

AFFIDAVIT

Affiant, Special Agent William López, Federal Bureau of Investigation (FBI), San Juan Division, being duly sworn, hereby depose and state:

BACKGROUND

1. Affiant is a law enforcement officer of the United States of America within the meaning of Section 2510 (7) of the Title 18, United States Code, that is, an officer of the United States who is empowered by the law to conduct investigation of and to make arrests.

2. Affiant is a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed since May 2018. Affiant is currently assigned to the FBI San Juan Division, Counter Terrorism squad, and assigned to investigate criminal and national security matters. As an FBI Special Agent, your Affiant has received specialized training in interviewing and interrogation techniques, arrests, search warrant applications, surveillance, and a variety of other investigative tools available to law enforcement officers. Affiant has participated in numerous investigations that involved obtaining and assisting in the execution of search warrants, arrests, and filing criminal complaints. Affiant has personally participated in this investigation leading to the information contained in this affidavit either through personal investigation or through discussion with other law enforcement personnel.

3. The information contained in the Affidavit is based on interviews and information obtained from cooperating persons involved in the investigation, information from other law enforcement agents, Affiant's experience and training, and the experiences of other law enforcement agents.

4. This affidavit is made in support of a criminal complaint charging KHALIL EL DAHR with a violation of 49 U.S.C. § 46504, Interference with Flight Crew Members and Attendants.

5. Because of the limited purpose of this affidavit to establish probable cause, it does not contain all of the facts known to Affiant or other law enforcement officers about the investigation.

FACTS IN SUPPORT OF PROBABLE CAUSE FOR CRIMINAL COMPLAINT

6. On September 22, 2021, at approximately 2110 hours, a Transportation Security Administration (TSA) Assistant Federal Security Director (ASFD) contacted your Affiant and reported an incident on JetBlue Flight 261. JetBlue Flight 261 was scheduled to depart from Boston (BOS) with a final arrival at San Juan (SJU). The incident involved an unruly passenger who had been physically restrained by flight crew members in response to a physical altercation during the passenger's attempt to gain access to the flight deck.

7. On September 22, 2021, at approximately 2200 hours, your Affiant interviewed a JetBlue Flight Attendant (FA) who was assigned JetBlue's Boston flight crew.

8. The JetBlue FA reported that on September 22, 2021, at approximately 1704 hours, JetBlue flight 261 departed Boston (BOS) with a final arrival at San Juan (SJU). Passenger KHALIL EL DAHR (EL DAHR) was assigned seat 6A, but was permitted to sit in 6C for more space. Approximately one hour and ten minutes (1:10) prior to final arrival at San Juan (SJU), EL DAHR attempted to make a telephone call and became angry about the call's unsuccess. Approximately forty-five (45) minutes prior to final arrival at San Juan (SJU), EL DAHR pulled himself out of his seat and rushed toward the flight deck yelling to be shot in the Spanish language. The JetBlue FA physically redirected EL DAHR into the area in front of the front row before the galley. As the JetBlue FA had EL DAHR corralled in the area before the galley on the right side of the plane, a flight crew officer opened the cockpit door. EL DAHR observed the door open and then grabbed the JetBlue FA by their collar and tie with one hand while using his other hand to grab the overhead compartment to gain leverage to kick. As the JetBlue FA was kicked in the

chest, EL DAHR yelled for the flight crew officer to shoot him. While EL DAHR was yelling, he was still holding the JetBlue FA by their tie. This resulted in the tie tightening and ultimately prevented the JetBlue FA from breathing. In response, the JetBlue FA released EL DAHR to loosen the tie to prevent from being choked and incapacitated. The JetBlue FA was then able to loosen the tie and grab hold of EL DAHR to prevent him from successfully breaching the galley area and gaining access to the flight deck.

9. The struggle continued until six (6) or seven (7) flight crew members were able restrain EL DAHR using makeshift restraints, which included the JetBlue FA's tie around EL DAHR's ankles and seat belt extenders around EL DAHR's torso. EL DAHR was moved to the rear of the plane and restrained to a seat until the flight concluded.

10. A second JetBlue FA also stated that JetBlue flight 261 had an unruly passenger assigned to seat 6A. The passenger was KHALIL EL DAHR. According to the second JetBlue FA, approximately ten (10) minutes prior to final descent EL DAHR rushed to the front of the plane. A struggle ensued as EL DAHR requested to be shot and killed. EL DAHR spoke in Spanish and Arabic which was translated by other flight crew members. The second JetBlue FA stated that at one point during the incident, they were able to understand EL DAHR say Allah in a raised tone.

11. When the second JetBlue FA responded to the front of the plane, they observed EL DAHR grab the first JetBlue FA by the tie and punch them in the chest. The second JetBlue FA then assisted to get EL DAHR restrained. One of the restraints used was a pair of flex cuffs provided by an off-duty FA on board the flight. The flex cuffs were applied to EL DAHR's wrists, but EL DAHR resisted so much that EL DAHR was able to break the cuffs and free himself. After, a second pair was fastened along with at least four (4) seat belt extenders to secure EL DAHR to a seat in the back of the plane.

12. The aircraft landed in San Juan and law enforcement arrived to assist.

13. Based on the investigation, your Affiant determined KHALIL EL DAHR was aboard an aircraft in the special aircraft jurisdiction of the United States. While aboard the aircraft, KHALIL EL DAHR knowingly assaulted or intimidated a flight crew member which interfered with the member's ability to perform their assigned duties.

CONCLUSION

14. Based on your Affiant's training, experience, and the above-mentioned facts, your Affiant has probable cause to believe that KHALIL EL DAHR committed the following violation: of 49 U.S.C. § 46504, Interference with Flight Crew Members and Attendants.

15. Affiant hereby declares the foregoing is true and correct to the best of Affiant's knowledge pursuant to the investigation conducted in this matter.

I declare that the foregoing is true and correct to the best of my knowledge.



William López
Special Agent
Federal Bureau of Investigations

Subscribed and sworn before me pursuant to FRCP 4.1 at 9:00 AM by telephone, this 23 day of September 2021.



United States Magistrate Judge Camille Vélez-Rivé
District of Puerto Rico