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Approved: *Andrew D. Beaty* *Amanda Houle* *Matthew Laroche*  
ANDREW D. BEATY / AMANDA HOULE / MATTHEW LAROCHE  
Assistant United States Attorneys

Before: THE HONORABLE BARBARA C. MOSES  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
- v. -	:	Violations of
SAYFULLO HABIBULLAEVIC SAIPOV,	:	18 U.S.C. §§ 2339B, 33,
	:	34, 2
Defendant.	:	COUNTY OF OFFENSE:
	:	NEW YORK

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STATE OF NEW YORK )  
COUNTY OF NEW YORK ss.:  
SOUTHERN DISTRICT OF NEW YORK)

Amber Tyree, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), and a member of the FBI's Joint Terrorism Task Force ("JTTF"), and charges as follows:

COUNT ONE

(Provision of Material Support and Resources to a Designated Foreign Terrorist Organization)

1. From at least in or about October 2017, up to and including the date of this Complaint, in the Southern District of New York and elsewhere, SAYFULLO HABIBULLAEVIC SAIPOV, the defendant did knowingly and intentionally provide, and attempt to provide, "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, services, and personnel (including himself), to a foreign terrorist organization, namely, the Islamic State of Iraq and al-Sham ("ISIS"), which at all relevant times was designated by the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act, knowing that ISIS was a designated foreign terrorist organization (as defined in Title 18, United States

Code, Section 2339B(g)(6)), that ISIS engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the INA), and that ISIS engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), thereby causing the death of at least one person, all in violation of Title 18, United States Code, Section 2339B(a)(1), and (i) the offense occurred in whole or in part within the United States, and (ii) the offense occurred in and affected interstate and foreign commerce, to wit, SAIPOV drove a truck on a bike lane and pedestrian walkway in New York, New York intentionally killing at least eight individuals and injuring at least twelve individuals.

(Title 18, United States Code, Section 2339B.)

COUNT TWO

(Violence and Destruction of Motor Vehicles)

2. On or about October 31, 2017, in the Southern District of New York and elsewhere, SAYFULLO HABIBULLAEVIC SAIPOV, the defendant, and others known and unknown, did willfully, with intent to endanger the safety of any person on board and of someone whom he believed would be on board, and with a reckless disregard for the safety of human life, damage, disable, and destroy a motor vehicle that was used, operated, and employed in interstate and foreign commerce, thereby causing the death of at least one person, to wit, SAIPOV damaged a truck that was used, operated, and employed in interstate and foreign commerce, and that was used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo, when SAIPOV drove the truck onto a walkway in New York, New York, with reckless disregard for human life, causing the deaths of at least eight individuals.

(Title 18, United States Code, Sections 33(a), 34, and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

3. I am a Special Agent with the FBI and a member of the FBI's New York-based JTTF, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and other people, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all

of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

#### Background on ISIS

4. Based on my training, experience, and review of publicly available materials, I understand the following:

a. On October 15, 2004, the U.S. Secretary of State designated al Qaeda in Iraq ("AQI"), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the INA 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 AQI as an FTO under Section 219 of the INA and as a Specially Designated Global Terrorist entity 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 FTO listing: the Islamic State of Iraq and al-Sham ("ISIS" — which is how the FTO will be referenced herein), the Islamic State of Iraq and Syria, 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, ISIS announced a formal change of its name to the Islamic State. On September 21, 2015, the Secretary added the following aliases to the FTO listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

b. The U.S. State Department has reported that, among other things, ISIS has committed systematic abuses of human rights and violations of international law, including indiscriminate killing and deliberate targeting of civilians, mass executions and extrajudicial killings, persecution of individuals and communities on the basis of their religion, nationality, or ethnicity, kidnapping of civilians, forced displacement of Shia communities and minority groups, killing and maiming of children, rape, and other forms of sexual violence. According to the State Department, ISIS has recruited thousands of foreign fighters from across the globe to assist with its efforts to expand its so-called caliphate in Iraq, Syria, and other locations in Africa and the Middle East, and has leveraged technology to spread its violent extremist ideology and for incitement to commit terrorist acts.

c. On or about September 21, 2014, now-deceased ISIS spokesperson Abu Muhammad al-Adnani called for attacks against citizens—civilian or military—of the countries participating in the United States-led coalition against ISIS.

5. Based on my training and experience, my personal participation in this and other investigations involving ISIS, and my conversations with other law enforcement agents who have been involved in ISIS-related investigations, I have learned the following:

a. To gain supporters, ISIS, like many other terrorist organizations, spreads its message using social media, Internet platforms, and email. Using these platforms, ISIS posts and circulates videos and updates of events in Syria, Iraq, and other ISIS-occupied areas, in English and Arabic, as well as other languages, to draw support to its cause.

b. ISIS has encouraged followers who are unable to travel to the Middle East to instead conduct attacks in other countries. For example, on or about March 31, 2015, the user of Twitter account @AbuHu55ain\_, believed to be used at the time by an ISIS member located in Syria, tweeted: "Lone Wolfs Rise Up"; "If you can't make the hijrah, dont sit at home & give up . . . ignite a bomb, stab a kaffir, or shoot a politican!"; "if you came here, you'd be on the frontline fighting, right? But u couldn't come here, so why not fight the kuffar over there?"; and "i always see in the media brothers getting caught making hijrah, brothers know that your jihad is not over just because you got stopped."<sup>1</sup>

c. ISIS has disseminated a wide variety of recruiting materials and propaganda through social media. These include photographs and videos depicting ISIS's activities, including beheadings and other atrocities, as well as audio and video lectures by members of ISIS and members of other Islamic extremist organizations.

