used to register the account is a telephone number registered in NAJI's name. Accordingly, I assess that NAJI is the owner of NAJI FACEBOOK ACCOUNT 1.

road. They are carrying long-barreled guns and are walking toward an image of the ISIL flag superimposed across the sky.

c. A November 6, 2014 post updating the cover photograph on NAJI FACEBOOK ACCOUNT 1. The cover photograph depicts two circles: one contains a collage of the flags of various countries and the other contains an image of the black ISIL flag. Two arrows are below the circles, with one pointing in the direction of the ISIL image and the other pointing in the direction of world flags. Based on my training and experience, I assess this image to represent a choice between two paths: ISIL or the rest of the world.

d. A December 25, 2014 post containing a YouTube link to a September 12, 2014 audio message from the official ISIL spokesman at the time, Abu Muhammad al-Adnani, in which Al-Adnani calls for attacks on Western civilian and military targets.<sup>5</sup>

e. A May 23, 2015 post stating "Allah Akbar" and sharing an Aljazeera video showing ISIL fighters engaged in combat.

8. Between March 22, 2015 and September 9, 2015, NAJI accessed this account exclusively from Internet Protocol addresses that resolve to Yemen. As described in more detail below, NAJI travelled to Turkey and Yemen during this time period.

#### C. NAJI'S TRAVEL TO THE MIDDLE EAST AND EFFORTS TO JOIN ISIL

9. Between March 16, 2015 and September 12, 2015, NAJI travelled to locations overseas, including Turkey and Yemen, in an effort to join ISIL.

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<sup>5</sup> Al-Adnani was reportedly killed in Syria in August 2016.

10. Travel records show that NAJI traveled from John F. Kennedy International airport to Ataturk International Airport in Istanbul, Turkey aboard Turkish Airlines Flight No. 12 on March 16, 2015.

11. The investigation has revealed that NAJI used the email account mohamednaji23@gmail.com (the "NAJI GMAIL ACCOUNT").<sup>6</sup> On March 16, 2015, the NAJI GMAIL ACCOUNT was accessed from an IP address that resolves to Istanbul, Turkey. Beginning on or about March 18, 2015 and continuing through approximately August 2, 2015, the NAJI GMAIL ACCOUNT was accessed from IP addresses that resolve to Yemen. IP address information for dates prior to March 16, 2015 indicate that the account was accessed from locations within the United States.

12. On March 19, 2015, NAJI emailed his girlfriend in the United States ("Individual 1") and described NAJI's ongoing efforts to join ISIL in Yemen. NAJI wrote, "I'm in hunny I couldn't get phone line now I have to wait m just using internet in café but everything ok so far I met this taxi guy look like a good guy he said he's gonna take me short cut almost there inshallah I love u hunny so much".

13. Based on my investigation and discussions with other law enforcement officers, I am aware that in 2015 ISIL operated only in certain parts of Yemen. In a March 27, 2015 email to Individual 1, NAJI stated, "it's very hard to get in I'm on my 5 try its difficult mad po po military and ppl here very scared inshallah I make it m keep trying if not

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<sup>6</sup> Records obtained from Google indicate that mohamednaji@gmail.com is subscribed to by "Mohamed Naji". In addition, the telephone number used to register the account is the same telephone number used to register NAJI FACEBOOK ACCOUNT 1. Accordingly, I assess that NAJI was the owner of the NAJI GMAIL ACCOUNT.

m have to go from somewhere else.” Based on my training and experience, I assess that NAJI was explaining that he was on his fifth attempt to reach ISIL-controlled territory from his location in Yemen. Further, I assess that the reference to “po po” is a reference to police officers or other members of law enforcement. I further assess that NAJI’s statement that he may “have to go from somewhere else” indicates that if he is unable to reach ISIL-controlled territory from his current location, that he will try to enter ISIL-controlled territory from a different location.

14. In a March 29, 2015 email to Individual 1, NAJI described surviving a conflict with armed forces in Yemen: “we almost got killed today by army it’s been 6 day we hiding n mountains trying sneak n no food no water and have 330 miles left ☹ ☹ ☹prayers PLZZ m glad u didn’t come...”. On March 30, 2015, NAJI wrote to Individual 1, “we went back to city rest couple day n try again”.

15. Four days later, NAJI again tried to reach ISIL-controlled territory. On April 3, 2015 he wrote, “we can’t get in”. The same day NAJI sent an email attaching a photograph that depicts four men walking along a road in what appears to be a desert-like area. The men are dressed in black, carrying backpacks and one appears to be carrying a long-barreled gun. Later the same day, NAJI wrote to Individual 1 that he was “thinking of coming back m really really tired.” Individual 1 responded with an emoji face with a frown and winking eye.

16. On April 4, 2015, NAJI wrote to Individual 1 requesting money: “Hunny 1 last favor \$2 grand for plane ticket and to get back I promise I’ll pay u back when I get there it’s harder then I thought m tired hiding n mountains for 3 weeks it’s very very hard

wallah<sup>7</sup> ill explain when I get back. ☹ ☹ ☹ ☹ PLZZ m sorry for being a burden wallahi I will not leave next time till I pay u in full promise.”

17. Individual 1 responded on April 4, 2015 and asked, “how to I send it and where”. Later, Individual 1 expressed continued support for NAJI: “Don’t worry I lost all myself too we in this together wallah.” NAJI then instructed Individual 1 to wire funds via Moneygram and provided Individual 1 the name of the person in Yemen to whom the money should be sent. NAJI further informed Individual 1, “It’s gonna take 4 days to get here driving.” Based on the context of this email, I assess that NAJI meant that it would take four days by car for the money wired to Yemen to reach NAJI’s then-current location. Later that day, NAJI instructed Individual 1 to send the money via Western Union, rather than Moneygram. He stated, “No do it with western union and change the name ...the first guy switched up on me he’s. scared”. NAJI further informed Individual 1 that “the first guy cancelled on me beuz he wanted 500 to bring it here he say it risky and far.” NAJI wrote, “It’s 3am here I haven’t slept n days and we have trouble getting in the party to many security Guards all ova the place they kill us if they find us we travel at night and rest n day light m explain when I get there.” Individual 1 responded to express concern that the transaction would look suspicious: “OK don’t email it .... I’ll send it through western union will it not look suspicious since we made the mistake ?”

18. Later on April 4, 2015, NAJI responded and instructed Individual 1 to “PLZZ erase all ur messages.” Individual 1 responded, “U too.” NAJI wrote, “I do erase

<sup>7</sup> Based on my training and experience, I understand “wallah” and “wallahi” to be an Arabic expression meaning “[I promise] by God”.



them even from your trash.” Based on context, I assess that NAJI was explaining to Individual 1 that NAJI’s practice was to erase all of his emails and that he was further instructing Individual 1 to erase all emails, including emails saved in the trash folder of Individual 1’s email account. Individual 1 responded “I kno”.

19. A review of records obtained from Western Union indicates that Individual 1 sent \$2000.00 to a recipient in Ibb, Yemen on April 4, 2015.

20. On April 15, 2015, Individual 1 sent an email to NAJI asking, “U ok?” NAJI responded with an email to which he attached what appears to be a photograph commonly referred to as a “selfie,” in which he is wearing all black clothing, including a tactical vest in which a large knife handle is visible. The lower half of NAJI’s face is covered by a black and gray bandana.<sup>8</sup>

21. On April 20, 2015, NAJI emailed Individual 1 and attached a video file. The video depicts Abu Usamah al-Maghribi, an ISIL member, reciting portions of the Quran. In the video, Abu Usamah al-Maghribi is seated in front of the black ISIL flag and a group of armed men.

22. On April 21, 2015, NAJI emailed Individual 1. The subject line of the email is “First day on the job”. The email attaches a video file in which gunshots are audible and a male voice can be heard stating in sum, substance and in part, “I think we’re taking fire,” “Where it’s coming from, I don’t know,” and “stay down”. On April 22, 2015, NAJI sent a second video file in which gunfire is audible. During the course of my investigation,

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<sup>8</sup> Based on my review of DMV and Immigration and Customs Enforcement photographs as well as social media posts, I recognize the person in this photograph to be NAJI.

including review of open source reporting, I have learned that ISIL was involved in fighting in Yemen around this time.

