

UNITED STATES DISTRICT COURT

for the
District of Colorado

United States of America)
v.)
NAJIBULLAH ZAZI)
)
)

Case No. 09-WS-03001

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 9/16/09 in the State and District of Colorado, the defendant violated 18 U.S.C. § 1001(a)(2), an offense described as follows:

Did knowingly and willfully make a materially false, fictitious and fraudulent statement and representation in a matter involving international and domestic terrorism, within the jurisdiction of the Executive Branch of the Government of the United States.

This criminal complaint is based on these facts:

Continued on the attached sheet.



Complainant's signature

GAREN CRUMBINER, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 9/19/09 at 9:20am

City and state: Denver, CO



Judge's signature

Craig P. Shirk
US District Judge
Printed name and title

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

- - - - -X

UNITED STATES OF AMERICA

- against -

NAJIBULLAH ZAZI,

Defendant.

AFFIDAVIT IN SUPPORT OF
COMPLAINT AND ARREST
WARRANT

(18 U.S.C. § 1001 (a) (2))

- - - - -X

I, Garrett Gumbinner, being duly sworn, deposes and says that I am a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such. The source of my information and the grounds for my beliefs are as follows:^{1/}

1. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") for approximately 10 years. I have been assigned to the Denver Joint Terrorism Task Force ("JTTF"), since August 2009. I was assigned to the JTTF in Dallas, Texas from September 2001 until August 2009. In 2005, I was certified as a Special Agent Bomb Technician. As a Special Agent, I have investigated numerous matters during the course of which I have conducted physical surveillance, executed court-authorized search warrants and used other investigative techniques to secure relevant information.

^{1/} Because the purpose of this affidavit is merely to establish probable cause, I have not set forth all of the facts and circumstances of which I am aware.

2. As a result of my personal participation in this investigation and analysis of reports submitted by the FBI and other federal, state and local law enforcement personnel, I am familiar with all aspects of this investigation. All of the statements set forth below are provided only in part and in sum and substance.

BACKGROUND

3. The FBI is investigating several individuals in the United States, Pakistan and elsewhere, relating to a plot to detonate improvised explosive devices inside the United States, in violation of Title 18, United States Code 2332a(a)(2).

4. Customs and Border Protection ("CBP") records reflect that on August 28, 2008, the defendant NAJIBULLAH ZAZI traveled to Peshawar, Pakistan from Newark International Airport via Geneva, Switzerland and Dohha, Qatar. CBP records further reflect that the defendant ZAZI traveled from Peshawar to John F. Kennedy International Airport ("JFK") on or about January 15, 2009.

5. Peshawar is located in the Northwest Frontier Province ("NWFP") region of Pakistan. During the course of this investigation, I have learned that Al Qaeda maintains training facilities and safe houses within the NWFP, specifically the Federally Administered Tribal Areas, or "FATA," of Pakistan. The FATA encompasses approximately 27,500 square kilometers and is

located on the border between the NWFP and southern Afghanistan. The Center for Strategic and International Studies describes the FATA as "ground zero in the U.S. Jihadist war . . . [and] home to many Al Qaeda operatives, especially the numerous foreigners from the Arab world, Central Asia Muslim areas of the Far East, and even Europe who flock to this war zone for training, indoctrination, and sometimes respite from repression at home." Nawaz, Shuja, "Fata-A Most Dangerous Place," Center for Strategic and International Studies Press, January 2009, pp. vi, 1.

6. On or about September 9, 2009, FBI agents conducting surveillance observed the defendant ZAZI depart his residence in Aurora, Colorado (the "Colorado Residence"), in a rented car. The defendant ZAZI drove from Colorado to New York, arriving in New York City on September 10, 2009. The defendant ZAZI spent the night of September 10, 2009, at a residence in Flushing, Queens (the "Queens Residence").

7. On September 10, 2009, detectives from the New York City Police Department ("NYPD") met with an individual known to law enforcement ("Individual A"), whom the NYPD has utilized as a source for information in the past. During the September 10 meeting, detectives met with Individual A to obtain information about the defendant ZAZI and others. Among other things, detectives showed Individual A photographs of the

defendant ZAZI and others. Individual A told detectives that he recognized several of the men, including the defendant ZAZI.

8. On September 11, 2009, an individual known to law enforcement ("Individual B") placed a telephone call to Individual A which lasted approximately twenty minutes.

9. On or about September 11, 2009, pursuant to legally-authorized electronic surveillance, FBI agents intercepted telephone conversation between the defendant ZAZI and Individual B in which the Individual B stated "[Individual A] is going to call you." Individual B explained, "[Individual A], The one in New York." Individual B elaborated that he was referring to "The Imam." Individual B advised the defendant ZAZI, "So before anything else, speak with [Individual A]. See if you need to go to [Individual A] or to make, make yourself aware, hire an attorney. What has happened? What have you guys done?"

10. In the midst of this phone call, the defendant ZAZI received a call from Individual A on the other line. The defendant ZAZI ended the call with the Individual B and began speaking with Individual A. According to a draft summary transcription, the defendant ZAZI and Individual A discussed the following, among other things, in English.

11. Individual A told the defendant ZAZI that he had just spoken to the Individual B. Individual A said he did

not want the defendant ZAZI to get nervous because "all this stuff is going on." Individual A then stated:

I want to speak with you about something . . . I want a meeting with you [and others]. You probably know why I'm calling you for this meeting . . . I was exposed to something yesterday from the authorities. And they came to ask me about your characters. They asked me about you guys. . . .

I'm not sure if somebody complained about you. I'm not sure what happened. And I don't want to know . . . They [the authorities] said, 'Please, we need to know who they are . . . what they're all about.' . . . And I told them that they are innocent, law abiding. . . .

12. Individual A asked the defendant ZAZI the date when he last traveled to Pakistan. The defendant ZAZI said it was eight months ago, and Individual A responded, "You went to visit your wife, right?" The defendant ZAZI answered, "Yeah." Individual A also explained to the defendant ZAZI that "They [the police] came to the masjid to ask for help. That is a good sign. Trust me that is a good sign. The bad sign is for them coming to you guys and picking you up automatically."

13. Individual A advised the defendant ZAZI, "Don't get involved in Afghanistan garbage, Iraq garbage," and added, "Listen, our phone call is being monitored."

14. On or about September 11, 2009, FBI agents legally intercepted a telephone conversation between the Individual A and the defendant ZAZI. The defendant ZAZI told Individual A that his rental car had been stolen and that he feared he was being "watched." The defendant ZAZI told

Individual A that the people watching him took his car.

Individual A asked the defendant ZAZI if there was any "evidence in his car" and the defendant ZAZI said no.

15. On or about September 11, 2009, FBI agents conducted a legally-authorized search of the defendant ZAZI's rental car, which was parked near the Queens Residence. During the search of the car, a laptop computer was found containing a jpeg image of nine-pages of handwritten notes (the "handwritten notes"). The handwritten notes contain formulations and instructions regarding the manufacture and handling of initiating explosives, main explosives charges, explosives detonators and components of a fuzing system.

16. Rental records reflect that the defendant ZAZI was supposed to return his rental car in New York on September 14, 2009. However, on September 12, 2009, the defendant ZAZI flew from La Guardia Airport in Queens, New York to Denver, Colorado.

17. On or about September 14, 2009, FBI agents executed a court-authorized search warrant on the Queens Residence. Among other items, the FBI seized a black scale containing several double A batteries. Fingerprint testing revealed that the defendant ZAZI's fingerprints were found on both the scale and the batteries.

ZAZI'S FALSE STATEMENTS


18. On or about September 16, 2009, the defendant ZAZI was interviewed by members of the JTTF at the FBI in Denver, Colorado. The defendant ZAZI had voluntarily appeared at the offices of the FBI and agreed to answer questions. During this interview, the defendant ZAZI was questioned about, among several other topics, the handwritten notes found on his computer. During the interview, the defendant was shown the handwritten notes. The defendant stated that he had never seen the document before. He stated further that if the handwritten notes was found on his computer, he must have unintentionally downloaded it as part of a religious book he had downloaded in August 2009. He stated that he had immediately deleted the religious book within days of downloading it after realizing that its contents discussed jihad. He stated that he had not handwritten the notes.

19. During the same interview, the defendant was asked about his email accounts, and listed three accounts, including an account known to law enforcement ("Account A"). The investigation has determined that the password for Account A is a nine-digit number. The investigation has revealed the existence of two email accounts known to law enforcement ("Account B" and "Account C"). A search of Account B registered to a "Kado Khan," reveals that another email account known to law enforcement ("the

originating account") sent a message to Account B with the handwritten notes included as an attachment on or about December 2, 2008. The password for the email account is the same nine-digit password at the password for Account A. A search of the Account C, registered to a "kado gul" in Peshawar, Pakistan, reveals the originating account also sent an email with the handwritten notes as an attachment to Account C on or about December 3, 2008. Account C can be opened with a six-digit password that has the same first six digits of the passwords for Accounts A and B. Based on the similarity of addresses and identity of passwords, I believe that the defendant controlled Account A as well as Accounts B and C, both of which received the handwritten notes by email on early December 2008.

20. The document was analyzed by a handwriting expert from the FBI who said that, although a final conclusion could not be made until the expert examines the original document, the expert was able to assert that there were characteristics common to both the document found on the defendant ZAZI's computer and the defendant's handwriting exemplars. An FBI agent without training as a handwriting expert, who was able to compare the handwriting on the handwriting notes with the original handwriting exemplars stated that it appeared to be consistent with the handwriting as it appeared in the document.

WHEREFORE, your deponent respectfully requests that a
warrant be issued for the arrest of defendant NAJIBULLAH ZAZI.



GARRETT GUMBINNER
Special Agent
Federal Bureau of Investigation

Sworn to before me this ^{AM}
day of September, 2009



UNITED STATES MAGISTRATE JUDGE
DISTRICT OF COLORADO