
United States District Court
District of New Jersey

UNITED STATES OF AMERICA :
 :
 v. : CRIMINAL COMPLAINT
 :
 SERDAR TATAR : Magistrate No. 07-M-2049 (JS)
 :

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From on or about January 3, 2006 to on or about May 7, 2007, in Camden, Burlington, and Monmouth Counties, in the District of New Jersey, and elsewhere, defendant SERDAR TATAR committed the following offense:

SEE ATTACHMENT A.

I further state that I am a Special Agent of the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHMENT B.

Attachment A and Attachment B are incorporated as if set forth in full herein.

Signature of Complainant
John J. Ryan, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

May 7, 2007 at
Date

Camden, New Jersey

Honorable Joel Schneider
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

CONTENTS APPROVED
UNITED STATES ATTORNEY

By: _____
R. STEPHEN STIGALL, AUSA

Date: _____

ATTACHMENT A

From on or about January 3, 2006 to on or about May 7, 2007, in Camden, Burlington, and Monmouth Counties, in the District of New Jersey, and elsewhere, defendant

SERDAR TATAR,

did knowingly and willfully conspire and agree with Mohamad Ibrahim Shnewer, Dritan Duka, a/k/a “Distan Duka,” a/k/a “Anthony Duka,” a/k/a “Tony Duka,” Eljvir Duka, a/k/a “Elvis Duka,” a/k/a “Sulayman,” and Shain Duka to kill officers and employees of agencies in the Executive Branch of the United States Government, namely, members of the uniformed services, while such officers and employees were engaged in and on account of the performance of official duties, and persons assisting such officers and employees in the performance of such duties and on account of that assistance, contrary to Title 18, United States Code, Section 1114.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, defendant SERDAR TATAR and others committed and caused to be committed overt acts in the District of New Jersey, and elsewhere, including but limited to:

- a. On or about January 3, 2006, MOHAMAD SHNEWER, DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA, and SERDAR TATAR conducted firearms training in Gouldsboro, Pennsylvania.
- b. On or about August 11, 2006, MOHAMAD SHNEWER traveled to the United States Army base at Fort Dix, New Jersey to conduct surveillance.
- c. On or about August 11, 2006, MOHAMAD SHNEWER traveled to the United States Army base at Fort Monmouth, New Jersey to conduct surveillance.

- d. On or about August 13, 2006, MOHAMAD SHNEWER traveled to Dover Air Force base in Dover, Delaware to conduct surveillance.
- e. On or about August 13, 2006, MOHAMAD SHNEWER traveled to the United States Coast Guard Building in Philadelphia, Pennsylvania to conduct surveillance.
- f. On or about November 28, 2006, SERDAR TATAR acquired a map of the United States Army base at Fort Dix, New Jersey, labeled "Cantonment Area Fort Dix, NJ" to be distributed to others.
- g. On or about January 31, 2007, DRITAN DUKA, ELJVIR DUKA, and SHAIN DUKA collected weapons, including hand guns, shotguns, and semi-automatic assault weapons to be used in small arms training.
- h. On or about February 1, 2007, DRITAN DUKA, ELJVIR DUKA, and SHAIN DUKA traveled by car from New Jersey to Pennsylvania in order to conduct firearms training.
- i. On or about February 2, 2007, DRITAN DUKA, SHAIN DUKA, and ELJVIR DUKA conducted firearms training in Gouldsboro, Pennsylvania.
- j. On or about February 4, 2007, MOHAMAD SHNEWER, DRITAN DUKA, ELJVIR DUKA, and SHAIN DUKA reviewed terrorist training videos.
- k. On or about February 26, 2007, DRITAN DUKA and ELJVIR DUKA conducted tactical training in Cherry Hill, New Jersey.
- l. On or about March 15, 2007, DRITAN DUKA and SHAIN DUKA conducted tactical training in Cherry Hill, New Jersey.
- m. On or about April 6, 2007, DRITAN DUKA ordered four AK-47 Kalishnikov fully-automatic machine guns as well as M-16 firearms and handguns.

n. On or about April 27, 2007, MOHAMAD SHNEWER ordered an AK-47 Kalishnikov fully-automatic machine gun.

In violation of Title 18, United States Code, Section 1117.

ATTACHMENT B

I, John J. Ryan, am a Special Agent with the Federal Bureau of Investigation. I have personally participated in this investigation and am aware of the facts contained herein based upon my own investigation as well as information provided to me by other law enforcement officers. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not necessarily included each and every fact known by the government concerning this investigation.

1. On or about January 31, 2006, a representative of a retail store informed officials of the Federal Bureau of Investigation ("FBI") that an individual had brought a video to their store to be duplicated into a digital video disk ("DVD"). That DVD depicted conduct - recorded as having occurred on January 3, 2006 - that the store representative described as disturbing. FBI agents reviewed the DVD in question. The DVD depicted 10 young men who appeared to be in their early twenties shooting assault weapons at a firing range in a militia-like style while calling for *jihad* and shouting in Arabic "Allah Akbar" ("God is Great").¹ The FBI and Joint Terrorism Task Force ("JTTF") immediately commenced an investigation into the activities of the men depicted in the DVD.

2. The FBI identified the 10 men depicted in the DVD, six of whom are: MOHAMAD SHNEWER, DRITAN DUKA, a/k/a "Distan Duka," a/k/a "Anthony Duka," a/k/a "Tony Duka," ELJVIR DUKA, a/k/a "Elvis Duka," a/k/a "Sulayman," SHAIN DUKA, SERDAR TATAR, and AGRON ABDULLAHU. Immigration and Customs Enforcement checks show that DRITAN DUKA, ELJVIR DUKA, and SHAIN DUKA are illegally residing in the United States.

3. In or about March 2006, a cooperating witness ("CW-1") successfully infiltrated this group by developing a relationship with MOHAMAD SHNEWER.² Beginning in or about March 2006, CW-1

¹ The term *jihad* as used in this Affidavit means a Muslim holy war or spiritual struggle against infidels.

² CW-1, a paid informant, has proven to be credible and reliable. Shortly before CW-1's involvement in the instant investigation, CW-1 had provided the FBI with information regarding significant criminal conduct. The FBI independently corroborated CW-1's information. CW-1's credibility in that matter was further supported when federal charges were filed and at least two

consensually recorded conversations with SHNEWER and with other targets of the investigation during meetings and telephone calls.