23. On April 28, 2015, NAJI emailed Individual 1 and stated, "U can follow up in my Facebook". He attached a screenshot of a Facebook profile with the vanity name "Abuyousef Al-muhager". The profile picture shows a man with his face covered and eyes visible. He appears to be wearing an explosive device on his chest. The cover photograph contains an image with the words "The Battle of Dabiq" and showing an icon with a world map "vs." an icon showing the ISIL flag. This is the same image posted on NAJI FACEBOOK ACCOUNT 1 described above in paragraph 7(a).

24. On May 1, 2015, Individual 1 wrote to NAJI and asked, "Was it good that I didn't go?" On May 2, 2015 NAJI responded, "It's good and it's bad no electricity no wifi on certain areas and u need lot money to get around and be careful who u talk to cuz u end up dead lotta spy's".

25. On May 10, 2015, NAJI wrote to Individual 1 asking again for "help." Individual 1 wrote back to ask "how much u need?" NAJI asked Individual 1 for "1000?" on May 11, 2015. The same day Individual 1 responded "Ok give me a day at least". NAJI responded "I only say ASAP bby cuz it's gonna take 1 week to get here." Based on context, I assess that NAJI was referring to the time it would take the wired funds to be brought to NAJI's then-current location. Individual 1 responded on May 12, 2015 and asked NAJI, "Send to the same guy and in Yemen right?" In response, NAJI provided a telephone number.

26. A review of records obtained from Western Union indicates that Individual 1 sent \$1000.00 to a recipient in Ibb, Yemen on May 12, 2015.

27. On June 14, 2015 and June 15, 2015 NAJI and Individual 1 exchanged additional emails in which they discussed wiring money to NAJI. On June 15, 2015, Individual 1 wrote, "Ok I sent 1999.99".

28. A review of records obtained from Western Union indicates that Individual 1 sent \$1999.00 to a recipient in Ibb, Yemen on June 15, 2015.

29. On June 24, 2015, NAJI emailed Individual 1. The subject line of the email is "Re: Have patience". The body of the email contained an image of a man carrying what appears to be an automatic rifle and containing a quote attributed to "Awlaki Quotes". Based on my training and experience, I assess this to be a reference to Anwar al-Awlaki, the now-deceased, American-born Islamic lecturer and al-Qaeda in the Arabian Peninsula leader who espoused violent jihad against Westerners and encouraged the emigration of foreign fighters to countries around the world to engage in violent jihad.

30. On July 12, 2015, NAJI wrote to Individual 1 again asking for money. He instructed that it should be wired to the same recipient. Individual 1 responded on July 13, 2015, stating, "I send it tomorrow inshallah .... Your killing me here man smh"<sup>9</sup> and in a subsequent email that same day, "Last time wallahi". Later on July 13, 2015 Individual 1 wrote, "I sent 480".

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<sup>9</sup> "SMH" is a commonly used acronym that means "shakes my head" and is used to indicate frustration or disbelief.

31. A review of records obtained from Western Union indicates that Individual 1 sent \$480.00 to a recipient in Sanaa, Yemen on July 13, 2015.

32. The investigation has revealed that NAJI used a second Facebook account that was created on July 14, 2015 and was active through September 4, 2015 and that used the vanity name "Abu Yousef Almuhaier" ("NAJI FACEBOOK ACCOUNT 2"). During that time period, NAJI FACEBOOK ACCOUNT 2 was accessed exclusively from IP addresses that resolve to Yemen.

33. On August 15, 2015, the user of NAJI FACEBOOK ACCOUNT 2 sent a photograph of a man wearing all black and holding a large knife. Based on my review of DMV and Immigration and Customs Enforcement photographs, as well as social media posts, I recognize the person in this photograph to be NAJI.

34. On or about August 26, 2015, NAJI used NAJI FACEBOOK ACCOUNT 2 to begin communicating with a confidential source whose identify is known to law enforcement. The CHS initiated contact with NAJI on Facebook.

35. On August 26, 2015, NAJI and the CHS exchanged the following messages:

CHS: Abu Yousef are you in Syria ?

NAJI: Y u ask

CHS: I'll till you if you answer my question

NAJI: No

CHS: OK

NAJI: Y u wanna come over

CHS: To you ?  
I want to find out a safe way

NAJI: No to dawlat islam

Based on my training and experience, I assess "dawlat islam" to be a reference to the "Islamic State". I further assess NAJI to be asking the CHS if the CHS would like to "come over," i.e. travel abroad, to join "dawlat islam," i.e., the "Islamic State" or ISIL. Later in the same conversation, NAJI and the CHS exchanged the following messages:

NAJI: Ok go to hadramout<sup>10</sup> they have dawlat islam there

CHS: I'm not in Yemen  
I'm in New Jersey

NAJI: It's now good to day where u are Facebook is being monitored<sup>11</sup>

I assess NAJI's instruction to go to "hadramout" to be an instruction to the CHS that if he travels to that area of Yemen he can join ISIL.

36. Subsequently, during the same conversation, NAJI reiterated his concern that Facebook was being monitored and instructed the CHS to "make sure u don't facebook with your real info".

37. Also during the same August 26, 2015 conversation, the CHS wrote to NAJI, "You sound like army person". NAJI replied, "No I belong to Islamic state only".

38. During the August 26, 2015 conversation, NAJI went on to describe the spread of ISIL around the world:

NAJI: Al dawlat al islam is spreading like a virus and the kuffar<sup>12</sup> don't like that that's why the whole world is fighting them

<sup>10</sup> Hadhramaut is a region in the southern portion of Yemen.

<sup>11</sup> I assess that NAJI intended to write that "it is not good to say where you are".

<sup>12</sup> "Kuffar" means non-believers.

CHS: Bro  
The not like a virus  
The like cloud rising

NAJI: I be posting a lotta video on my time line<sup>13</sup> it explains  
better then words

CHS: I see theme

NAJI: What I mean by virus is they can't stop it no matter what  
they do

39. Records obtained from Immigration and Customs Enforcement show that NAJI arrived at John F. Kennedy International Airport in Queens, New York on September 12, 2015. Travel records show his flight originated in Ambouli, Djibouti with a connection in Doha, Qatar.

D. NAJI'S CONTINUED SUPPORT OF ISIL IN THE UNITED STATES

40. Since his return to the United States, in conversations with the CHS, NAJI has described his efforts to join ISIL between March and September 2015. NAJI has also continued to profess his support for ISIL.

41. Following their initial conversation via Facebook, NAJI directed the CHS to contact him via another online communication platform, and using that platform, NAJI and the CHS arranged an in-person meeting in New York. Over the course of the following year NAJI and the CHS met in person on numerous occasions.

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<sup>13</sup> I assess "time line" to be a reference to the Facebook Timeline, which is a reverse chronological display of a Facebook user's history and activity.

42. For example, NAJI and the CHS met on December 15, 2015, and their conversation was recorded. During the conversation, NAJI described a number of ways to travel abroad to join ISIL:

CHS: Syria, is it easy for someone to go to the Islamic State in Syria?

NAJI: Well, as I told you last time I was already in Turkey

CHS: So you went to Turkey?

NAJI: Yeah, I was in Turkey and then traveled from there. . .

Based on my training and experience, I assess NAJI's statement to mean that in order to join ISIL he travelled to Turkey and then went on to another location from Turkey. This is consistent with the IP address history showing that the NAJI GMAIL ACCOUNT was accessed from an IP address resolving to Turkey on March 16, 2015 and subsequently accessed from IP addresses in Yemen.

43. During the same December 15, 2015 conversation, NAJI went on to explain that he originally planned to go to Turkey with his wife because "if she came with me it would be easy for both of us to enter. . .," adding that "if you go as a single man or if they suspect you in Turkey, they will stop you in Turkey right there before you get out of their airport". Following NAJI's return to the United States, NAJI informed the CHS that Individual 1 was his wife. This is consistent with the email communications between NAJI and the CHS described above in which NAJI and the CHS discuss whether Individual 1 should have travelled with NAJI.

44. During the December 15, 2015 conversation, the CHS asked NAJI about how one could access the "Islamic State" and NAJI responded, "Syria is bordering with

Turkey. Turkey is bordering Iraq and Syria. You can enter from Turkey to Syria and you can enter from Turkey to Mosul in Iraq, you understand?"

45. During the same December 15, 2015 conversation, NAJI and the CHS discussed traveling together to join ISIL, including which ISIL locations were easier to access than Syria and Iraq:

NAJI: we can go to Sinai, we can go to Libya, we can go to Yemen, we can go to Somalia, and you know what I mean

CHS: Yeah

NAJI: They will not suspect us like they are suspecting uh ...

CHS: Turkey

NAJI: focusing on that ...

CHS: When you reach there ...

NAJI: It is easy for us to get in to anyone of those except that, look if two now go, let's say Yemenis...

CHS: Or any other people who want to go

NAJI: They are now focusing on things you wear, even on the shoes you wear, the focus on it, I mean don't wear boots, you understand, so don't wear boots and don't...

CHS: Why what happens if you wear boots?

NAJI: They will know what you are planning at. They even search your clothes piece by piece.

CHS: That is tiresome

NAJI: But you know what, they already made it easy for us, we can say we are traveling to Yemen. You know like like ...

CHS: but Yemen, Yemen has not yet been proclaimed as a state



...

NAJI: They have proclaimed it so long time ago, before eight or nine months...

Based on my training and experience, I assess NAJI's statement to mean that ISIL had claimed that Yemen was part of its territory for eight or nine months before the December 15, 2015 conversation with Individual 1. NAJI's travel to Turkey and Yemen is within the period of time that NAJI states that Yemen was part of ISIL's territory.

46. On July 19, 2016, NAJI and the CHS had a conversation that was recorded. During this conversation, Naji expressed his support for staging an attack in Times Square, similar to the attack in Nice, France on July 14, 2016, for which ISIL had claimed responsibility:

CHS: I followed it from the beginning, apparently you were sleeping.

NAJI: Yeah I was sleeping but it said that he crushed them quickly.

CHS: I followed it from the first moment - -

...

CHS: but he was shooting at the same time?

NAJI: No he only had one pistol and cops rushed and killed him. I was saying if there is a truck, I mean a garbage truck and one drives it there to Times-Square and crushes them shshshshshsh...Times-Square day.

CHS: Times-Square

NAJI: They want an operation in Times-Square.

CHS: Mm?

NAJI: They want an operation in Times-Square, reconnaissance group already put out a scene, the Islamic State already put up scenes of Times-Square, you understand. I said that was an indication for whoever is smart to

know.

CHS: Who will do it?

NAJI: Allah's people, the Islamic State has uh - -

CHS: but I am following the news of the Islamic State on facebook, my brother there has been a campaign on all of its sites- -

NAJI: I mean they have many who hate them


47. Jihadist propaganda has long counseled followers to commit acts of violence like the one described by NAJI; i.e. by using vehicles as weapons. For example, the Fall 2010 issue of Inspire Magazine, a publication by the media arm of al-Qaeda in the Arabian Peninsula ("AQAP"), described such an operation. It encouraged jihadists to "use a pickup truck as a mowing machine, not to mow grass but to mow down the enemies of Allah." More recently, the Autumn 2016 issue of Inspire Magazine encouraged "lone mujahids" to commit acts of violent jihad "using a truck as done by the Lone Mujahid in the Nice operation." Similarly, the July 2016 issue of Dabiq, ISIL's official magazine, praised the "brother" who answered "the Islamic State's calls to target nations participating in the Crusader coalition fighting the Caliphate" by "killing more than 80 people and injuring more than 300 others" in the Nice attacks.<sup>14</sup>

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant MOHAMED RAFIK NAJI, and that he be dealt with according to law. Further, as detailed above, NAJI has taken steps to destroy evidence. Thus, if law

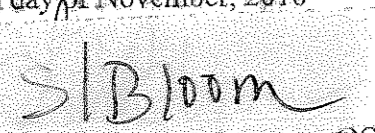
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<sup>14</sup> Based on my training and experience, I understand "mujahid" to be a reference to a person engaged in violent jihad. I further understand that in this context "Caliphate" is a reference to ISIL.

enforcement agents executing the arrest warrant were to announce their presence before first executing the warrant there is a risk that NAJI could destroy evidence. Accordingly, the requested warrant authorizes agents to execute the warrant without first announcing their presence. 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.

  
SEAN PUHALOVIC  
Special Agent, Federal Bureau of Investigation

Sworn to before me this  
19th day of November, 2016

  
\_\_\_\_\_  
THE HONORABLE S. BLOOM  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK