

Approved: 
SAM ADELSBERG / JAMIE BAGLIEBTER
Assistant United States Attorneys

Before: THE HONORABLE LISA MARGARET SMITH
United States Magistrate Judge
Southern District of New York

----- X	:	<u>COMPLAINT</u>	19 mag 3011
UNITED STATES OF AMERICA	:		
	:	Violations of	
- v. -	:	18 U.S.C.	
	:	§§ 1201, 1512 & 2	
MATITYAU MOSHE MALKA,	:		
	:	COUNTY OF OFFENSE:	
Defendant.	:	SULLIVAN COUNTY	
----- X	:		

SOUTHERN DISTRICT OF NEW YORK, ss.:

JONATHAN LANE, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(Conspiracy to Kidnap)

1. In or about March 2019, in the Southern District of New York and elsewhere, MATITYAU MOSHE MALKA, the defendant, together with others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other to violate Title 18, United States Code, Section 1201.

2. It was a part and object of the conspiracy that MATITYAU MOSHE MALKA, the defendant, and others known and unknown, would unlawfully seize, confine, inveigle, decoy, kidnap, abduct and carry away and hold for ransom and reward and otherwise, a person, and use a means, facility, and instrumentality of interstate commerce in committing and in furtherance of the commission of the kidnapping, in violation of Title 18, United States Code, Section 1201.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about March 15, 2019, MATITYAU MOSHE MALKA, the defendant, delivered a cellular phone to a 14-year old victim ("Victim-1") to facilitate communications between Victim-1 and a co-conspirator ("CC-1").

b. On or about March 22, 2019, CC-1 called Victim-1's mother (the "Mother"). Another individual, who is currently incarcerated in Westchester County Jail in connection with a kidnapping of Victim-1 and a 12-year-old ("Victim-2"), also participated in that call. During that call, CC-1 and CC-2 discussed taking the Mother's children away from her.

(Title 18, United States Code, Sections 1201(a), 1201(c), 1201(d) and 2.)

COUNT TWO

(Conspiracy to Obstruct Justice)

4. In or about March 2019, MATITYAU MOSHE MALKA, the defendant, together with others known and unknown, knowingly used intimidation, threatened, and corruptly persuaded any person, and attempted to do so, and engaged in misleading conduct toward another person, with intent to influence, delay and prevent the testimony of any person in an official proceeding, to wit, MALKA provided Victim-1 with four cellular phones to facilitate communications between Victim-1 and CC-1 during which CC-1 sought to remove Victim-1 from New York thereby making her unable to testify in a proceeding in the Southern District of New York concerning her kidnapping in December 2018.

(Title 18, United States Code, Sections 1512(b)(1), 1512(c), 1512(k) and 2.)

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

5. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been a law enforcement officer for approximately 14 years, and a Special Agent at the FBI for

approximately one year. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement agents, witnesses and others, as well as 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 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.

OVERVIEW

6. On or about December 8, 2018, two children, ages 12 and 14, (the "Victims") were kidnapped from a residence in the Village of Woodridge, Sullivan County, New York (the "Residence"), where they were staying with the Mother (the "December 2018 Kidnapping"). Approximately six weeks earlier, the Mother had fled from an organization in Guatemala called Lev Tahor.

7. The December 2018 Kidnapping was executed, in part, by providing Victim-1 with a cellular telephone without the Mother's knowledge, and convincing the Victims to meet members of Lev Tahor in the middle of the night on December 8, 2018. This cellular telephone was delivered to Victim-1 by a participant in the December 2018 Kidnapping.

8. The Victims were recovered by law enforcement in Mexico on December 27, 2018. When they were recovered, the Victims were in a hotel with two members of Lev Tahor. The Victims were returned to New York, where they are currently living with the Mother.

9. Based on my review of publicly available information, I have learned that Lev Tahor is a group comprised of ultra-Orthodox Jews mostly living in Guatemala. I have further reviewed news reports indicating that children in Lev Tahor are often subject to physical, sexual and emotional abuse.

10. I have learned from my conversations with the Mother, that the Mother was previously a voluntary member of Lev Tahor and that her father was its founder and former leader. According to the Mother, the new leader of Lev Tahor is more extreme than her father had been, and, as a result, she fled from the group. The Mother indicated that it was not safe to

keep her children there. Prior to her escape, the Mother spoke out against the growing extremism within Lev Tahor.

THE OFFICIAL PROCEEDING

11. Based on my discussions with an agent with the Federal Bureau of Investigation stationed in Mexico, I have learned, in substance and in part, the following:

a. In or about December 2018, Mexican law enforcement was assisting the Federal Bureau of Investigation in locating the Victims who were believed to be in Mexico.

b. On or about December 18, 2018, Mexican law enforcement encountered five adults and one child in a residence outside Mexico City (the "Mexico City Residence") where they suspected the Victims were located.

c. The Victims were not found in the Mexico City Residence.

d. The five adults, which included MATITYAU MOSHE MALKA, the defendant, were detained by Mexican law enforcement. They were later deported to the United States.

12. Based on my discussions with Victim-1 and my discussions with other law enforcement officers who have spoken with Victim-1, I have learned, in substance and in part, that the Victims were, in fact, inside the Mexico City Residence at the time that the five adults, including MATITYAU MOSHE MALKA, the defendant, were detained. Further, I have learned that MALKA was with the Victims in a hotel in Mexico before they arrived at the Mexico City Residence.

13. On or about December 27, 2018, three of the other adults found in the Mexico City Residence, Nachman Helbrans, Mayer Rosner and Jacob Rosner, were charged in an amended complaint with the December 2018 Kidnapping in violation of Title 18, United States Code, Section 1201(a).¹

14. In addition to the individuals discussed in paragraph 13, a fourth individual, Aron Rosner has been arrested

¹ On or about December 19, 2018, these individuals were charged by complaint with kidnapping the Victims in violation of Title 18, United States Code, Section 1201. This complaint, which remains under seal, was subsequently amended.

in connection with the December 2018 Kidnapping and charged with violating Title 18, United States Code, Section 1201(a).

15. The prosecutions of Nachman Helbrans, Mayer Rosner, Jacob Rosner and Aron Rosner for the December 2018 Kidnapping are proceeding in the Southern District of New York.

16. Both Victim-1 and the Mother are potential witnesses in these prosecutions.

THE 2019 KIDNAPPING PLOT

17. I, along with a Task Force Officer with the Federal Bureau of Investigation who is a Yiddish speaker ("TFO-1"), have spoken with Victim-1. Based on those conversations, I have learned, in substance and in part, the following:

a. On at least four occasions in or about March 2019, Victim-1 saw MATITYAU MOSHE MALKA, the defendant, in Brooklyn, New York, and during these encounters MALKA provided Victim-1 with cellular telephones.

b. In total, MALKA has provided Victim-1 with at least four cellular telephones in or about March 2019.

c. Victim-1 has spoken to another member of Lev Tahor, "CC-1," on these phones on numerous occasions.

d. During her conversations with CC-1, CC-1 discussed plans to remove Victim-1 from New York in a similar manner as the December 2018 Kidnapping.

e. On one occasion in or about March 2019, when MALKA was dropping off a cellular phone for Victim-1, Victim-1 was told by MALKA, in substance and in part, that he was providing her with the phone at the direction of the "boss" and that it seemed the boss wanted to go to jail too. Based on my participation in this investigation, I believe that the "boss" was a reference to CC-1 who is believed to be living in Guatemala and the acting leader of the Lev Tahor community. I further believe that MALKA was also referencing the fact that several other leaders in Lev Tahor are currently detained in the Southern District of New York on kidnapping charges, as described in paragraphs 13-15 above. Finally, I believe that MALKA was suggesting that CC-1 was also willing to engage in criminal activity like the other leaders of Lev Tahor.

18. I have spoken with the Mother, and based on those conversations, I have learned, in substance and in part, the following:

a. The Mother learned in or about March 2019 that Victim-1 had been provided phones by members of Lev Tahor. When the Mother found the cellular phones, she took them from Victim-1.

b. The Mother has since spoken with CC-1 about his communications with Victim-1. During those conversations, CC-1 has threatened to kidnap her children if she did not agree to let her children go back to Lev Tahor. CC-1 also told the Mother that members of Lev Tahor will not leave her alone until they have her children back in Lev Tahor.

19. I have spoken with TFO-1 who has reviewed recordings of several conversations between CC-1 and the Mother.² After speaking with TFO-1 about his review, I have learned, in substance and in part, the following:

a. CC-1 told the Mother that he has sent six cellular phones to Victim-1.

b. CC-1 told the Mother that she will sit in jail for taking the cellular phones from Victim-1.

c. CC-1 told the Mother, in substance and in part, "I'm not afraid of you, I am not afraid of anyone, we planned to help every Jew, we plan to help [Victim-1], we plan to help [Victim-2]. I go with people in America and will take them out from under your hands and will take them back to their father with gods help."

d. CC-1 has also indicated that there are people in New York prepared to execute the taking of the Victims.

e. CC-1 told the Mother that Victim-1 will be returned to her husband. Based on my participation in this investigation, I know that Victim-1 is considered within Lev Tahor to be the wife of Jacob Rosner, one of the individuals who is currently charged with the December 2018 Kidnapping.

² The recorded content that is in Yiddish has not been formally translated.

f. CC-1 has also used violent language towards the Mother, including that he will fight the Mother until the last drop of blood and that they will fight her to the death.

g. CC-1 has told the Mother, in substance and in part, that he is not afraid of the Federal Bureau of Investigation or other consequences that could happen as a result of his actions.

h. In one instance, while CC-1 was speaking to the Mother, Nachman Helbrans, who, as noted above, is currently incarcerated at Westchester County Jail and charged with the December 2018 Kidnapping, was also on the phone line. Helbrans also stated that they would take the children away from the Mother.

20. Based on my discussions with a witness and the Mother, I have learned in substance and in part, the following:

a. On or about March 25, 2019, MATITYAU MOSHE MALKA, the defendant, arrived in a car to the apartment where Victim-1 is living with her siblings and her Mother.

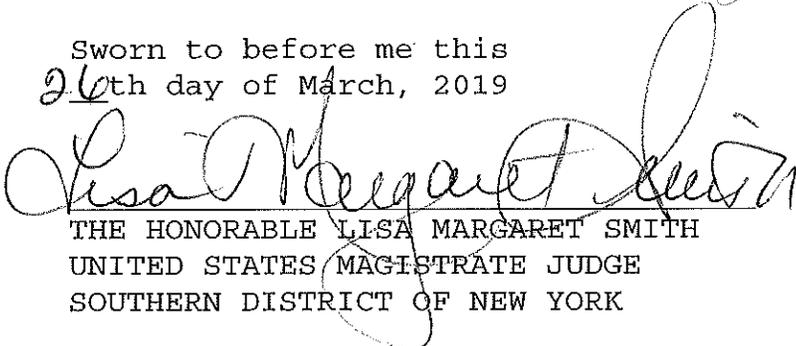
b. Victim-1 met MALKA outside the apartment and MALKA provided her with another cellular phone. At this time, MALKA said what roughly translates to "self-sacrifice" or "ultimate sacrifice."

WHEREFORE, deponent respectfully requests that MATITYAU MOSHE MALKA, the defendant, be arrested and imprisoned or bailed, as the case may be.



JONATHAN LANE
Special Agent
Federal Bureau of Investigation

Sworn to before me this
26th day of March, 2019



THE HONORABLE LISA MARGARET SMITH
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK