

UNITED STATES DISTRICT COURT

for the
District of Colorado

United States of America)
v.)
MOHAMMED WALI ZAZI)
_____)

Case No. 09-MJ-03000

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

Garrett Gumbiner, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 9/19/09 at 9:20M
City and state: Denver Colo


Judge's signature

Printed name and title
US Agent [Signature]

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

- - - - -X

UNITED STATES OF AMERICA

- against -

MOHAMMED WALI 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, an individual known to law enforcement ("Individual A") traveled to Peshawar, Pakistan from Newark International Airport via Geneva, Switzerland and Dohha, Qatar. CBP records further reflect that Individual A 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 Individual A depart his residence in Aurora, Colorado (the "Colorado Residence"), in a rented car. Individual A drove from Colorado to New York, arriving in New York City on September 10, 2009. Individual A 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 B"), whom the NYPD has utilized as a source for information in the past. During the September 10 meeting, detectives met with Individual B to obtain information about Individual A and others. Among other things, detectives showed Individual B photographs of Individual A and others.

Individual B told detectives that he recognized several of the men, including Individual A.

8. On September 11, 2009, the defendant MOHAMMED WALI ZAZI ("ZAZI") placed a telephone call to Individual B which lasted approximately twenty minutes.

9. On or about September 11, 2009, pursuant to legally-authorized electronic surveillance, FBI agents intercepted telephone conversation between Individual A and the defendant ZAZI in which the defendant ZAZI stated "[Individual B] is going to call you." The defendant ZAZI explained, "[Individual B], The one in New York." The defendant ZAZI elaborated that he was referring to "The Imam." The defendant ZAZI advised Individual A, "So before anything else, speak with [Individual B]. See if you need to go to [Individual B] 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, Individual A received a call from Individual B on the other line. Individual A ended the call with the defendant ZAZI and began speaking with Individual B. According to a draft summary transcription, Individual B and Individual A discussed the following, among other things, in English.

a. Individual B told Individual A that he had just spoken to the defendant ZAZI. Individual B said he did not

want Individual A to get nervous because "all this stuff is going on." Individual B 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. . .

c. Individual B asked Individual A the date when he last traveled to Pakistan. Individual A said it was eight months ago, and Individual B responded, "You went to visit your wife, right?" Individual A answered, "Yeah." Individual B also explained to Individual A 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."

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

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

Individual A told Individual B that the people watching him took his car. Individual B asked Individual A if there was any "evidence in his car" and Individual A said no.

12. On or about September 11, 2009, FBI agents conducted a legally-authorized search of Individual A's rental car, which was parked near the Queens Residence. During the search of the car, a laptop computer was found containing jpeg images of a multiple pages of handwritten notes. The notes contain formulations and instructions regarding the manufacture and handling of initiating explosives, main explosives charges, explosives detonators and components of a fuzing system. A physical scientist with the FBI laboratory has opined that the notes include the steps necessary to produce an effective explosive charge.

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

14. On or about September 17 and 18, 2009, Individual A was interviewed by the FBI in Denver, Colorado pursuant to a proffer agreement that allows for the derivative use of the information he provided during the interview. Individual A admitted that during his 2008 trip to Pakistan, he attended courses at an Al Qaeda training facility in the FATA region of

Pakistan. Individual A admitted that he received instruction from Al Qaeda operatives on subjects such as weapons and explosives.

ZAZI'S FALSE STATEMENTS

15. 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, whether anyone had called the defendant ZAZI and told him about Individual A's activities or any possible trouble regarding Individual A. The defendant ZAZI stated that he never called anyone in New York other than Individual A and never received a call from anyone in New York. The defendant ZAZI then revised his statement to say that he received one call from a person known to law enforcement ("Individual C"), who informed him that Individual A had missed his flight and would probably return home the next day.

16. During a September 18, 2009 interview, the defendant ZAZI was asked whether he knew anyone by the name of Individual B. The defendant ZAZI stated that he did not know anyone by the name of Individual B.

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



GARRETT GUMBINNER
Special Agent
Federal Bureau of Investigation

Sworn to before me this ^{19th}
day of September, 2009



UNITED STATES MAGISTRATE JUDGE
DISTRICT OF COLORADO

DATE: September 19, 2009

DEFENDANT: Mohammed Wali Zazi

YOB: 1955

ADDRESS: Arapahoe County, CO

COMPLAINT
FILED? Yes No

If Yes, MAGISTRATE CASE NUMBER _____

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? Yes No

If No, a new warrant is required

OFFENSE(S): Count One: Making a False Statement in a Matter Involving International and Domestic Terrorism, 18 U.S.C. § 1001(a)(2).

LOCATION OF
OFFENSE: Denver, Colorado

PENALTY: Count One: NMT 8 years imprisonment, \$250,000 fine, or both; NMT 3 years supervised release; \$100 Special Assessment

AGENT: Garrett Gumbinner
FBI

AUTHORIZED
BY: Tim Neff
Assistant United States Attorney

David M. Gaouette
United States Attorney

William M. Narus
Trial Attorney, Counterterrorism Section - U.S. Department of Justice

ESTIMATED TIME OF TRIAL:

five days or less

THE GOVERNMENT

X will not seek detention in this case

The statutory presumption of detention **is not** applicable to this defendant.

OCDETF CASE: __ Yes X No