4. On or about April 14, 2006, CW-1 consensually recorded a meeting with MOHAMAD SHNEWER. During that meeting, SHNEWER stated that he and CW-1 should view a video stored on SHNEWER's computer, but that they had to do so in private because "it's about something that can lead to prison."

5. On or about April 28, 2006, during a consensually recorded meeting with CW-1, MOHAMAD SHNEWER downloaded a DVD from his laptop computer which SHNEWER then provided to CW-1. SHNEWER instructed CW-1 to review the DVD alone. CW-1 provided the DVD to FBI and JTTF agents who reviewed the DVD. The DVD contains video footage of various jihadist images while a narrator recruits the observer to the jihadist movement.

6. On or about May 26, 2006, during a consensually recorded meeting with CW-1, MOHAMAD SHNEWER gave CW-1 SHNEWER's laptop computer and told CW-1 to review particular DVD files on the laptop hard drive. CW-1 asked SHNEWER to write the names of the DVD files SHNEWER wanted CW-1 to review, which SHNEWER did. CW-1 provided a business card to FBI and JTTF agents on which SHNEWER had written the names of the DVD files CW-1 was to review. One file was named "19" and the other file was named "VTS_01_1." Law enforcement officials made a copy of SHNEWER's laptop hard drive and were able to locate and view the files labeled "19" and "VTS_01_1." The file labeled "19" contained what appears to be the last will and testament of at least two of the highjackers involved in the terrorist attacks on the United States on September 11, 2001.³ The file labeled "VTS_01_1"

individuals pled guilty and admitted the conduct CW-1 had reported to the FBI. CW-1 has had one instance of not fully reporting truthful information. In January 2006, CW-1 self-reported to his/her handler that he/she mis-stated the identity of a friend with whom he/she had contact in an effort to protect that individual. CW-1 was informed by the handling agent that all information must be fully and completely reported. Since this incident, no new derogatory information concerning CW-1 has been reported. In this case, the FBI has been able to independently corroborate the information provided by CW-1 through consensual recordings and surveillance operations.

³ It should be noted that 19 members of Al Q'aeda were involved in the September 11, 2001 terrorist attacks.

contained images of Osama Bin Laden and other Islamic extremists making various speeches in which the speakers call the viewer to join the jihadist movement.

7. On or about July 7, 2006, a second individual who was cooperating with the FBI ("CW-2")⁴ was approached by six males who were unknown to CW-2. One of the males identified himself as "Sulayman" and invited CW-2 to his home. The investigation has revealed that ELJVIR DUKA uses the name "Sulayman."

8. On or about July 28, 2006, CW-1 consensually recorded a meeting with SERDAR TATAR during which TATAR asked CW-1 to fix TATAR's vehicle. CW-1 and TATAR then switched vehicles. CW-1 delivered TATAR's vehicle to law enforcement officers. CW-1 consented to a search of the vehicle. Inside the vehicle, law enforcement officers found a 50-round box of 9 millimeter ammunition. On the same day, CW-2 consensually recorded a meeting with DRITAN DUKA, ELJVIR DUKA, and SHAIN DUKA. ELJVIR DUKA told CW-2 that the DUKAs go target shooting with firearms but cannot go to regular gun ranges because none of them are legal residents of the United States. DRITAN DUKA showed CW-2 a video on DRITAN DUKA's cell phone which depicted individuals shooting firearms. DRITAN DUKA stated that this activity took place in Pennsylvania. CW-2 informed law enforcement agents that during the meeting, CW-2 learned that the DUKA brothers keep their firearms with ELJVIR DUKA's brother-in-law, an individual named "Agim," and an individual named "Mohamad." Law enforcement officials have determined that ELJVIR DUKA's brother-in-law is MOHAMAD SHNEWER and that the individual named "Agim" is AGRON ABDULLAHU.

9. On or about July 29, 2006, CW-2 consensually recorded a meeting with MOHAMAD SHNEWER, DRITAN DUKA, ELJVIR DUKA, and SHAIN DUKA. During the meeting, SHNEWER showed CW-2 a number of videos on SHNEWER's laptop computer which depicted armed attacks on and the killing of United States military personnel. CW-2 observed that SHNEWER seemed to enjoy watching the video and smiled during the viewing.

10. On or about August 1, 2, and 5, 2006, CW-1 consensually

⁴ CW-2, a paid informant, has previously proven to be credible and reliable, as evidenced by, among other things, law enforcement officers' corroboration of information previously provided by CW-2. During this investigation, CW-2 consensually recorded meetings and telephone calls with the conspirators.

recorded meetings with MOHAMAD SHNEWER. In summary, SHNEWER stated that he, SERDAR TATAR, DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA, and others were part of a group that was planning to attack a U.S. military base. SHNEWER specifically named the United States Army base at Fort Dix, New Jersey and a nearby United States Navy base. SHNEWER explained that they could utilize six or seven jihadists to attack and kill at least one hundred soldiers by using rocket-propelled grenades ("RPGs") or other weapons. SHNEWER further explained that they could train for the attack in Pennsylvania. SHNEWER also said that he and others in the group had saved money to pay for the weapons and that they were not afraid to die. SHNEWER further stated that TATAR could obtain maps of Fort Dix in order to plan the attack. SHNEWER also said that the group wanted CW-1 to help lead the attack based on CW-1's prior experience in the Egyptian military.

11. On August 1, 2006, MOHAMAD SHNEWER said the following, in substance and in part:

"If you want to do anything here, there is Fort Dix and I don't want to exaggerate, and I assure you that you can hit an American base very easily."

"You take a map and draw it and then you calculate that there are areas where there are 100 - 200 individuals and you should allocate 6 -7 persons for this alone."

"When you go to a military base, you need mortars and RPGs."

". . . I am at your services as you have more experience than me in military bases and in life."

12. On August 2, 2006, MOHAMAD SHNEWER said the following, in substance and in part:

"There is a nice area where we can train . . . In Pennsylvania . . . It is two hours away from here."

"Don't worry about money. I have money too as I have been saving money for this plan for some time."

"Both Sulayman and Tony [meaning ELJVIR DUKA and DRITAN DUKA] have a lot of money."

In response to how the group would get a map of Fort Dix, SHNEWER said the following:

"Serdar, he used to deliver there . . . Why did I chose Fort

Dix? Because I know that Serdar knows it like the palm of his hand."⁵

13. On August 5, 2006, MOHAMAD SHNEWER said the following, in substance and in part:

(In response to CW-1's question regarding who SHNEWER had in mind for the attack) "I have in mind Tony [meaning DRITAN DUKA], Sulayman [meaning ELJVIR DUKA], Shaheen [meaning SHAIN DUKA] . . . Serdar, definitely, he is the first one amongst us . . ."

(Concerning training) "You are in the mountains in the Poconos . . . In Pennsylvania. It is about two hours away from here. We went there for a week walking in the mountains and shooting in the open shooting range."

"We need to accumulate experience, and we need to think about how many we need and what they are going to do and we need to gather the weapons . . . Of course, I can get the weapons, machine gun, hand gun, I can get . . . from the street as you cannot buy a machine gun from a store."

(In response to whether SHNEWER had spoken with ELJVIR DUKA or DRITAN DUKA about being part of the group) "I spoke with them some time ago, and they are ready."

"All the names I mentioned are ready and on alert, specifically the four brothers and Serdar, that means Tony, Sulayman . . ."

14. During the consensually recorded meeting on August 5, 2006, MOHAMAD SHNEWER also suggested that he and CW-1 surveil military bases to decide which one to attack. When discussing the naval base, SHNEWER said, "Maybe it is easy to hit them, there are nights where the squad is out and doing exercises without weapons . . . the only problem is that they may have protection and scouts watching. You know what we can do is go one day to a nearby restaurant and observe the whole base." When CW-1 asked whether they could take pictures during their surveillance, SHNEWER said that doing so would be very dangerous but that they could film the base using a cell phone camera:

⁵ Subsequent consensually recorded conversations revealed that SERDAR TATAR used to deliver pizzas to Fort Dix. Law enforcement officers have verified that TATAR's family owns a pizzeria near Fort Dix.

"Same thing for Fort Dix, you cannot take pictures as it is very difficult to do so. You know what, we can take pictures by using the phone and you make as if you are talking on the cell phone and you will take a video . . . In Fort Dix, yeah, while you are driving, we will drive slow and what is nice with the phone is that if you are stopped by a police, you will delete it from memory."

15. On or about August 11, 2006, CW-1 and MOHAMAD SHNEWER traveled to the Fort Dix military base to conduct surveillance. CW-1 consensually recorded the trip. While SHNEWER and CW-1 were driving to Fort Dix, SHNEWER spoke with another person on the telephone - captured on the consensually monitored recording - during which SHNEWER asked the individual what street the person's pizzeria was on. SHNEWER also said that SHNEWER, ELJVIR DUKA, DRITAN DUKA, SHAIN DUKA, SERDAR TATAR and CW-1 were part of the group that would attack the military base. When CW-1 asked what made SHNEWER think of Fort Dix as a target, SHNEWER replied, "My intent is to hit a heavy concentration of soldiers" As SHNEWER and CW-1 drove into a specific area at Fort Dix, SHNEWER said, " . . . this is exactly what we are looking for. You hit 4, 5, or 6 humvees and light the whole place [up] and retreat completely without any losses." SHNEWER and CW-1 then drove to Lakehurst Naval Air Station. On the way there, SHNEWER remarked that "this is going to be easier to hit specially if you have 8 or 9 shooting with machine guns and they are good shooters." During the surveillance trip, SHNEWER received several telephone calls and lied about his whereabouts to the callers.

16. After MOHAMAD SHNEWER and CW-1 completed the surveillance trip, law enforcement officers observed SHNEWER later that evening drive by himself to the United States Army base at Fort Monmouth, New Jersey.

17. On or about August 13, 2006, during the evening hours, MOHAMAD SHNEWER called CW-1. CW-1 recorded the conversation. During the conversation, SHNEWER asked CW-1 to go with him to surveil the Dover Air Force base in Dover, Delaware. CW-1 then met SHNEWER and recorded their trip to the Dover Air Force Base. During the trip, SHNEWER played a video on his computer which taught the viewer how to make a grenade. SHNEWER said that "Sulayman [ELJVIR DUKA]. . . told me that they have high security over there. You can see the planes taking off. Sometimes, there are 300 soldiers." SHNEWER also explained that he had informed ELJVIR DUKA that he had gone to surveil Fort Dix. SHNEWER further said that ELJVIR DUKA could get machine guns. SHNEWER acknowledged that "in all of the U.S. it's illegal to sell

machine guns." Once SHNEWER and CW-1 arrived at Dover Air Force Base, SHNEWER surveilled the perimeter fence and other security features and agreed with ELJVIR DUKA's assessment that the base was too difficult of a target because of its high security.

18. After leaving Dover Air Force Base, MOHAMAD SHNEWER directed CW-1 to Philadelphia. On the way, SHNEWER again acknowledged that the conspirators consisted of himself, ELJVIR DUKA, SHAIN DUKA, DRITAN DUKA, SERDAR TATAR, and CW-1. SHNEWER also said that the sniper from Kosovo was a member of the group.⁶ SHNEWER also told CW-1 about the trip to the Poconos that the members of the group had taken in January 2006. SHNEWER played a video for CW-1 on SHNEWER's laptop computer and remarked, "This is Shain firing," and "This is Serdar - do you see him?" Once SHNEWER and CW-1 were in the Philadelphia area, SHNEWER directed CW-1 to drive past the United States Coast Guard building on Delaware Avenue in Philadelphia.

19. On or about August 18, 2006, CW-2 consensually recorded a meeting with DRITAN DUKA, ELJVIR DUKA, and SHAIN DUKA. DRITAN DUKA told CW-2 that he had a .357 firearm and was in search of two or three AK-47 Kalishnikov fully-automatic machine guns. DRITAN DUKA acknowledged that fully-automatic machine guns are illegal in the United States and therefore they would have to buy them "from the streets." DRITAN DUKA further cautioned that they could not speak about such firearms over the telephone. ELJVIR DUKA also said that they could purchase a revolver on the streets for \$400. During the consensually recorded meeting, SHAIN DUKA showed CW-2 an additional video from his cell phone that depicted 12 - 13 males shooting firearms in Pennsylvania. DRITAN DUKA explained that the location in Pennsylvania is about 2 ½ hours away and that they had spent a week in the Poconos.

20. On or about August 20, 2006, during a consensually recorded meeting, MOHAMAD SHNEWER informed CW-1 that he told SHAIN DUKA about the surveillance of Fort Dix. SHNEWER also discussed planning the attack on Fort Dix and acquiring machine guns.

21. On or about August 21, 2006, during a consensually recorded meeting, MOHAMAD SHNEWER informed CW-1 that he told ELJVIR DUKA about the surveillance of Dover Air Force Base. SHNEWER also discussed acquiring RPGs and machine guns.

⁶ Subsequent consensually recorded conversations have revealed that the conspirators believe AGRON ABDULLAHU was a sniper in Kosovo.

22. On or about September 14, 2006, CW-1 consensually recorded a meeting with MOHAMAD SHNEWER and SHAIN DUKA. During this meeting, CW-1 asked SHAIN DUKA to have ELJVIR DUKA call CW-1. SHNEWER explained to SHAIN DUKA, "We've been brain-storming, we were going to look at some areas . . . we got one, one idea for something and we wanted to know who's in, who's not." SHAIN DUKA responded, "Alright." CW-1 then mentioned machine guns and SHAIN DUKA responded, "Ah." When CW-1 mentioned that they could go to jail forever, SHAIN DUKA responded, "Gotta be cautious." When CW-1 asked if SHAIN DUKA was "with them," SHAIN DUKA responded, "God willing, we will see."

23. On or about September 22, 2006 and September 29, 2006, CW-1 consensually recorded two meetings with ELJVIR DUKA. In summary, ELJVIR DUKA stated that they would need to receive a "fatwa" before they could attack.⁷

24. On or about October 6, 2006, CW-2 attempted to consensually record a meeting with DRITAN DUKA, SHAIN DUKA, and MOHAMAD SHNEWER. The equipment, however, failed to record the meeting. CW-2 has informed law enforcement officers that during the meeting, SHNEWER told CW-2 that he had new videos for CW-2 to watch, one of which included training conducted by the attackers on September 11, 2001. CW-2 also informed law enforcement officers that SHAIN DUKA mentioned planning a trip to the Poconos for a week so that the group could shoot firearms.

25. On or about October 31, 2006, CW-1 consensually recorded a meeting with SERDAR TATAR during which CW-1 and TATAR discussed Fort Dix. When CW-1 expressed anger at the United States, TATAR stated in response, "You want to make them pay for something that they did . . . Okay, you need maps?" TATAR then told CW-1 that he would give CW-1 a map of Fort Dix.

26. On or about November 3, 2006, during a consensually recorded meeting, MOHAMAD SHNEWER and CW-1 discussed SERDAR TATAR providing a map of Fort Dix. SHNEWER also said that individuals

⁷ A "fatwa" in the Islamic faith is a ruling on Islamic law issued by an Islamic scholar. The term fatwa is used by Islamic extremists to mean "permission" to do a certain act that might otherwise be illegal under Islamic law. For example, Osama Bin Laden in 1998 purportedly sought and obtained a "fatwa" to attack the United States. The term fatwa as used by ELJVIR DUKA would therefore appear to mean a ruling that would permit an attack on the United States.

who were likely to attend another trip to the Poconos included DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA, SERDAR TATAR, and AGRON ABDULLAHU. When CW-1 mentioned that CW-1 might have a source who could supply firearms, SHNEWER expressed interest.

27. On or about November 9, 2006, CW-1 consensually recorded a telephone conversation with SERDAR TATAR during which TATAR indicated that he would provide the map of Fort Dix to CW-1 shortly.

28. On or about November 12, 2006, CW-1 consensually recorded a meeting with SERDAR TATAR during which TATAR explained that he would acquire the map of Fort Dix from his father's restaurant. TATAR acknowledged that he was "in" the plan to attack Fort Dix stating, "I'm in, honestly I'm in." However, TATAR cautioned CW-1 that they, the group, needed to ensure that their families would be protected. TATAR described a place at Fort Dix they could target that would cause a power outage and allow for an easier attack on the military personnel there. At the very end of the meeting, TATAR questioned CW-1 about whether CW-1 was a "Fed" - meaning a law enforcement officer.

29. On or about November 13, 2006, CW-1 consensually recorded a telephone call with MOHAMAD SHNEWER. Toward the end of the call, SHNEWER said that he was coming to CW-1's residence. CW-1 then consensually recorded that meeting. During the meeting, SHNEWER and CW-1 discussed SERDAR TATAR acquiring the map of Fort Dix, machine guns, and the up-coming trip to the Poconos where the group would train. SHNEWER also told CW-1 that he hid his firearms inside the air conditioning unit at his house. SHNEWER reiterated that SHAIN DUKA and DRITAN DUKA knew of the plan and would be participating.

30. On or about November 14, 2006, CW-1 consensually recorded a meeting with ELJVIR DUKA during which CW-1 and ELJVIR DUKA discussed SERDAR TATAR potentially acquiring a map of Fort Dix. When CW-1 repeated TATAR's concerns about the need to take care of family before the attacks, ELJVIR DUKA responded that "Allah" will take care of TATAR's family. CW-1 and ELJVIR DUKA also discussed the need to use coded language when discussing the up-coming trip to the Poconos.

31. In a possible effort to determine whether CW-1 was a law enforcement officer, SERDAR TATAR on November 15, 2006 contacted a sergeant with the Philadelphia Police Department and stated that he had been approached by an individual who had pressured him to acquire maps of Fort Dix. TATAR also told the police officer that he did not supply the map and was fearful

that the incident was terrorist-related. The sergeant telephoned the FBI in TATAR's presence.

32. The next day, on November 16, 2006, SERDAR TATAR told CW-1 during a consensually monitored telephone call that SERDAR TATAR would supply CW-1 with the map of Fort Dix.

33. On or about November 27, 2006, CW-1 consensually recorded a telephone call with SERDAR TATAR during which TATAR said that too many people were in the restaurant for TATAR to take the map of Fort Dix.

34. On or about November 28, 2006, CW-1 consensually recorded a meeting with SERDAR TATAR. During the meeting, TATAR acknowledged that if he were to provide the map of Fort Dix he could be deported. TATAR also expressed his willingness to participate by providing the map, even in the face of significant consequences:

"You know one thing that's scary too? . . . I don't know you that much . . . You know. I don't know whether you're FBI . . . or the, an agent, don't know."

"I'm gonna do it. Whether you are or not (FBI) I'm gonna do it. Know why? . . . It doesn't matter to me, whether I get locked up, arrested, or get taken away, it doesn't matter. Or I die, doesn't matter, I'm doing it in the name of Allah."

35. Later in the evening of November 28, 2006, SERDAR TATAR called CW-1 when CW-1 was not at home (a call, therefore, that was not recorded) and stated, in substance and in part, that TATAR had left a package for CW-1 at the guard shack outside of CW-1's residence. This call was unrecorded. CW-1 then called TATAR back from CW-1's residence while consensually recording the call. TATAR immediately asked CW-1, "You get it brother?" CW-1 then asked TATAR where TATAR had put the map. TATAR then described the location where he had hidden the map. After the call, CW-1 went to the location described by TATAR and found a map labeled "Cantonment Area Fort Dix, NJ."

36. On or about November 29, 2006, CW-1 turned the map SERDAR TATAR had provided over to law enforcement officers who made copies of it and returned the original to CW-1. Law enforcement officers also reviewed CW-1's call log on CW-1's cell phone and observed that CW-1 had received a telephone call at 10:51 p.m. on November 28, 2006 from telephone number 856-520-4291 that lasted approximately two minutes. Law enforcement

officers have determined that 856-520-4291 was SERDAR TATAR's cell phone number.

37. On or about November 30, 2006, during a consensually recorded telephone call, CW-1 informed MOHAMAD SHNEWER that SERDAR TATAR had provided the map of Fort Dix. SHNEWER stated that he would come see the map shortly.

38. On or about December 1, 2006, CW-2 consensually recorded a meeting with SHAIN DUKA, DRITAN DUKA, and ELJVIR DUKA during which the firearms needed for the up-coming trip to the Poconos were discussed. DRITAN DUKA said the group had a shotgun and a .357 magnum firearm which they had purchased on the black market. SHAIN DUKA explained that they hide this weapon. ELJVIR DUKA said they also had a small automatic weapon.

39. On or about December 7, 2006, law enforcement officers with the FBI interviewed SERDAR TATAR. TATAR provided his cell phone number as 856-520-4291 - the same number law enforcement officers had previously observed on the call log of CW-1's cell phone. TATAR falsely told the interviewing officers that he was not a part of the plot to attack Fort Dix and did not know any of the parties that may be involved. TATAR three times falsely denied that he had provided a map of Fort Dix to anyone.

40. On or about December 8, 2006, during a consensually recorded meeting, MOHAMAD SHNEWER confirmed that SERDAR TATAR had told SHNEWER that TATAR had given CW-1 the map of Fort Dix. SHNEWER also stated that they had missed an opportunity to attack United States military personnel during the Army-Navy football game that had been recently played in Philadelphia.

41. On or about December 27, 2006, CW-1 consensually recorded a telephone call with MOHAMAD SHNEWER during which SHNEWER informed CW-1 that the trip to the Poconos was scheduled for February 1, 2007. SHNEWER further stated that he would take the map of Fort Dix from CW-1.

42. On or about December 28, 2006, CW-1 consensually recorded a telephone call with SHAIN DUKA and ELJVIR DUKA. During the call, ELJVIR DUKA told CW-1 that the Pocono trip was scheduled for February 1, 2007 and that they had already rented a house.

43. On or about December 29, 2006, CW-1 consensually recorded a meeting with MOHAMAD SHNEWER during which SHNEWER reviewed the map of Fort Dix. SHNEWER took the map from CW-1 and placed it into his mother's car. Later, when ELJVIR DUKA joined

the meeting, CW-1 discussed SERDAR TATAR providing the map of Fort Dix. After ELJVIR DUKA left the meeting, SHNEWER told CW-1 that ELJVIR DUKA had said that Fort Dix was a good target. SHNEWER also stated that he was setting money aside to buy a fully automatic machine gun from CW-1's source. SHNEWER acknowledged the illegality of such a weapon stating, "it is forbidden to use fully automatic," and that the penalty was imprisonment.

44. On or about January 5, 2007, CW-2 consensually recorded a meeting with ELJVIR DUKA and SERDAR TATAR during which ELJVIR DUKA discussed the up-coming Pocono trip and stated that it had been scheduled for February 1, 2007.

45. On or about January 7, 2007, during a consensually recorded telephone call with MOHAMAD SHNEWER, CW-1 expressed concern that SHNEWER's mother might find the map of Fort Dix that SHNEWER had earlier placed in his mother's car. SHNEWER replied that he had hidden the map.

46. On or about January 16, 2007, CW-1 consensually recorded a telephone call with MOHAMAD SHNEWER during which SHNEWER made arrangements with CW-1 to travel to the Poconos.

47. On or about January 19, 2007, CW-2 consensually recorded a meeting with ELJVIR DUKA, DRITAN DUKA, and SHAIN DUKA during which the Pocono trip and firearms were discussed. DRITAN DUKA explained that the group had four firearms. ELJVIR DUKA also said that they had a 9 millimeter handgun, an assault rifle, and a semi-automatic assault weapon. DRITAN DUKA explained that AGRON ABDULLAHU brought the rifle and ammunition to them because he had a license for the weapon. ELJVIR, SHAIN, and DRITAN DUKA all explained that they could not have firearms because they do not have "green cards." During the consensually recorded meeting, SHAIN DUKA identified the individuals who would be going to the Poconos, which included DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA, CW-2, AGRON ABDULLAHU, SHNEWER, and CW-1. CW-2 was told that everyone would meet at DRITAN DUKA's house on January 31, 2007, sleep over, and then leave for the Poconos early the next morning.

48. Between January 31 and February 1, 2007, law enforcement officers conducted video and photographic surveillance of DRITAN DUKA's residence in Cherry Hill, New Jersey. Law enforcement officers observed AGRON ABDULLAHU and DRITAN DUKA at separate times carrying dark colored rifle style bags into DRITAN DUKA's residence. CW-2 consensually recorded conversations at DRITAN DUKA's residence, during which DRITAN

DUKA, SHAIN DUKA, and ELJVIR DUKA discussed and handled the firearms. The individuals were heard racking the action of the firearms. CW-2 subsequently informed law enforcement officers that CW-2 had observed two firearms on the floor by the fireplace in DRITAN DUKA's residence and had handled the weapons with DRITAN DUKA, ELJVIR DUKA, and SHAIN DUKA. CW-2 also subsequently reported that ABDULLAHU had brought two firearms to DRITAN DUKA's residence - a 9 millimeter handgun and a Yugoslavian semi-automatic rifle. Law enforcement officers observed SHAIN DUKA carrying a green rifle style softcase from DRITAN DUKA's residence to ABDULLAHU who loaded it into ABDULLAHU's vehicle. CW-2 reported that ABDULLAHU placed the two firearms he had brought into DRITAN DUKA's residence into his vehicle to transport to the Poconos along with a shotgun and a Beretta rifle that were also at DRITAN DUKA's residence. Law enforcement officers observed DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA, AGRON ABDULLAHU, and others depart DRITAN DUKA's residence on February 1, 2007.

49. CW-2 traveled to 2717 Eagleview Drive, Gouldsboro, Pennsylvania on February 1, 2007 with SHAIN DUKA, ELJVIR DUKA, DRITAN DUKA, AGRON ABDULLAHU, and others - the location of the house the DUKA brothers rented for the Pocono trip.

50. On or about February 2, 2007, CW-1 consensually recorded a telephone call with MOHAMAD SHNEWER and the two made arrangements to travel to the Poconos two days later. On the same day, law enforcement officers conducted video surveillance at Pennsylvania State Game Land 127 - the same firearms range captured on the January 3, 2006 DVD described above - and observed DRITAN DUKA, SHAIN DUKA, and ELJVIR DUKA all firing weapons from various positions. Law enforcement officers subsequently learned that these individuals were using an SKS semi-automatic rifle, a Beretta Storm semi-automatic rifle, a Mossberg 12 gauge pump shotgun, and a 9 millimeter Beretta handgun. Law enforcement officers observed SHAIN DUKA directing all the participants as they were setting up their shooting stations. Law enforcement officers also observed AGRON ABDULLAHU teaching several individuals where to place the shotgun when firing it. Law enforcement officers observed DRITAN DUKA watching all the participants as they were shooting.

51. On or about February 3, 2007, a surveillance camera at the firing range again captured ELJVIR DUKA, SHAIN DUKA, DRITAN DUKA and others firing weapons. Earlier that day, an undercover FBI agent who had been conducting surveillance at the firearms range on February 2, 2007 unexpectedly encountered ELJVIR DUKA and DRITAN DUKA at a local convenience store. Both ELJVIR DUKA

and DRITAN DUKA immediately recognized the undercover agent as an individual who had been shooting on the range on February 2, 2007. DRITAN DUKA engaged the undercover agent in a conversation. ELJVIR DUKA asked the undercover agent if he knew where ELJVIR DUKA and DRITAN DUKA could purchase AK-47 and M-16 firearms. DRITAN DUKA continued the conversation with the undercover agent and discussed that "they" wanted to buy the Russian version of the AK-47 instead of the cheaper Chinese version because of its durability and its capability of being buried in dirt and sand. DRITAN DUKA also said that AK-47s were easier to purchase overseas, particularly in Lebanon. When the undercover agent asked what type of weapons DRITAN DUKA and his friends had been using that day at the range, DRITAN DUKA replied that they had been shooting a Beretta CX-4, 9 millimeter rifle with a synthetic stock, a Beretta shotgun with a synthetic stock, "just like the cops use," and a Beretta, semi-automatic nickel-plated handgun.

52. On or about February 4, 2007, CW-1 consensually recorded conversations undertaken during his trip to the Poconos with MOHAMAD SHNEWER. On the way, SHNEWER recounted the earlier trip he made to the Poconos and stated that the group had used five firearms and that each shooter had fired approximately 400 bullets. CW-1 also again expressed concern that someone might find the map of Fort Dix that SHNEWER had taken from CW-1. SHNEWER replied that he had hidden the map in a room in his house which no one else enters. At one point, SHNEWER remarked that the acquisition of RPG's by the group would increase the number of killings the group could cause.

53. MOHAMAD SHNEWER and CW-1 arrived at the rental house in the Poconos on or about February 4, 2007. CW-1 continued to consensually record once at the rental house. CW-1 captured SHNEWER playing videos on his laptop computer which members of the group referred to as Mujahideen and terrorist training videos. Members of the group pointed out that United States military vehicles were shown being destroyed in various attacks. SHAIN DUKA pointed out that a United States Marine's arm had been blown off, at which point laughter erupted from the group. CW-2 subsequently reported to law enforcement officers that after SHNEWER arrived, the group watched terrorist training videos on SHNEWER's laptop computer.

54. In the early hours of February 5, 2007, while CW-1 was still consensually recording conversations involving the targets at the rental house, several members of the group engaged in a discussion concerning bombs, nitroglycerin, and the explosive C-4. Later in the day, CW-1 consensually recorded the group

shooting weapons. That afternoon, CW-1 and MOHAMAD SHNEWER left the rental house and CW-1 consensually recorded the conversations which took place during their trip back to New Jersey. On the way, SHNEWER again identified which members of the group would participate in the attacks on the United States military, namely, SHAIN DUKA, DRITAN DUKA, ELJVIR DUKA, CW-1, himself, and a younger brother of the DUKAs. SHNEWER also said that they could attack two American warships next year when they dock in the Port of Philadelphia. In addition, SHNEWER discussed the weapons the group would need, saying, "[t]he machine gun, we are going to buy the machine gun, but we need other than the machine gun. Something else."

55. On or about February 8, 2007, CW-2 consensually recorded conversations during CW-2's return-trip to New Jersey with ELJVIR DUKA and DRITAN DUKA. During this trip, ELJVIR DUKA and DRITAN DUKA discussed the need to train so that they could go overseas on "jihad." ELJVIR DUKA indicated that the Pocono trip had been a training mission. ELJVIR DUKA also stated, " . . . and at the end when it comes to defending your religion, when someone is trying attacks your religion, your way of life, then you go jihad."

56. On or about February 18, 2007, CW-1 consensually recorded a telephone conversation with DRITAN DUKA during which DRITAN DUKA and CW-1 discussed "training" by playing paint ball with paint ball guns. Later that evening, CW-1 unexpectedly encountered MOHAMAD SHNEWER at a local store and was, therefore, unable to consensually record their conversation. CW-1 reported to law enforcement officers that SHNEWER asked whether CW-1 had heard from CW-1's source for firearms and other weapons. CW-1 said that the source had just returned from Egypt. CW-1 observed that SHNEWER appeared happy to learn that the source had recently returned from Egypt.

57. On or about February 26, 2007, DRITAN DUKA invited CW-1 to participate in a paint ball training exercise with DRITAN DUKA, ELJVIR DUKA, and their younger brother. CW-1 consensually recorded this exercise. Shortly before the training, CW-1 met with DRITAN DUKA and ELJVIR DUKA at ELJVIR and SHAIN DUKA's residence to prepare for the training. CW-1 and ELJVIR DUKA discussed CW-1's source for weapons, including AK-47 machine guns. ELJVIR DUKA asked CW-1 if CW-1's source could be trusted. ELJVIR DUKA explained that " . . . I had one brother buy [a gun] for me with a Pennsylvania license. It's my gun but he bought it under his name." ELJVIR DUKA then relayed to CW-1 the fact that DRITAN DUKA had previously attempted to purchase an AK-47 machine gun from an individual in Camden, New Jersey. DRITAN DUKA did

not ultimately buy the weapon because he believed that he was being set up by the FBI. DRITAN DUKA then joined the conversation and stated, "I'm telling you, I almost bought a AK-47 from an agent." ELJVIR DUKA then said, "Me right now we have the shotgun, we have the one which you was talking about, and we have the handgun. 357 revolver." ELJVIR DUKA also expressed his knowledge that AK-47 machine guns are illegal: "You can't buy fully automatic . . . illegal." When CW-1 said to let CW-1 know if they want any weapons, ELJVIR DUKA responded: "Right now, ah, we want automatic hand guns and ah, my cousin wants one. Handgun." Later during the consensually recorded meeting, ELJVIR DUKA brought up the topic of CW-1's source for firearms and said, "Don't tell him about eh AK-47 first. The handgun yes."

58. The paint ball exercise on February 26, 2007 occurred in a wooded area near ELJVIR DUKA and SHAIN DUKA's residence. While CW-1 recorded it, DRITAN DUKA remarked that paint ball is good training for an attack, "In military they use this in U.S. Army . . . It's how they train you." SHAIN DUKA also agreed that playing paint ball is good tactical training.

59. On or about March 9, 2007, CW-2 consensually recorded a meeting with DRITAN DUKA, SHAIN DUKA, SERDAR TATAR, and others during which DRITAN DUKA, SHAIN DUKA, and SERDAR TATAR discussed preparing for their operation in a military fashion.

60. On or about March 10, 2007, CW-2 consensually recorded conversations during a meeting with DRITAN DUKA and SHAIN DUKA. When CW-2 asked DRITAN DUKA and SHAIN DUKA about SERDAR TATAR, SHAIN DUKA explained that TATAR wanted to join the U.S. Army so that he could kill U.S. soldiers from the "inside." When CW-2 asked about TATAR again, DRITAN DUKA remarked, "He had only one mind, how to kill American soldiers." Later during the consensually recorded conversation, DRITAN DUKA and SHAIN DUKA said that rather than waging jihad overseas, they could do so in the United States. SHAIN DUKA also stated, "Because as far as people we have enough, 7 people. And we are all crazy. That's what is needed . . ." DRITAN DUKA later in the conversation also stated, "For people, 7 people are a lot. We can do a lot of things with 7 people . . . We can do a lot of damage with 7 people . . . you do big things with 7 people." Toward the end of the meeting, SHAIN DUKA suggested that they could also join the Army and "do them, we can."

61. On or about March 15, 2007, DRITAN DUKA invited CW-1 to participate in paint ball training with DRITAN DUKA, SHAIN DUKA, and the DUKA's younger brother. CW-1 met DRITAN DUKA and SHAIN DUKA at ELJVIR DUKA and SHAIN DUKA's residence to prepare for the

paint ball training. After the paint ball exercise, CW-1 traveled to SHAIN DUKA's and ELJVIR DUKA's residence in Cherry Hill where DRITAN DUKA gave CW-1 a business card on the back of which DRITAN DUKA wrote, among other things, "A-K 47 Kalichnikov." CW-1 consensually recorded this meeting, which captured DRITAN DUKA's conversation with CW-1 about CW-1's source for firearms. During the consensually recorded meeting, DRITAN DUKA again confirmed that he owned a black gun and a shotgun but acknowledged the illegality of doing so because he didn't have a Green Card. DRITAN DUKA also said, "I tell you now I need AK47s. If you can get them, give me two . . . AK-47, Kalichnikov, Russian." DRITAN DUKA then cautioned CW-1, "AK-47. Just don't talk on the phone." The consensual recording also captured CW-1 asking DRITAN DUKA to write down the name of the firearm DRITAN DUKA wanted to buy from CW-1's source.

62. On or about March 16, 2007, CW-1 turned over to the FBI the business card on which DRITAN DUKA had written "A-K 47 Kalichnikov." Later that day, CW-1 consensually recorded a conversation with MOHAMAD SHNEWER during which CW-1 and SHNEWER discussed DRITAN DUKA's request to buy AK-47 Russian machine guns. SHNEWER asked CW-1 to have his source bring another AK-47 for SHNEWER to purchase in addition to the two guns that DRITAN DUKA would purchase and the one gun that CW-1 claimed he would purchase. Specifically, SHNEWER said, "Let him bring four. I know these guns as I used it in my country and I shot with it." SHNEWER also confirmed his knowledge about the illegality of such weapons: "It is not, there is nothing legal about it." SHNEWER went on to say, "[t]he beauty of this one when we buy it now, is that you can go train on it and you can leave it on the semi-automatic setting, one shot at a time." When CW-1 and SHNEWER discussed where to keep the AK-47s, SHNEWER said that he would keep them at his residence in the attic.

