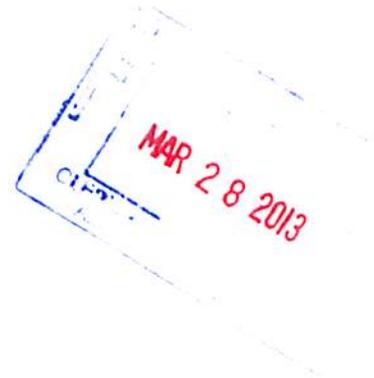


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)
)
 v.)
)
 ERIC HARROUN)
)
 Defendant.)

Case No. 1:13 MJ 182

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Paul Higginbotham, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have served in this capacity for two years. I am currently assigned to the Washington Field Office, where I work with a team of agents who are focused on investigating crimes related to international terrorism. My duties require me to enforce various federal laws, to include those that involve acts of terrorism by U.S. citizens and involving designated foreign terrorist organizations.

2. I am familiar with the facts and circumstances set forth below from my review of publicly available information and information provided by other law enforcement officials and foreign governments. Because this affidavit is for the limited purpose of establishing probable cause for a criminal complaint, it does not set forth every fact learned in the course of this investigation.

3. This affidavit is submitted in support of a criminal complaint charging ERIC HARROUN, with conspiring to use a weapon of mass destruction outside of the United States, in violation of 18 U.S.C. § 2332a(b).

JABHAT AL-NUSRAH AND SYRIA

4. The Jabhat al-Nusrah, also known as the al-Nusrah Front, is a “terrorist organization” as defined by 18 U.S.C. § 2339B(g)(6). On October 8, 2004, the Secretary of State designated Jam’at al Tawhid as a Foreign Terrorist Organization pursuant to Section 219 of the Immigration and Nationality Act. Since that designation, the organization repeatedly changed its name. On December 15, 2004, the Secretary of State amended the designation to include more than a dozen additional names for the same group. The group is commonly referred to as “al Qa’ida in Iraq,” including on the State Department’s public list of designated foreign terrorist organizations. On November 20, 2012, the Secretary of State again amended the designation to include more recent aliases used by the same terrorist organization. Those aliases included al-Nusrah Front, Jabhet al-Nusra, Jabhat al-Nusrah, The Victory Front, and al-Nusrah Front for the People of the Levant. The amendment was published in the Federal Register on December 11, 2012.

5. According to the State Department when announcing the amendment of the designation to include the al-Nusrah Front, since November 2011, al-Nusrah Front has claimed responsibility for nearly 600 terrorist attacks in Syria.

ERIC HARROUN AND HIS FOREIGN TRAVEL

6. ERIC HARROUN is a U.S. citizen. HARROUN served with the United States Army from 2000 to 2003. In 2003, he was injured in a car accident and was medically discharged from the military.

7. According to travel records provided by the Airlines Reporting Company (ARC), in December 2010, HARROUN traveled from the United States to Cairo, Egypt and then on to Beirut, Lebanon in February 2011. Those records further indicate that in September 2011, HARROUN flew from Cairo, Egypt to Amman, Jordan and then on to Beirut, Lebanon in

October 2011. Those records further indicate that HARROUN returned to the United States on October 17, 2011.

8. According to travel records provided by ARC, in June 2012, HARROUN flew through China to Bangkok, Thailand. In November 2012, ARC records indicate that HARROUN flew from Vietnam to Istanbul, Turkey.

9. HARROUN entered Turkey in November 2012. He crossed into Syria on or about January 7, 2013 from Kilis at the Oncupinar border crossing.

VIDEOS AND PHOTOGRAPHS OF HARROUN

10. After HARROUN entered Syria, he appeared in two videos which indicated that he was engaged in military action in Syria with rebel forces against the Syria government. For instance, on or about January 26, 2013, an article titled “‘American Fighter’ Vows Death to Assad” was published on a news website. The article was accompanied by an image of HARROUN taken from a YouTube video. The video was published by a research institute and obtained by the FBI. In the video, HARROUN appears sitting among a group of men who are wearing military style clothing. HARROUN speaks directly to the camera and states: “Bashar Al-Assad, your days are numbered. Where[ever] you go we will find you and kill you.”

11. On or about February 14, 2013, an individual with access to a Facebook account which uses HARROUN’s name and profile photograph shared a link to a video of a helicopter that appeared to have been shot down. Based on my review of the public information associated with this account, I believe that this account is HARROUN’s Facebook account. In the post referenced above, the text accompanying the video stated “Downed a Syrian Helicopter then Looted all Intel and Weapons!” The video was publicly available on the Facebook account, and FBI obtained a copy of the video. The video shows a downed Syrian helicopter and depicts

HARROUN riding in a jeep with other individuals wearing military-style clothing and in possession of weapons. HARROUN is celebrating in the video and makes statements in English in support of the downing of the helicopter.

12. On March 20, 2013, United States Magistrate Judge John F. Anderson authorized the search of a Facebook account associated with the username eric.harroun. Based on my review of the contents of the search warrant, the account belongs to HARROUN. The account is the same account described in paragraph 13. The search warrant revealed that HARROUN uploaded multiple photographs of himself carrying military weapons, including Rocket Propelled Grenades (“RPG”). For instance, on February 6, 2013, HARROUN uploaded a picture of himself with machine guns and an RPG. He titled the photo “Ready to tear Bashar al-Assads Army and the Shabehah apart!!.” In other photos uploaded to his Facebook account that were titled “Syria,” HARROUN is shown holding or posing with RPGs and other weaponry. In one of these photos, HARROUN appears with a bandage on his leg. In the caption to the photo, HARROUN wrote “After a Mission got small grenade fragments in my leg.”

13. HARROUN also used the Facebook account to comment on photos and videos of himself that were published by the news media. For instance, after a person posted a comment to the news article discussed in Paragraph 13 stating “Looks like he has a knife to his back and is reading from a script.” An individual using HARROUN’s Facebook account posted a reply on February 6, 2013, stating “Nope NO knife was to my back I was NOT prepared for the speech thouth [sic] so thats why it sounds unprofessional . . .” The same account, two minutes later, posted an additional reply stating “Nope NO knife or gun to my back I killed man Shabehah and Syrian Army even 1 Iranian . . . Take care.”

THE FBI'S INTERVIEWS OF ERIC HARROUN

14. On or about March 11, 2013, FoxNews.com published an article based in part on an interview of HARROUN. In the article, HARROUN acknowledged that he had been fighting with Syrian rebels, including the al-Nusrah Front, but stated that he had returned to Turkey. According to the article, HARROUN's Facebook wall included the quote: "The only good Zionist is a dead Zionist" and HARROUN stated that he intended to travel to Palestine because of Israeli atrocities there.

15. In March 2013, the FBI conducted three interviews of HARROUN at the U.S. Consulate in Istanbul, Turkey.

16. On or about March 12, 2013, HARROUN voluntarily came to the U.S. Consulate and agreed to be interviewed by the FBI. During the interview, HARROUN stated, among other things, that in November 2012 he traveled to Turkey in order to enter Syria. HARROUN claimed that he wanted to fight with the Free Syrian Army against the Assad regime. While in Istanbul, HARROUN met individuals who helped to arrange for him travel to Syria to join groups fighting the regime. On January 7, 2013, HARROUN flew with one individual from Istanbul to a town near the Syrian border. They travelled to a Turkish Syrian border crossing. HARROUN stated that they then walked across the border into Syria, where a pre-arranged taxi met them and drove them to the town A'zaz. In A'zaz, HARROUN received two weapons from the Free Syrian Army, including an old Russian Dragunov sniper rifle and a Kalashnikov. HARROUN also stated that he was offered a few homemade hand grenades but that he did not carry them because he was concerned that the fusing on the grenades was not timed accurately and therefore would be too dangerous to handle.

17. During the March 12 interview, HARROUN further stated that, within three days of arriving in A'zaz, HARROUN and others members of the Free Syrian Army engaged in a joint attack with the al-Nusra Front on a Syrian army encampment. On the day of the attack, HARROUN was transported to a location near a Syrian army camp. As part of the attack, vehicles bearing black flags transported al-Nusra fighters to locations near the camp. HARROUN and the rest of the attackers then initiated an attack on the Syrian army camp. HARROUN stated that he returned fire towards the location of individuals who were shooting at his group. HARROUN stated that the attack lasted twenty minutes, after which his group retreated back to the vehicles. HARROUN jumped into the back of an al-Nusra Front truck, which took him to an al-Nusra Front camp.

18. During the March 12 interview, HARROUN stated that, initially he was treated like a prisoner while at the al-Nusra Front camp. However, after a short time period, the al-Nusra Front soldiers accepted him and returned his weapons. Once his weapons were returned, he was told that the al-Nusra Front brigade was going to mount another attack. HARROUN participated in that attack and was assigned to a five-man fire team. Other fire teams were equipped with RPGs. Two members of HARROUN's five-man team were shot, and HARROUN assisted and saved the life of one of them. After the attack, HARROUN was accepted as a member of the group because he had proven himself in battle.

19. During the March 12 interview, HARROUN stated that, during the course of his fighting in Syria, he estimated that he shot ten people, but he does not know if he actually killed any of them.

20. During the March 12 interview, HARROUN stated that, after HARROUN fought directly with the al-Nusra Front, he returned to A'zaz. In A'zaz, HARROUN stated that he lost

his United States passport when the Syrian army attacked the base and a mortar hit the building where his passport was located. While in A'zaz, a member of the Free Syrian Army asked HARROUN to return to Turkey to obtain more weapons.

21. During the March 12 interview, HARROUN stated that he was able to re-enter Turkey on or about February 10, 2013, without his passport.

22. During the March 12 interview, HARROUN was asked about his comment that "the only good Zionist is a dead Zionist." HARROUN stated that he equated Zionism with Nazism and Fascism. He further claimed that he hated al-Qaeda, that he did not know any al-Qaeda members, and that he would fight against any regime if it imposed Sharia law in Syria because he was opposed to all forms of oppression.

23. On or about March 18, 2013, HARROUN was voluntarily interviewed again at the U.S. consulate. During the interview, HARROUN acknowledged, among other things, that he had been fighting with the al-Nusra Front for approximately 25 days and that he estimated that he had engaged in seven to ten battles with the al-Nusra Front. HARROUN further stated that the individuals in the video titled "'American Fighter' Vows Death to Assad" were al-Nusra fighters and HARROUN identified some of the fighters specifically by name or alias.

24. On or about March 25, 2013, HARROUN was again voluntarily interviewed at the U.S. consulate. During that interview HARROUN stated he received training on how to use and operate an RPG from members of the al-Nusra Front while in Syria. In this interview, HARROUN stated he fired an RPG on at least one occasion while in Syria.

25. HARROUN returned to the United States on or about March 27, 2013. After arriving at Dulles International Airport and clearing customs, the FBI conducted a voluntary interview of HARROUN in a non-custodial setting. During the interview, HARROUN stated

that, while he was fighting with the al-Nusra Front in Syria, he knew that the al-Nusra Front had been designated by the United States as a terrorist organization. HARROUN stated that while he was in Syria with members of the al-Nusra Front, al-Nusra fighters would ask him why the United States had designated them as terrorists. HARROUN stated that the al-Nusra Front was primarily made of non-Syrians, and he could identify al-Nusra Front members because they had black flags sewn onto their clothing and drove in vehicles bearing black flags.

26. During the March 27, 2013 interview, HARROUN also stated that while fighting with the al-Nusra Front he was part of an "RPG Team." As part of that team, HARROUN carried three rockets in a back pack along with an AK-47 rifle. HARROUN stated he carried both anti-personnel and anti-armor rockets. HARROUN stated that he and his team would fire rockets at the defenses of regime forces. HARROUN stated that on at least one occasion he hit a tower with a rocket. Other members of HARROUN's RPG team also fired rockets and had successful hits on Syrian targets.

