

**FILED**

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AO 91 (REV. 5/85) Criminal Complaint

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THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER:

ABDELLA AHMAD TOUNISI

**13 CR 0328**

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: On or about April 19, 2013, in the Northern District of Illinois, Eastern Division, and elsewhere, ABDELLA AHMAD TOUNISI, defendant herein:

knowingly attempted to provide material support and resources, namely, personnel, to a foreign terrorist organization, namely, al-Qaida in Iraq, designated as a foreign terrorist organization by the United States Department of State on or about October 15, 2004, and amended to include the alias Jabhat al-Nusrah on or about December 11, 2012, knowing that the organization was a designated terrorist organization and that the organization had engaged and was engaging in terrorist activity and terrorism,

in violation of Title 18, United States Code, Section 2339B(a)(1). I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

\_\_\_\_\_  
Signature of Complainant  
Dwayne W. Golomb  
Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

April 20, 2013  
at \_\_\_\_\_  
Date

Chicago, Illinois  
City and State

*Daniel G. Martin*

DANIEL G. MARTIN, U.S. Magistrate Judge  
Name & Title of Judicial Officer

\_\_\_\_\_  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT )  
 )  
NORTHERN DISTRICT OF ILLINOIS )

**AFFIDAVIT**

**Introduction and Agent Background**

I, Dwayne W. Golomb, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), assigned to the Chicago Field Division. I have been employed by the FBI for over nine years. I am currently assigned to an FBI squad dedicated to investigating counter-terrorism related matters. As a result of my training and experience, I am familiar with the tactics, methods, and techniques of terrorist networks and their members.

2. This affidavit is submitted for the purpose of establishing probable cause that on or about April 19, 2013, Abdella Ahmad Tounisi, knowingly attempted to provide material support and resources, namely, personnel, to a foreign terrorist organization, namely, al-Qaida in Iraq, designated as a foreign terrorist organization by the United States Department of State on or about October 15, 2004, and amended to include the alias Jabhat al-Nusrah on or about December 11, 2012, knowing that the organization was a designated terrorist organization and that the organization had engaged and was engaging in terrorist activity and

terrorism, in violation of Title 18, United States Code, Section 2339B(a)(1) (the "Subject Offense").

3. The information in this affidavit is based on my experience, training, and personal knowledge; my review of records and other materials obtained during the course of this investigation, including communications and information that were obtained through (1) lawful court orders and (2) the consent of FBI employees; and information provided to me by other government personnel and others with knowledge relating to this investigation. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging Abdella Ahmad Tounisi with the Subject Offense, it does not contain all of the facts known to me with regard to the investigation.

#### Background Information

##### *Abdella Ahmad Tounisi*

4. According to records from the United States Department of State, Abdella Ahmad Tounisi is an eighteen year old United States citizen who resides in Aurora, Illinois.

##### *Jabhat al-Nusrah*

5. Jabhat al-Nusrah is a jihadist militant group operating inside Syria. On or about December 11, 2012, the United States Department of

State amended the Foreign Terrorist Organization and Executive Order 13224 designations of al-Qaida in Iraq (AQI) to include the following aliases: Jabhat al-Nusrah, al-Nusrah Front, Jabhet al-Nusra, The Victory Front, and Al-Nusrah Front for the People of the Levant. The Department of State previously designated AQI a Foreign Terrorist Organization under Section 219 of the Immigration and Nationality Act on or about December 15, 2004.

6. According to a release issued by the Department of State on or about December 11, 2012, since November 2011, Jabhat al-Nusrah has claimed nearly 600 terrorist attacks – ranging from more than 40 suicide attacks to small arms and improvised explosive device operations – in major city centers in Syria, leading to the death of “numerous innocent Syrians.” According to the release, through these attacks, Jabhat al-Nusrah “has sought to portray itself as part of the struggles of the Syrian people for its own malign purposes.”<sup>1</sup>

7. On or about April 6, 2013, Ayman al-Zawahiri, the current leader of al-Qaeda, released a statement praising Jabhat al-Nusrah and calling for it to establish an Islamic state in Syria. On or about April 9, 2013, Abu Bakr al-

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<sup>1</sup> According to a release issued by the Department of State on or about December 11, 2012, AQI's leader, Abu Bakr al-Baghdadi (aka, “Abu Du'a”), exercises control of both AQI and Jabhat al-Nusrah. Abu Bakr al-Baghdadi was designated a Specially Designated Global Terrorist by the State Department under Executive Order 13224 in or about October 2011.

Baghdadi, the leader of AQI, released a statement confirming that Jabhat al-Nusrah was “merely an extension” of AQI. The following day, on or about April 10, 2013, the purported leader of Jabhat al-Nusrah, Abu Mohammed al-Jawlani, issued a statement affirming Jabhat al-Nusrah’s allegiance to Zawahiri and al-Qaeda.

### Overview

8. As further described below, Tounisi was a close friend of an individual named Adel Daoud, who, on or about September 14, 2012, was arrested for attempting to detonate a bomb outside a bar in downtown Chicago. See *United States v. Daoud*, 12 CR 723. Tounisi and Daoud appeared to share an interest in violent jihad, a topic about which the two exchanged a number of emails, phone calls, and text messages.<sup>2</sup> Meanwhile, in or about July 2012, Daoud was introduced to a purported operational terrorist, but who in fact was an FBI undercover agent (“the UC”). Daoud met with the UC on several occasions, during the course of which he selected, researched, and surveilled a target for a terrorist attack to be carried out in the Chicago area.

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<sup>2</sup> “Jihad” is an Arabic term meaning “struggle,” referring to one’s struggle on behalf of Islam. In the context of these communications, and based on later communications, I understand Tounisi and Daoud to be referring to a violent form of jihad.

9. As further described below, in or about August 2012, Daoud shared his plans for a terrorist attack with Tounisi and sought Tounisi's assistance. Tounisi recommended certain attack techniques, offered ideas about targeting, and researched those locations online to analyze their feasibility. Ultimately, however, in mid-August 2012, Tounisi apparently decided against participating in the attack, in part because he believed the UC was associated with law enforcement. As Daoud explained to the UC, Tounisi sought instead to travel overseas to engage in violent jihad. Daoud opted to carry out the attack without Tounisi and, on September 14, 2012, he was arrested after attempting to detonate a bomb outside a bar in downtown Chicago. Hours after Daoud's arrest, Tounisi was interviewed by FBI agents and admitted to assisting Daoud in target selection and acknowledged that he had contemplated traveling to Yemen to carry out jihad.

10. As further described below, Tounisi's interest in violent jihad continued, notwithstanding Daoud's arrest on terrorism charges. Indeed, from in or about January to April 2013, Tounisi performed extensive online research related to traveling overseas and violent jihad, research that centered on Syria and the terrorist group Jabhat al-Nusrah. Tounisi investigated how to travel to Syria from Chicago and applied for and received a new passport. On or about March 28, 2013, Tounisi contacted an individual

whom he believed to be a recruiter for Jabhat al-Nusrah, but who in fact was an FBI online undercover employee ("the OCE"). Tounisi and the OCE exchanged several emails, during which Tounisi told the OCE that he planned to get to Syria by traveling to Istanbul, Turkey, and then from Istanbul to Gaziantep, a Turkish city that lies near the border of Turkey and Syria. Tounisi also expressed to the OCE a willingness to die for the cause.

11. On or about April 10, 2013, Tounisi purchased an airline ticket for an April 19, 2013 flight from Chicago to Istanbul, which Tounisi related to the OCE. On or about April 18, 2013, the OCE emailed Tounisi a bus ticket from Istanbul to Gaziantep, where Tounisi was to meet with "brothers" from Jabhat al-Nusrah who would take Tounisi to a training camp. On or about April 19, 2013, Tounisi sent the OCE an email, describing what he would be wearing upon his arrival in Istanbul. Tounisi noted that if he does not arrive in Gaziantep, it would be because he was "arrested in the US or in Turkey."

12. On or about April 19, 2013, Tounisi went to O'Hare International Airport in an attempt to travel to Istanbul, intending to join Jabhat al-Nusrah. At the airport, after proceeding through airport security, Tounisi was questioned by Customs and Border Protection ("CBP") officers, who asked Tounisi about his travel. Tounisi told CBP officers, among other things,

that he was traveling to Turkey to sightsee and did not plan to visit any other countries. Soon after the interview, Tounisi was taken into custody.

### Summary of the Evidence

#### *Tounisi and Daoud Exchange Communications Regarding Violent Jihad*

13. In or about May and June 2012, Tounisi exchanged many emails and text messages with his friend, Adel Daoud, a number of which related to their shared interest in violent jihad. For example:

a. On or about May 10, 2012, Daoud sent Tounisi an email that included a link to a YouTube video titled "Anwar Al Awlaki<sup>3</sup> – Al Malahem Interview." On or about May 14, 2012, Tounisi replied to the email, asking: "what is the vid about?" to which Daoud responded: "the video you were watching at my house."<sup>4</sup>

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<sup>3</sup> On or about July 16, 2010, pursuant to an Executive Order, Anwar Al-Awlaki (also spelled "Al-Aulaqi") was designated by the United States a Specially Designated Global Terrorist because of his position as a leader of Al-Qaeda in the Arabian Peninsula ("AQAP"), a Yemen-based terrorist group that has claimed responsibility for several terrorist acts against the United States.

<sup>4</sup> At various points in the Affidavit, I will offer my interpretations of certain communications in brackets and otherwise. My interpretations are based on my knowledge of the investigation to date and review of prior communications, the contents and context of the communications, prior and subsequent communications, conversations with other officers and agents and my experience and familiarity with terrorist organizations generally. Some of these summaries do not include references to all the topics covered during the course of the communications. In addition, the summaries do not necessarily include references to all statements made by the speakers on the topics that are mentioned. Finally, quotations from written communications are as they appear in their original form, including any



b. On or about May 24, 2012, Tounisi sent Daoud an email which contained a link to an article on a website titled "Veterans of war in Chechnya and Afghanistan join AQAP Mujahideen." The article stated that more than 1,500 Muslims volunteers had joined the ranks of AQAP in the previous two days. Later that day, Tounisi and Daoud exchanged a series of text messages about the article. Communicating in code, the two alluded to their desire to join AQAP in Yemen.

c. On or about May 29, 2012, Tounisi sent Daoud a text message praising the prospect of establishing an "islamic state in syria." In a later text, Tounisi mentioned that "the west sent in special forces to Jordan to do practice operations on the syrian boarder w jordanian troops. I think they plan to invade syria ..." Daoud expressed surprise and remarked, using coded language, that a number of al-Qaeda members are in Syria.

d. On or about June 24, 2012, Tounisi sent Daoud an email stating: "I know a potential recruit. [ . . . ] Didn't take me long to have him interested..." On that same day, Tounisi exchanged text messages with Daoud about this purported recruit.

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grammatical or spelling errors. While transcribers have attempted to transcribe the conversations accurately, to the extent that quotations from these communications are included, these are preliminary, not final transcriptions.

*Tounisi Helps Daoud Plot a Terrorist Attack in the Chicago Area*

14. In or about July 2012, Daoud was introduced to an individual whom Daoud believed to be an operational terrorist (the UC). After an initial meeting on or about July 17, 2012, Daoud met with the UC again on or about August 6, 2012, and brought to the meeting a document with twenty-nine potential targets for a terrorist attack. The next day, August 7, 2012, Tounisi sent Daoud a text message stating, "I have a good plan too that I want to tell you about inshaAllah.<sup>5</sup>" On that same day, Daoud sent Tounisi a text message stating, "Insha'Allah das good. Maybe we can go to soup kitchen or the homeless center?<sup>6</sup> Ok buddy insha'Allah ill c u there! (at iteekaf<sup>7</sup>)."

15. On or about August 10, 2012, Daoud and the UC exchanged a series of electronic communications during which Daoud brought up the prospect of having one of his "sahaba"<sup>8</sup> join the operation. The UC told Daoud that the "sahaba" could do so long as Daoud "really ... trust[ed]" that person.

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<sup>5</sup> "Insha'Allah" is an Arabic phrase that translates to "praise Allah" or "thanks to Allah."

<sup>6</sup> Based on the context of this conversation and other communications in this affidavit, and on Tounisi's interview with the FBI on September 15, 2012 (see ¶21), I understand Daoud and Tounisi to be using references to acts of charity here and elsewhere in this affidavit as a code for a terrorist act.

<sup>7</sup> "Iteekaf" (or itikaf) is a form of worship during Ramadan that involves a person's seclusion in a mosque, usually during the last ten days of Ramadan.

<sup>8</sup> "Sahaba" is an Arabic term meaning companions. In Islam, the term also refers to the people who lived with and witnessed the Prophet Muhammad.

Daoud replied, "right i discussed new targets and new ideas with one of dem he [Tounisi]<sup>9</sup> is totally willing." The UC asked, "he is willing to assist us with the charity here," to which Daoud replied, "yes he is."

16. On or about August 12, 2012, Daoud informed the UC, as part of a series of electronic communications, that one of Daoud's "sahaba [Tounisi]" had told Daoud about a popular night club they could target. Daoud also mentioned that Tounisi was "worried" that the UC was "a spy."

17. On or about August 14, 2012, Daoud and the UC exchanged a series of electronic communications, during which Daoud discussed Tounisi's assistance. In particular, Daoud told the UC about "a new plan for a night club" and explained that his "friend [Tounisi] lives near . . . the night club." Later on, Daoud identified the location, which is a nightclub located in Naperville, Illinois. Daoud said that Tounisi "knows the place" because Tounisi "went to public school and all these filthy people go there and use drugs and alcohol." Daoud told the UC that Tounisi said the nightclub "has parking all around it." Daoud also said, "i told him [Tounisi] about the car

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<sup>9</sup> Although Daoud never referred to this "sahaba" by name, I understand Daoud to be referring to Tounisi for several reasons: First, during the interview of Tounisi, he admitted to helping plan an attack, including the selection of a nightclub in Naperville, which is consistent with Daoud's communication with the UC. Second, Daoud included information about his "sahaba" such as his age, financial circumstances, familial information, and approximate residential location, all of which matches Tounisi.

food station [vehicle with explosives] but he says we shud put a snack [a bomb] inside the club . . . he tinks we can feed [kill] more people if we put one inside.” Finally, Daoud said that Tounisi continued to harbor suspicion that the UC was “a spy.”

***Daoud and Tounisi Are Confronted By Religious Leaders***

18. On or about August 18, 2012, Daoud told the UC in a series of electronic communications that he and Tounisi had been confronted by religious leaders at their mosque in response to their support for violent jihad. Daoud told the UC that, following the intervention by these leaders, “my one sahaba [Tounisi] I don’t think will help giving to random Americans. He is more for there armies, money, etc . . . cuz he not convinced dat you can give zakat<sup>10</sup> to every American.” Daoud continued, “he [Tounisi] wasn’t convinced . . . about giving to random Americans though . . . but he convinced about the Cause in general . . . like overseas and so forth.” Daoud explained that Tounisi “for sure . . . wants to go overseas.”

***Daoud Discusses Tounisi’s Plan to Travel Overseas to Engage in Violent Jihad***

19. On or about September 10, 2012, the UC asked Daoud if Tounisi “still want[ed] to go overseas,” referring to a previous offer the UC made to

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<sup>10</sup> “Zakat” refers to a charitable contribution under Islamic law. For reasons discussed in footnote 6, I believe this is a coded reference to violent jihad.

Daoud about assisting Tounisi in traveling overseas to engage in violent jihad. Later in the conversation, Daoud informed the UC that Tounisi said that traveling in a month was "too soon," and that Tounisi "has a plan that seems to work with him . . . this will give him time to prepare and it is a realistic plan." Daoud remarked that Tounisi would be going "to a country then . . . to his destination." According to Daoud, Tounisi needed "help (to get tickets) from his country to his destination." Daoud explained that Tounisi "still needs contact info for when he gets to his destination and he needs tickets from the place to the destination." The UC explained that the UC could assist Tounisi whenever he decides to travel overseas. Daoud said, "he wants to go on april [2013] insha'Allah."

***Daoud Attempts to Detonate a Bomb in Downtown Chicago and is Arrested***

20. On or about September 14, 2012, Daoud drove with the UC to downtown Chicago, picked up a vehicle containing a purported explosive device, and parked it directly outside of the target location he had previously selected – a bar in downtown Chicago. Daoud then exited the vehicle, walked approximately one block from the intended target, and attempted to detonate the explosive device. After doing so, Daoud was arrested by FBI agents.

*The FBI Interviews Tounisi in the Wake of Daoud's Arrest*

21. On or about September 15, 2012, following Daoud's arrest, FBI agents interviewed Tounisi at his residence (Tounisi's parents were also present). During the interview, Tounisi initially claimed he barely knew Daoud and that he knew nothing of Daoud's plans. After FBI agents stressed the importance of telling the truth, Tounisi eventually acknowledged that he had discussed with Daoud the topic of bombing concerts and nightclubs in August 2012. Tounisi acknowledged that he and Daoud used the term "charity" as a code word for a terrorist attack. Tounisi also said that he knew Daoud was meeting with someone whom Daoud believed to be a terrorist. Tounisi told FBI agents that during Ramadan he and Daoud searched for concerts and nightclubs, locations which Tounisi understood to be targets of a bombing attack. Tounisi said he recommended as a target a particular nightclub in Naperville, Illinois. Tounisi also said he eventually concluded that the person whom Daoud believed to be a terrorist was in fact a "spy," which Tounisi meant to refer to an FBI informant. Tounisi said that he had changed his mind about placing a bomb outside a nightclub after a religious leader told him it was wrong, though Tounisi said he knew that Daoud was still planning to commit a bombing attack. Finally, Tounisi admitted that he contemplated traveling to Yemen to engage in jihad.

*Tounisi's Online Research After Daoud's Arrest*

22. Between in or about January and April 2013, Tounisi,<sup>11</sup> from a computer at his residence,<sup>12</sup> performed a number of searches online relating to martyrdom and violent jihad, such as:

- 1/19/2013: "shaykh sulayman ibn nasir al'ulwan<sup>13</sup> verdict permissibility martyrdom operations";
- 1/24/2013: "shahada<sup>14</sup> before death";
- 1/24/2013: "shaheed<sup>15</sup> before he dies";
- 2/14/2013: "Adam Gadahn 2012"<sup>16</sup>;
- 2/14/2013: "ayman al Zawahiri"<sup>17</sup>; and
- 3/26/2013: "martyrdom operations."

23. From in or about January 2013 to in or about April 2013, Tounisi also viewed many articles and videos relating to fighting in Syria, Jabhat al-

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<sup>11</sup> Based in part on the other online activity during the same time period (e.g., the checking of accounts associated with Tounisi), Tounisi's subsequent communications with the OCE and his travel arrangements, and law enforcement surveillance, I believe the online activity described here and elsewhere in this Affidavit was conducted by Tounisi.

<sup>12</sup> The IP addresses for the internet search activity described in this Affidavit return to an internet account assigned to Tounisi's residence.

<sup>13</sup> It is my understanding that Sulayman ibn Nasir Al'ulwan is an Islamic scholar from the early fifteenth century who offered a defense of martyrdom operations.

<sup>14</sup> "Shahada" is an Arabic word that, in this context, appears to refer to martyrdom.

<sup>15</sup> "Shaheed" is an Arabic word that means martyr.

<sup>16</sup> Adam Gadahn, an American, is a senior operator and media advisor for al-Qaeda.

<sup>17</sup> Ayman al-Zawahiri is the current leader of al-Qaeda.

Nusra, and the United States laws that bear on joining a terrorist group, such as:

- 1/14/2013: a video titled, "Jabhat Nusra Video!," which depicts individuals purportedly fighting on behalf of Jabhat al-Nusra, engaging in armed combat and setting off bombs;
- 2/5/2013: an article titled, "The Rise of Al Qaeda in Syria," which is dated December 6, 2012, and describes the upcoming designation by the United States of Jabhat al-Nusra as a foreign terrorist organization;
- 2/15/2013: an article titled, "Al Qaeda's War for Syria," which describes the presence of al-Qaeda members in Syria, operating under the name "Al Nusra Front," engaging in suicide bombings and recruiting foreign fighters;
- 3/4/2013: a video titled, "Jabhat al Nusra Promo Video – Syria," which consists of a series of videos of purported members of Jabhat al-Nusra engaging in combat;
- 3/4/2013: a video titled, "Jabhat Al-Nusra Martyrdom OP," which depicts a purported member of Jabhat al-Nusra preparing for and carrying out a suicide bombing;
- 3/5/2013: a video titled, "Al Qaeda Uploads Video of Suicide Bomber in Front of Hospital in Damascus," which depicts an individual purportedly carrying out a suicide bombing;
- 3/31/2013: an article titled, "Eric Harroun, Former American Soldier, Conspired with Terrorist Group in Syria, US Charges," which discusses the arrest of Eric Harroun on March 29, 2013 in the United States, arising out of his alleged fighting on behalf of Jabhat al-Nusra;
- 3/31/2013: a video from KNXV-TV Phoenix News titled, "Phoenix Man Charged with Fighting Al Qaida, Could Face Life in Prison," which discusses the arrest of Eric Harroun; and



- 4/3/2013: a video depicting a purported suicide bomber from Jabhat al-Nusra carrying out a suicide bombing.

24. Likewise, during that same time period, Tounisi performed a number of internet searches on these topics, such as:

- 1/9/2013: "Jabhat Al Nusra" on liveleak.com, which returned a number of articles about the group's designation as a foreign terrorist organization, such as an article titled, "US Designates Syria's Jabhat al-Nusra front a terrorist group at lighting speed";
- 1/11/2013: "providing material support what does it mean," followed by access to a Wikipedia article about the material support statute that describes the **Subject Offense**;
- 1/12/2013: "Terrorism Act 2000," followed by access to a Wikipedia article about the Terrorism Act of 2000;
- 1/14/2013: "jabhat al nusra"<sup>18</sup>;
- 1/23/2013: "Jabhat Al-Nusra truck bomb";
- 1/24/2013: "shahada Syria";
- 2/5/2013: "jabhat al nusra martyrdom 2500 lbs. unexploded";
- 3/31/2013: "Eric Harroun"; and
- 4/3/2013: "jabhat al nusra martyrdom operations."

25. Finally, from in or about January 2013 to in or about March 2013, Tounisi, performed a number of internet searches regarding travel from the United States to Syria and the laws that govern such travel. In

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<sup>18</sup> The term "jabhat al nusra" was searched on many occasions from January through April 2013.

particular, Tounisi's research focused on travel from Chicago to Istanbul, Turkey, and then from Istanbul to Gaziantep, Turkey, a city that lies near the border of Turkey and Syria. For example:

- 1/12/2013: "travel ban";
- 1/26/2013: "gaziantep airport";
- 1/26/2013: "one way ticket travel";
- 1/27/2013: "Istanbul to Kilis<sup>19</sup> train/bus";
- 1/27/2013: "chicago to Istanbul";
- 2/1/2013: "no fly list check";
- 2/1/2013: "arrested at the airport no fly list";
- 2/1/2013: "turkish airlines";
- 2/3/2013: "traveling without a passport";
- 2/3/2013: "Gaziantep to Kilis"; and
- 2/6/2013: "turkish airlines Chicago."

***Tounisi Applies for and Obtains a New United States Passport***

26. On or about March 1, 2013, Tounisi applied for and obtained a Post Office Box at a United States Post Office in Aurora, Illinois. On that same day, Tounisi submitted a signed application for an expedited United

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<sup>19</sup> Kilis is a Turkish city that lies directly at the border of Turkey and Syria.

States passport, claiming that he sought to travel to Jordan for 10-20 days on June 15, 2013. Tounisi also submitted a signed "Statement Regarding a Lost or Stolen Passport" in which Tounisi claimed that his passport had been lost when his family moved from Plainfield to Aurora, Illinois. Tounisi directed that the passport be sent to the Post Office Box in Aurora he had obtained that day.

***Tounisi Contacts an FBI Online Undercover Employee Whom Tounisi Believes to be a Recruiter for Jabhat al-Nusrah***

27. During the investigation, the FBI published a webpage that purported to recruit individuals to travel to Syria and join Jabhat al-Nusrah. In particular, the top portion of the webpage stated, "A Call for Jihad in Syria," and depicted a photograph of an armed fighter. The website also included a purported Jabhat al-Nusrah training video that depicted individuals wearing masks and fatigues, and engaging in training, such as running with firearms. The website stated, among other things, "come and join your lion brothers of Jabhat Al-Nusra who are fighting under the true banner of Islam, come and join your brothers, the heroes of Jabhat Al-Nusra." The website provided an email account as a point of contact, along with instructions:

We are aware of the kuffar<sup>20</sup> tricks and the behavior of their unjust governments. We also understand the risk of direct contact. Therefore you can contact us via email so that we provide you with the required information which will help you to set off for your jihad in Syria.

Before sending us an email, create a new email that you have never used before and send the email to us from a public place.

After these instructions, the website stated:

After you arrive safely our Mujahedeen<sup>21</sup> brothers will welcome you and then you will go through ten days Dawra Shar'ia (religious workshop) followed by an intensive course in physical and military training . . .

28. On or about March 28, 2013, Tounisi visited the website described above, viewing both its English and Arabic versions. Tounisi also played the purported Jabhat al-Nusrah training video on the website.

29. Also on or about March 28, 2013, Tounisi sent an email to the account listed on the website described above in ¶27. Tounisi wrote:

My name is Abdullah and I am planning InshaAllah to join my brothers in Syria in April. InshaAllah I'am going to buy two tickets one from Chicago to Istanbul and another from Istanbul to Gaziantep. I do not know what to do after I arrive in Gaziantep because I do not have any contact information. Can you please help me modify my plain if it needs modification and to prove the authenticity of this e-mail service. Please give me a reply as soon as possible.

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<sup>20</sup> "Kuffar" (or kafir) is an Arabic term meaning unbeliever or disbeliever, referring to an individual who is not a Muslim.

<sup>21</sup> "Mujahedeen" (or Mujahideen or Mujahid) is an Arabic term that refers to those who engage in battle on behalf of Islam.

30. On or about March 29, 2013, an online undercover FBI employee (OCE) sent Tounisi the following, in part:

Brother, Abdullah,

We received your email. Our security procedures demand that you create a new email and start communicate through it. We have plans to move you safely insha'Allah as you requested in your email. The below address email is the only way for you to communicate with us from now on and is created only for you.

Following these instructions, the OCE listed another email account for subsequent communications.

31. On or about March 29, 2013, the OCE, using a new email account, sent Tounisi another email requesting a response from Tounisi if he was interested in help with his "hijra."<sup>22</sup> Less than two hours later, Tounisi responded writing, "OK I will be waiting for the directions."

32. On or about March 30, 2013, the OCE sent a follow-up email, warning Tounisi that he should not buy a one-way ticket because it would "raise suspicions." The OCE agreed, however, with Tounisi's plan to fly to Istanbul rather than Gaziantep. Later in the communication, the OCE asked Tounisi about his "money supply" and whether he was "able to fight."

33. On or about April 1, 2013, Tounisi responded to the OCE's email, stating, in part:

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<sup>22</sup> "Hijra" is an Arabic word meaning travel.

I knew about buying a roundtrip ticket but how am I supposed to travel from Istanbul to near Syria without flying? And for how much? . . . my money supply is not that high. Some brother are helping me pay for the hijra InshaAllah. Around April 6th I will have about \$1396. . . . Concerning my fighting skills, to be honest I do not have any. I'm very small (5 feet 6 inches, 120 pounds) physically but I pray to Allah that he makes me successful. Physical strength has no match when it faces Iman.<sup>23</sup> May Allah make us of the Mumeneen.<sup>24</sup> . . .

34. On or about April 2, 2013, the OCE sent Tounisi an email assuring Tounisi that he need not worry about how to travel from Istanbul to the border of Syria. As the OCE explained, "We have moved brothers over here before so we know exactly what we do from there. All you have to do is tell us what date you will arrive to Istanbul and we will take care of the rest and provide you with details insha'Allah." The OCE concluded the email stating:

We have trust in Allah that you will fight and do your Jihad as a true mu'min.... As you know that Shahada is the ultimate desire of any Mujahid, so with that in mind, brother Abdullah, we ask if you are willing to be a shaheed if the will of the Allah comes upon you to be one?

35. On or about April 2, 2013, Tounisi sent an email to the OCE in which Tounisi said he had the money "to pay for the ticket from Chicago to Istanbul," but asked how much he "need[ed] to bring . . . other than the taxi

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<sup>23</sup> "Iman" is an Arabic word that refers to a believer's faith in Islam.

<sup>24</sup> "Mumeneen" (or Mu'minoon and mu'min) is an Arabic word that means true believers.

and visa expenses.” Tounisi notified the OCE that he would be changing email accounts “for security reasons” citing the fact that he had “made some mistakes when [he] made this one.”<sup>25</sup> Tounisi continued:

I will send u this code so you know it is me, 199420012012theman94. InshaAllah if the opportunity is given to me to attain shahada I will take it.

36. On or about April 2, 2013, Tounisi sent the OCE an email from a new email account. The email included the code Tounisi previously provided the OCE.

37. On or about April 3, 2013, the OCE responded, writing “Brother Abdullah, May Allah reward us and you Shahada fi Sabilihi.”<sup>26</sup> The OCE told Tounisi that he would need to bring about \$50 to \$60 for “food and small personal items.” The OCE stated that he “need[ed] to know [Tounisi’s] arrival date and time in Istanbul” so that he could “prepare a travel plan from Istanbul to where you will meet the brothers,” who would take Tounisi to a “training camp.”

38. On or about April 4, 2013, Tounisi responded to the OCE, stating that before sending his travel information he would “need some proof that

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<sup>25</sup> The email account Tounisi was initially using to communicate with the OCE was subscribed to the name “Abdulla Al Tounisi.” Thereafter, Tounisi began communicating with the OCE using an email account subscribed in the name “John McCarthy.”

<sup>26</sup> “Shahada fi Sabilihi” is an Arabic phrase that means martyrdom in Allah’s path.

[the] service is legitimate.” Tounisi explained, “I hope you can understand because of past experience and knowledge of how the kufar mukhabarat<sup>27</sup> work.”

39. On or about April 4, 2013, the OCE emailed Tounisi, confirming that Tounisi was correct to question whether the OCE was “working with true mu’mineen brothers.” The OCE wrote that his group was concerned about “the mukhabarat” as well, which is why they would “remain anonymous” until Tounisi “arrives in a village with many trusted brothers.” The OCE wrote that, after Tounisi sent along his arrival information, the OCE would send Tounisi a bus ticket, which would enable Tounisi to travel “from Istanbul to a village where a brother will be waiting for you.” The OCE asked Tounisi to “make [a] Istikhara<sup>28</sup>” to help figure out whether he could trust the OCE.

40. On or about April 4, 2013, Tounisi responded to the OCE, thanking him for the advice. Tounisi wrote, “When I have the arrival date and time I will contact you inshaAllah.” Tounisi also requested that the OCE “delete all message between [Tounisi] and [the OCE] on the other email account.”

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<sup>27</sup> “Mukhabarat” is an Arabic word that refers to a government’s intelligence service.

<sup>28</sup> “Istikhara” is an Arabic word that refers to a prayer for guidance.



41. On or about April 6, 2013, Tounisi sent the OCE an email stating: "I am hoping to buy the ticket today inshaAllah. Please make dua<sup>29</sup> everything works out financially. I am also worried why I have not got a message back from you. Hope everything is fine."

42. On or about April 6, 2013, the OCE responded to Tounisi, writing: "Everything is good insha'Allah. We pray that everything go smooth . . . We are waiting to hear from you."

43. On or about April 7, 2013, Tounisi sent the OCE an email, stating: "My family member who was supposed to help me pay for the ticket was short on money when I need it. InshaAllah I will have enough tonight and buy it tomorrow morning. Sorry for the hold up."

44. Bank records reflect that on or about April 8, 2013, there was a cash deposit of \$700 into a Chase Bank checking account held by Tounisi.

45. Bank and airline records reflect that on or about April 10, 2013, the Chase Bank checking account was used to purchase an airline ticket for \$849.90, in the name of Abdellaahmad Tounisi, for a flight from O'Hare International Airport (Chicago) to Istanbul Ataturk Airport on Turkish Airlines, which was scheduled to depart on April 19, 2013, at 10:15 p.m.<sup>30</sup>

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<sup>29</sup> "Dua" is an Arabic term referring to prayer.

<sup>30</sup> The ticket included a return flight scheduled for on or about April 23, 2013.

46. On or about April 10, 2013, Tounisi sent the OCE an email reporting that he had purchased the ticket:

I got the ticket this morning. InshaAllah ta'ala I will arrive in Istanbul Ataturk airport April 20 17:05/5:05 pm. Please explain the details of what to do next inshaAllah.

47. On or about April 11, 2013, the OCE sent Tounisi a response, stating, in part:

By the will of Allah you are closer to be joining your brothers of Jabhat Al Nusra on battlefields in Bilad Al Sham.<sup>31</sup> It is very important that you keep this to yourself and not change the routine of your life. You must not do anything now to make suspicions. Few days before your travel we will email you the bus ticket and other details about your travel. . . .

48. On or about April 11, 2013, Tounisi sent the OCE an email with two questions, asking, "Do I have to pay for the bus ticket ? Also, when would you like me to make a new email as you have said before?"

49. On or about April 12, 2013, the OCE sent Tounisi an email stating that "[i]n a few days" he would email Tounisi the "details about making a new email address." The OCE stated, "We will buy the bus ticket and send it to the new email address."

50. On or about April 16, 2012, the OCE sent Tounisi an email providing him with a new email account that Tounisi should use in

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<sup>31</sup> "Bilad Al Sham" is an Arabic phrase that refers to the region of Syria.

communicating with the OCE. The OCE also provided Tounisi with a code to identify himself. Soon after, Tounisi responded, using the new email account and listing the code. Tounisi asked the OCE to "make dua" that he would have enough money to make the trip.

51. On or about April 17, 2013, Tounisi sent the OCE an email stating that Tounisi had "sent the e-mail to the new e-mail address yesterday." Tounisi also wrote, "InshaAllah in two days is the trip."

*Tounisi Receives a Bus Ticket from Istanbul to Gaziantep, Turkey*

52. On or about April 18, 2013, the OCE sent Tounisi an email with instructions about what Tounisi should do when he arrives in Istanbul. The email included as an attachment a bus ticket from Istanbul to Gaziantep, Turkey, with a scheduled departure of April 21, 2013, at 2:30 p.m. The OCE stated that a "brother" would be waiting for Tounisi at the bus station in Gaziantep and described what he would be wearing. The OCE stated that the "brother" would take Tounisi "to the entering point which is the easiest way for entering into Syria."

53. On or about April 19, 2013, Tounisi sent the OCE an email confirming receipt of the OCE's instructions and informing the OCE what Tounisi would be wearing. Tounisi also wrote:

If I do not make it at the bus stop in Gaziantep please know that I have either been arrested in the US or in Turkey. Please make dua for me that Allah . . . protects me on this blessed hijra.

*Tounisi Arrives at O'Hare International Airport and Attempts to Travel to Istanbul*

54. On or about April 19, 2013, at approximately 7:39 p.m., FBI surveillance observed Tounisi at O'Hare International Airport. At approximately 8:29 p.m., surveillance observed Tounisi clear security and sit down in the gate area for his flight. Shortly thereafter, CBP officers approached Tounisi and asked him questions relating to his travel. According to the interviewing officers, Tounisi said, among other things: that he (1) was traveling to Turkey for sightseeing; (2) would be in Turkey for three and one-half days; and (3) would not be visiting any other countries. About five minutes after the interview, Tounisi was arrested by the FBI.

Conclusion

55. Based on the above information, I respectfully submit that there is probable cause that Abdella Ahmad Tounisi committed the **Subject Offense**.

FURTHER AFFIANT SAYETH NOT.

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Dwayne W. Golomb  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn  
before me this 20th day of April, 2013

*Daniel G. Martin*

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Honorable Daniel G. Martin  
United States Magistrate Judge