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<sup>1</sup> Based on my training, experience, and participation in this investigation, I understand that "kaffir" and "kuffar" are Arabic terms generally meaning "disbelievers" (i.e., non-Muslims), and that "hijrah" (or "hijra") is an Arabic term normally used to refer to migration, but which is also used by ISIS supporters to refer to traveling to the Middle East to engage in jihad.

## The October 31, 2017 Attack

6. Based on my conversations with members of the New York City Police Department and other law enforcement officers, my review of documents, and my involvement in this investigation, I have learned the following:

a. On or about October 31, 2017, at approximately 3:00 p.m., a flatbed truck bearing a New Jersey license plate (the "Truck") traveled from New Jersey over the George Washington Bridge and entered New York City. After entering New York City, the Truck proceeded to the West Side Highway and began traveling southbound.

b. Once the Truck was in the vicinity of Houston Street in Manhattan, the Truck proceeded onto the bike lane and pedestrian walkway (the "Walkway") of the West Side Highway. The Truck then drove down the Walkway for several blocks and struck numerous civilians on the Walkway (the "Victims"). The Truck eventually collided with a school bus, which was carrying occupants in the vicinity of West Street and Chambers Street, at which point the Truck came to a halt.

c. After the Truck collided with the school bus, a man, later identified as SAYFULLO HABIBULLAEVIC SAIPOV, the defendant, exited the driver's door of the Truck with two objects in his hands that appeared to be firearms (the "Weapons"). Moments after SAIPOV got out of the Truck, he yelled, in substance and in part, "Allahu Akbar." I know, based on my training and experience, that "Allahu Akbar" is an Arabic phrase that translates to "God is Great."

d. SAIPOV was subsequently shot by a law enforcement officer and taken into custody. In the vicinity of where SAIPOV was shot, SAIPOV dropped the Weapons, which, based on a preliminary review, appear to be a paintball gun and pellet gun, and a black bag (the "Bag"). Inside the Bag, law enforcement officers recovered, among other things, three knives and a wallet, which itself contained a Florida Driver's License for SAIPOV. After SAIPOV was taken into custody, law enforcement officers recovered two cellular phones ("Cellphone-1" and "Cellphone-2," collectively the "Cellphones") and a stun gun on the Truck's floor in the vicinity of the driver's seat of the Truck. Law enforcement officers also recovered, approximately ten feet from the driver's door of the Truck, a document that contained Arabic and English text (the "Document").

7. I know, based on my review of the rental contract for the Truck that the Truck was rented from a store located in Passaic, New Jersey, which is engaged in commercial activity, including renting vehicles for the purpose of transporting cargo and/or persons on highways, among other places (the "Store"). The Truck was rented on or about October 31, 2017, at approximately 2:06 p.m. to a customer who identified himself as "sayfullo saipov." The rental duration for the Truck—that is, the length of time that the customer was permitted to use the Truck—was "75 Mins." I also know, based on my review of surveillance footage provided by the Store, that SAYFULLO HABIBULLAEVIC SAIPOV, the defendant, entered and exited the store on the afternoon of October 31, 2017.<sup>2</sup> A still photograph of SAIPOV at the Store appears below:



8. I know, based on my review of a preliminary translation of the Document, *see supra* ¶ 5(d), that the Arabic portion of the Document states, in substance and in part, "No God but God and Muhammad is his Prophet" and "Islamic Supplication. It will endure." Based on my training and experience, and my conversations with others, I know that "It will endure" is commonly used to refer to ISIS.

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<sup>2</sup> I am familiar with the appearance of SAYFULLO HABIBULLAEVIC SAIPOV, the defendant, based on, among other things, my review of photographs of SAIPOV obtained by law enforcement.

9. Based on my training and experience, I know that propaganda by ISIS and other terrorist organizations has long counseled followers to commit acts of violence like the one committed by SAYFULLO HABIBULLAEVIC SAIPOV, the defendant; *i.e.*, by using vehicles as weapons. For example, the July 2016 issue of *Dabiq*, ISIS's then-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. In September 2016, ISIS changed the name of its official magazine from *Dabiq* to *Rumiyah*. In November 2016, ISIS released *Rumiyah, Issue 3*, which has an article titled "Just Terror Tactics," which again focuses on a vehicle attack as a primary attack weapon with a secondary attack using a knife or gun to maximize the "kill count" and terror. Based on my review of that article, the article stated, among other things, the following:

- "Though being an essential part of modern life, very few actually comprehend the deadly and destructive capability of the motor vehicle and its capacity of reaping large numbers of casualties if used in a premeditated manner."
- "In a bid to ensure utmost carnage upon the enemies of Allah, it is imperative that one does not exit his vehicle during the attack. Rather, he should remain inside, driving over the already harvested kuffar, and continue crushing their remains until it becomes physically impossible to continue by vehicle. At this stage, one may exit the vehicle and finish his operation on foot, if he was able to obtain a secondary weapon."
- "Having a secondary weapon, such as a gun or a knife, is also a great way to combine a vehicle attack with other forms of attacks. Depending on what is obtained, the kill count can be maximized and the level of terror resulting from the attack can be raised. This could also increase the possibility of attaining shahadah, which is the best of departures from this Dunya into the larger expanse of the Akhirah."

10. After SAYFULLO HABIBULLAEVIC SAIPOV, the defendant, was taken into custody, he was transferred to Bellevue Hospital. While at Bellevue Hospital, law enforcement officers interviewed SAIPOV, who was read and verbally waived his *Miranda* rights. During that interview, SAIPOV stated, in substance and in part, and among other things, the following:

a. SAIPOV was inspired to carry out the Truck attack by ISIS videos he had watched on his cellular phone. Approximately one year ago, SAIPOV began planning an attack in the United States, and, approximately two months ago, SAIPOV decided to use a truck in order to inflict maximum damage against civilians. In particular, SAIPOV was motivated to commit the attack after viewing a video in which Abu Bakr al-Baghdadi—who based on my training and experience I understand to be the leader of ISIS—questioned what Muslims in the United States and elsewhere were doing to respond to the killing of Muslims in Iraq.

b. On or about October 22, 2017, SAIPOV rented a truck from the Store so he could practice making turns with the truck in advance of his attack. SAIPOV chose October 31, Halloween, for the attack because he believed there would be more civilians on the street for the holiday.

c. On October 31, 2017, SAIPOV rented the Truck from the Store for a period of two hours but had no intention of ever returning it. Rather, SAIPOV planned to use the Truck to strike pedestrians in the vicinity of the West Side Highway and then proceed to the Brooklyn Bridge to continue to strike pedestrians. SAIPOV wanted to kill as many people as he could. SAIPOV wanted to display ISIS flags in the front and back of the Truck during the attack, but decided against it because he did not want to draw attention to himself.

d. After SAIPOV rented the Truck, SAIPOV traveled to New York City over the George Washington Bridge. Upon entering New York City, SAIPOV proceeded onto the West Side Highway. While SAIPOV was driving the Truck down the West Side Highway he proceeded onto the Walkway at his first opportunity.

e. At some point, the Truck became inoperable and SAIPOV exited the Truck. When he exited the Truck, SAIPOV was yelling "Allahu Akbar" and carrying a paintball gun and a pellet gun. SAIPOV also had a bag of knives in the Truck but was unable to reach them before exiting. SAIPOV identified the Document and admitted to writing it, and also stated that the Cellphones belonged to him.

f. During the interview with law enforcement, SAIPOV requested to display ISIS's flag in his hospital room and stated that he felt good about what he had done.




11. On or about October 31, 2017, the Honorable Barbara C. Moses issued a search warrant to search the Cellphones. Based on my conversations with law enforcement officers who have preliminarily reviewed information obtained from the Cellphones, I know, among other things, the following:

a. Cellphone-1 contains approximately 90 videos, many of which appear to be, based on my training, experience, and conversations with other law enforcement officers, ISIS-related propaganda. For example, the videos include: (i) a video of what appear to be ISIS fighters killing a prisoner by running the prisoner over with a tank; (ii) a video of what appear to be ISIS fighters shooting a prisoner in the face; (iii) a video of a beheading; and (iv) a video that appears to provide instructions for how to make a homemade improvised explosive device. Cellphone-1 also contains approximately 3,800 images, many of which appear to be ISIS propaganda. For example, the images include: (i) multiple images of the symbol for ISIS's media wing; (ii) multiple images of Abu Bakr al-Baghdadi; and (iii) an image of an ISIS member standing next to an individual who appears to have been shot.


b. Cellphone-2's Internet search history reflects, among other things, the following: (i) on or about October 4, 2017, a search for the Store in Passaic; (ii) on or about October 15, 2017, a search for Halloween in NYC; and (iii) on or about October 18, 2017, a search for truck rentals at the Store and Load 'N Go flatbed truck.

12. I know, based on my conversations with others, my training, experience, and participation in this investigation, that on or about November 1, 2017 at 12:00 p.m., at least eight Victims had died from the injuries they sustained as a result of the Truck driving on the Walkway and at least twelve additional Victims had been injured.

WHEREFORE deponent prays that SAYFULLO HABIBULLAEVIC SAIPOV, the defendant, be imprisoned, or bailed, as the case may be.

  
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Special Agent Amber Tyree  
Federal Bureau of Investigation  
Joint Terrorism Task Force

Sworn to before me this  
1st day of November, 2017

  
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THE HONORABLE BARBARA C. MOSES  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