63. Also during the meeting on March 16, 2007, MOHAMAD SHNEWER said that DRITAN DUKA and ELJVIR DUKA knew the reason why they were getting the firearms. When CW-1 asked SHNEWER whether SHNEWER had changed his mind about Fort Dix, SHNEWER responded:

"Quite honestly there is the Navy base . . . You know where the stadiums are in Philadelphia? There is the Navy base and every year they have the Army-Navy ball game and they come and stay one or two weeks . . . the Navy base will then be full of people . . . You see this is an opportunity and the beauty of this location specially if you have the proper weaponry, is that you can hit it from where, do you know? From New Jersey."

SHNEWER also said that "everyone that was in the Poconos less one or two of them," were a part of the group that would attack the U.S. military.

64. On or about March 23, 2007, CW-1 consensually recorded a conversation during a meeting with DRITAN DUKA. CW-1 told DRITAN DUKA that CW-1's source would provide a list of weapons that the source was selling, which CW-1 would then provide to DRITAN DUKA. CW-1 further stated that the source did not want to meet the DUKAs. DRITAN DUKA remarked that it was better that the DUKAs not meet CW-1's source.

65. Also on or about March 23, 2007, CW-2 consensually recorded a conversation during a meeting with DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA, and others. SHAIN DUKA, ELJVIR DUKA, and DRITAN DUKA discussed Fort Dix and the nearby air force base. They also told CW-2 that SERDAR TATAR's father owned a restaurant near Fort Dix and made deliveries onto the base.

66. On or about March 26, 2007, CW-1 consensually recorded a telephone call with DRITAN DUKA during which CW-1 explained that CW-1's source could not give CW-1 the list of firearms that weekend.

67. On or about March 28, 2007, CW-1 consensually recorded a telephone call with DRITAN DUKA during which CW-1 explained that the source had given CW-1 a list of the firearms that the source had available for sale. DRITAN DUKA said that he would call later and instruct CW-1 where to meet. Later, DRITAN DUKA called CW-1 (a call which CW-1 was unable to consensually record), instructing CW-1 to meet at a convenience store on Route 38 near Cooper Landing Road in Cherry Hill. CW-1 consensually recorded the ensuing meeting with DRITAN DUKA during which CW-1 handed the list of weapons to DRITAN DUKA. Law enforcement officers retained a photocopy of the list before CW-1 gave it to DRITAN DUKA. The list identified the following weapons for sale: "AK-47, M-16, M-60 machine gun, RPG, Rocket, Handgun semi-automatic, Sig Sauer 9 mm, Smith Wesson 9 mm, Smith Wesson revolver." The list also contained prices for the weapons.

68. On or about March 30, 2007, CW-1 consensually recorded a meeting with MOHAMAD SHNEWER during which SHNEWER asked, "[d]id you speak to the guy from Baltimore?"⁸ CW-1 explained that when DRITAN DUKA decided how many weapons they would need, CW-1 would

⁸ The source for weapons had previously been identified as an individual from Baltimore, Maryland.

instruct the source to come with the weapons. SHNEWER said that \$500 - the price listed for the AK-47 - was a "very good" price.

69. On or about April 5, 2007, CW-1 consensually recorded a telephone call with MOHAMAD SHNEWER during which SHNEWER asked CW-1 about the delivery of the weapons. CW-1 explained to SHNEWER that DRITAN DUKA had to first provide CW-1 with the type and number of weapons DRITAN DUKA wanted to buy.

70. On or about April 6, 2007, CW-1 consensually recorded a meeting with DRITAN DUKA, among others. DRITAN DUKA stated to CW-1, "The list. I need all the, the AKs. The M16s and all the handguns." DRITAN DUKA then sought reassurance that CW-1's source could be trusted by asking CW-1 whether the source was religious and whether "there something they need to know." CW-1 asked, "Like what?" DRITAN DUKA responded, "To that list there was some stuff on the list that was heavy shit . . . the RPG." DRITAN DUKA then said, "All of them [meaning the AK-47s] I need. He has four now . . . He has four AK's for five hundred dollars each . . . Each one. I want all of the AK's, all the M-16's, I think there was 4, no 5 AK's I think and . . . 4 M-16's. And I need all the handguns, one of each . . . Everything he had . . . Everything he had on the list . . . No everything he has except [the RPG and M-60 machine gun]." During the meeting on April 6, 2007, DRITAN DUKA also expressed the need for secrecy:

"I just want to be safe brother, 'cause you understand? ... 'Cause I can afford, I . . . I just need to , 'cause I trust you brother, you understand? I got five kids so I don't wanna go down. People catch me like they think I'm a terrorist."

CW-1 and DRITAN DUKA also discussed how the sale of the weapons would take place. CW-1 said that the source would bring the weapons to New Jersey. In response, DRITAN DUKA said, "It's better, it's better if I get it over here [meaning New Jersey] 'cause we got no licenses."

71. On or about April 7, 2007, CW-2 consensually recorded a meeting with ELJVIR DUKA, DRITAN DUKA, and SHAIN DUKA at DRITAN DUKA's residence. At one point, ELJVIR DUKA and DRITAN DUKA went upstairs to use a computer. After a period of time, ELJVIR DUKA and DRITAN DUKA came back downstairs and discussed a high-powered firearm they were reviewing on the computer and how the round fired from the weapon could penetrate a soldier's helmet.

72. On or about April 13, 2007, CW-1 consensually recorded a meeting with DRITAN DUKA and MOHAMAD SHNEWER. DRITAN DUKA

asked CW-1 about the status of the delivery of the weapons, to which CW-1 responded that the source would bring the weapons in a couple of weeks. CW-1 told DRITAN DUKA and MOHAMED SHNEWER that they needed to have money, to which DRITAN DUKA responded that he had the money right now. CW-1 promised to call DRITAN DUKA when the source was ready to bring the weapons to New Jersey. CW-1 also told SHNEWER about the weapons DRITAN DUKA had ordered. SHNEWER discussed the RPG and the AK-47s, specifically referencing "Kalichnikov."

73. On or about April 27, 2007, CW-1 consensually recorded a meeting with DRITAN DUKA, during which DRITAN DUKA and CW-1 discussed the purchase of the weapons from CW-1's source. CW-1 also consensually recorded a meeting with MOHAMAD SHNEWER during which SHNEWER told CW-1 that he only wanted to purchase the AK-47 machine gun at this time and to hold off on the sale of the RPG.