United States District Court STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT Case Number:

V.

(01) CABDULAAHI AHMED FAARAX (02) ABDIWELI YASSIN ISSE

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. From in or about September 2007 through the present, in Hennepin County, in the State and District of Minnesota and elsewhere, defendant(s),

knowingly and intentionally conspired with each other and others, known and unknown to kill, kidnap main and injure individuals outside of the United States,

in violation of Title 18, United States Code, Section(s) 956.

I further state that I am a(n) Special Agent and that this complaint is based on the following

facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: 🛛 Yes 🛛 No

Signature of Complainant// Michael N. Cannizzaro Jr. FBI

St. Paul, MN
Ciry and State
(de liter
Signature of Judicial Officer

Sworn to before me, and subscribed in my presence,

Date

at

The Honorable Arthur J. Boylan UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

DISTRICT OF MINNESOTA)) AFFIDAVIT OF STATE OF MINNESOTA) MICHAEL N. CANNIZZARO, JR.

I, Michael N. Cannizzaro Jr., being duly sworn, depose and state as follows:

Introduction

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since April 2004. Among my duties as an FBI Special Agent, I am responsible for the investigation of violations of federal law, including federal laws related to national security. I am currently assigned to the FBI's Joint Terrorism Task Force ("JTTF"), where my responsibilities include the investigation of international and domestic terrorism.

2. The statements contained in this affidavit are based in part on information I have learned through my own investigation; my background, training, and experience as a Special Agent, and with the JTTF; the investigation of other FBI special agents and law enforcement officers; records and other evidence obtained during the course of this investigation; and discussions with individuals as set forth herein this affidavit. Where statements of others are set forth, they are set forth in substance and in part. Because the purpose of the affidavit is to obtain a criminal complaint, I have not included all facts and details about the investigation.

Probable Cause

Background on Somalia

з. For at least the past fifteen years, Somalia has lacked a stable central government and has been vulnerable to intense civil and sectarian violence. In 2004, the Transitional Federal Government (TFG) was established under international auspices. A loose coalition of Islamic insurgents known as the Islamic Courts Union (or Council of Islamic Courts) (ICU) fought against the TFG, however, and took control over much of southern In early June 2006, the ICU captured Somalia's capital Somalia. city Mogadishu, and the TFG retreated to Baidoa, Somalia. The ICU, together with an extremist faction of "shock troops" known as al-Shabaab, continued to fight the TFG in Baidoa. While in control of southern Somalia, the ICU and al-Shabaab are believed to have provided protection and safe haven for al-Qaeda operatives wanted for the 1998 bombings of the United States embassies in Kenya and Tanzania and a 2002 hotel bombing in Kenya.

4. In late 2006, Ethiopian forces intervened on the TFG's behalf, routed the ICU, and recaptured Mogadishu. With Ethiopian and African Union support, the TFG was reinstalled into power. Although it initially dispersed in the face of the Ethiopian invasion, al-Shabaab eventually regrouped and initiated a war in Somalia targeting all aspects of the TFG, including police stations, border posts, government facilities and civilian targets,

as well as the TFG's Ethiopian and African Union supporters. Al-Shabaab captured several cities and towns in southern Somalia, including parts of Mogadishu itself. In addition to fighting against the TFG, al-Shabaab also opposed two autonomous regions of northern Somalia known as Puntland and Somaliland. In late 2008 and early 2009, Ethiopia began to withdraw its troops from Somalia, and al-Shabaab advanced against the TFG. In late January 2009, al-Shabaab captured Baidoa, and TFG control was reduced to several square blocks in Mogadishu protected by African Union peacekeepers.

5. Throughout its war against the TFG and its Ethiopian and African Union supporters, al-Shabaab has used harassment and targeted assassinations of civilians and journalists, improvised explosive devices, rockets, mortars, automatic weapons, and general tactics of intimidation and violence to undermine the Somali government, quell the Somali population, and force the withdrawal of foreign troops; in late 2008, for example, al-Shabaab produced a videotape depicting the slow decapitation of an accused spy. Al-Shabaab has claimed responsibility for multiple suicide bombing attacks, including an attack on Burundian peacekeepers in Mogadishu on April 8, 2008; five simultaneous suicide bombings targeting government, Ethiopian, and United Nations facilities in Puntland and Somaliland on October 29, 2008; and another suicide attack against Burundian peacekeepers on February 22, 2009. Al-Shabaab has declared that its ultimate goal is the imposition of Sharia, or

strict Islamic law, throughout Somalia.

6. Al-Shabaab's former leader, Aden Hashi Ayrow, who had trained with al-Qaeda in Afghanistan prior to 2001, called for foreign fighters to join al-Shabaab in a "holy war" against the Ethiopian and African Union forces in Somalia. Ayrow's call was echoed by al-Qaeda leadership, including Usama bin Laden and Ayman al-Zawahiri, and fighters from other countries - including the United States - have traveled to Somalia to engage in violent jihad.

7. On February 26, 2008, the United States Department of State designated al-Shabaab (aka al-Shabab, aka Shabaab, aka the Youth, aka Mujahidin al-Shabaab Movement, aka Mujahideen Youth Movement, aka Mujahidin Youth Movement, aka MYM, aka Harakat Shabab al-Mujahidin, aka Hizbul Shabaab, aka Hisb'ul Shabaab, aka al-Shabaab al-Islamiya, aka Youth Wing, aka al Shabaab al-Islaam, aka al-Shabaab al-Jihaad, aka the Unity of Islamic Youth) as a Foreign Terrorist Organization (FTO) under Section 219 of the Immigration and Nationality Act, as amended, and as a Specially Designated Global Terrorist (SDGT) under Section 1(b) of Executive Order 13224, as amended. "Shabaab" is an Arabic word that means "Youth" and is in common use in the Somali language.

8. As discussed above, al-Shabaab claimed credit for a series of five simultaneous suicide bombings in Puntland and Somaliland, Somalia, on October 29, 2008. Each of the five attacks

was a vehicle-borne improvised explosive device (VBIED) attack; two attacks targeted offices of the Puntland Intelligence Service in Bossaso, Puntland, and the other three attacks targeted the Presidential Palace, Ethiopian Trade Mission, and offices of the United Nations Development Program in Hargeisa, Somaliland. At least twenty-two people were killed in the attacks, including the suicide bombers.

9. Witness interviews indicate that the attack in one of the two Bossaso locations was conducted by a single suicide bomber driving a truck. Evidentiary materials linked to the truck driver, including one individual finger, were recovered at the bomb site. On November 6, 2008, the FBI laboratory compared the recovered finger to a ten-count fingerprint card for SHIRWA AHMED, an ethnic Somali naturalized United States citizen and Minneapolis resident. The FBI laboratory concluded that the finger was a positive match for SHIRWA AHMED's fingerprint. As a result, AHMED was identified as one of the suicide bombers in the October 29, 2008 attacks in Somalia.

10. In February 2009, a cooperating witness ("CW#1") pleaded guilty in the District of Minnesota to violating 18 U.S.C. § 2339A by providing material support in preparation for a conspiracy to commit murder outside of the United States, and violating § 2339B by providing material support to al-Shabaab. The CW#1 has been debriefed by the government both before and after the

CW#1's guilty plea. In debriefing sessions before the guilty plea, the CW#1 admitted having committed the above offenses, but provided incomplete and incorrect information about the extent of the CW#1's and others' conduct. After pleading guilty, the CW#1 revealed additional culpable conduct on the part of the CW#1 and others. As a result, the CW#1 has pleaded guilty to an additional violation of 18 U.S.C. § 1001 (false statement). Overall, the information provided by the CW#1 to date has been extensively and independently corroborated by other witnesses, documents, and other evidence about which the CW#1 is unaware.

11. In April 2009, a second cooperating witness ("CW#2") pleaded guilty in the District of Minnesota to violating 18 U.S.C. § 2339A by providing material support in preparation for a conspiracy to commit murder outside of the United States. The CW#2 has been debriefed by the government both before and after the CW#2's quilty plea. In debriefing sessions before the quilty plea, the CW#2 admitted having committed the above offenses and detailed the identity of co-conspirators located in both the United States and Somalia. During debriefing, the CW#2 also admitted that CW#2 had initially held back some information from FBI agents regarding ISSE (and one other individual) because CW#2 did not want to get (and the other individual) in trouble. ISSE Overall, the information provided by the CW#2 to date has been extensively and independently corroborated by other witnesses, documents, and other evidence about which the CW#2 is unaware.

12. In July 2009, a third cooperating witness ("CW#3") pleaded guilty in the District of Minnesota to violating 18 U.S.C. § 2339A by providing material support in preparation for a conspiracy to commit murder outside of the United States. The CW#3 has been debriefed by the government both before and after the CW#3's guilty plea. In debriefing sessions before the guilty plea, the CW#3 admitted having committed the above offenses, and during debriefing admitted that the CW#3 made false statements to the FBI during non-custodial interviews in July and December, 2008. Overall, the information provided by the CW#3 to date has been extensively and independently corroborated by other witnesses, documents, and other evidence about which the CW#3 is unaware.

13. According to the CW#1, SHIRWA AHMED trained with al-Shabaab as part of a group of young men who left the Minneapolis, Minnesota area in late 2007 to fight the Ethiopians in Somalia. The CW#1 stated that four young men, including the CW#1, the CW#2, and the CW#3 departed Minneapolis for Somalia in early December 2007. Between approximately December 2007 and February 2008, the men traveled from northern Somalia to an al-Shabaab training camp in southern Somalia, staying at multiple al-Shabaab houses along the way. According to the CW#1, SHIRWA AHMED was part of the same group. AHMED did not travel to Somalia to conduct the Hajj, or pilgrimage to Mecca, and then joined the group at one of the al-Shabaab houses in Somalia. Travel records confirm that the four

men, including the CW#1, traveled from Minneapolis to Somalia in early December 2007, and that SHIRWA AHMED flew from Minneapolis to Jeddah, Saudi Arabia beginning on December 4, 2007.

According to the CW#1, the trainees at the al-14. Shabaab training camp included dozens of other young ethnic Somalis from Somalia, elsewhere in Africa, Europe, and the United States. The trainees were trained by, among others, Somali, Arab, and Western instructors in, among other things, small arms, machine guns, rocket-propelled grenades, and military-style tactics. The trainees were also indoctrinated with anti-Ethiopian, anti-American, anti-Israeli, and anti-Western beliefs. According to CW#1, two of the Minneapolis-based young men left the training camp after approximately one to two weeks, but CW#1, SHIRWA AHMED, and another co-conspirator from Minnesota ("Co-conspirator #1") completed the entire training program. CW#1 and AHMED later took part in an armed ambush of Ethiopian troops. CW#1 eventually left the al-Shabaab group, and did not see AHMED thereafter.

CABDULAAHI FAARAX ("Faarax")

15. CW#1 explained that prior to leaving Minnesota, CW#1, and others met on multiple occasions to discuss fighting against Ethiopians in Somalia and plans for traveling to Somalia. These meetings occurred in a variety of locations around the Twin Cities and included private residences and public locations. CW#1 participated in one meeting in the fall of 2007, at a mosque in Minneapolis, in which CW#1 and other co-conspirators got together

and placed phone calls to a co-conspirator in Somalia. The Somalibased co-conspirator (Co-conspirator #2) explained the need for CW#1 and his Minnesota-based co-conspirators to travel to Somalia and fight against the Ethiopians. During this meeting, FAARAX was present for discussions between Co-conspirator #2, based in Somalia, and the Minnesota members of the conspiracy. Coconspirator #2 told the individuals in Minnesota that "we need you guys here." Co-conspirator #2 also told the Minnesota members of the conspiracy that there were lots of Ethiopians in Somalia and that he and his associates fight them.

16. Later in the fall of 2007, CW#1 participated in a second meeting to discuss traveling to Somalia to fight against Ethiopian troops in Somalia. During this meeting, multiple coconspirators, to include FAARAX, CW#1, CW#3, and Co-conspirator #3, were present at Co-conspirator #3's residence. During this meeting, the co-conspirators discussed the need for two coconspirators to wait before traveling to fight in Somalia due to, among other factors, their age. Additionally, at this meeting FAARAX encouraged CW#1, CW#3 and the other co-conspirators to go to Somalia to fight. FAARAX told his co-conspirators that he experienced true brotherhood while fighting in Somalia and that travel for *jihad* was the best thing that they could do. FAARAX also described his own fighting in Somalia in detail, explaining that he fought on the Somlia/Kenya border, described that he was wounded during the fighting, that one of his fellow fighters had

been killed, and described the fighting as "guerrilla fighting." FAARAX also told the co-conspirators that traveling to Somalia to fight *jihad* will be fun and not to be afraid. FAARAX also explained to his co-conspirators that they would get to shoot guns in Somalia.

17. FAARAX told CW#1 that after he was done fighting in Somalia he traveled to Kenya to get married. FAARAX told CW#3 that he had been married to two women in Nairobi, Kenya, and then returned to the United States.

18. As part of an ongoing FBI investigation of Somali youth leaving Minneapolis to fight in Somalia, FAARAX was interviewed on three separate occasions by FBI Special Agents. One interview occurred on March 23, 2009, at the Portland, Oregon airport. This interview occurred after FAARAX was denied boarding his scheduled flight by the airline. Prior to speaking to FAARAX, agents read him his rights and he signed a form waiving those rights. During this interview, FAARAX told agents that he did not know anyone fighting in Somalia and that he did not recognize CW#1 in a photograph. FAARAX further told agents that he had traveled to Somalia in 2007, but denied that he fought Ethiopians or anyone else. FAARAX further told agents that he had never shot a gun and that he had not received any training in using weapons. Following this interview, FAARAX traveled back to Minnesota from Portland on an Amtrak train.

19. On April 17 2009, FAARAX was interviewed a third

time by agents. During this interview FAARAX told the agents that he did not fight at any time while in Somalia and that he did not know any of the Somalis who traveled overseas to fight.

20. The FBI has interviewed numerous Minnesotans from Somalia as part of its investigation. During one such interview, a Somali (Witness #1) explained to agents that he knows FAARAX and that FAARAX has told Witness #1 that FAARAX is close friends with ISSE. Further, Witness #1 has described conversations with FAARAX in which FAARAX told Witness #1 that he traveled to Somalia to fight and that he suffered a leg injury while fighting in Somalia. Witness #1 has observed evidence of FAARAX's injury while Witness #1 and FAARAX were in Minneapolis. FAARAX has also explained to Witness #1 that FAARAX did his part for Islam when he was fighting a *jihad* in Somalia.

Abdiweli YASSIN ISSE ("Isse")¹

21. CW#2 told agents that CW#2 knew ISSE by the name "Farhan." CW#2 was introduced to Co-conspirator #1 by ISSE. Coconspirator #1 ultimately traveled to Somalia to fight with al-Shabaab, attended an al-Shabaab training camp, and then participated in combat against Ethiopian troops, on behalf of al-Shabaab. ISSE was the first person to discuss traveling to Somalia to fight Ethiopians with CW#2. ISSE told CW#2 that fighting in

¹On August 18, 2009 ISSE was interviewed by the FBI as part of its ongoing investigation. The content of that interview is not set forth in the body of this affdavit.

Somalia was "a good jihad." ISSE also told CW#2 that he was planning to go to Somalia to fight Ethiopians and had a plane ticket to Somalia purchased for ISSE by Co-conspirator #1.

CW#2 explained that in addition to ISSE's plans to 22. travel to Somalia to fight *jihad* against Ethiopians, ISSE also raised money to purchase tickets so that his co-conspirators could travel from Minnesota to Somalia to fight jihad. CW#2, ISSE and Co-conspirator #1 knew that a Minnesota co-conspirator (Coconspirator #4) needed money to travel to Somalia for jihad. CW#2, ISSE and Co-conspirator #1 decided that it would be possible to fund Co-conspirator #4's travel by telling members of the Somali community that Co-conspirator #4 had been accepted to study the Koran in Saudi Arabia but needed money to travel to the school, and to solicit members of the Somali community to make donations to Coconspirator #4 so that he could travel to Saudi Arabia. CW#2, ISSE and Co-conspirator #1 would then provide the proceeds of the money that they raised under false pretenses to Co-conspirator #4 to allow Co-conspirator #4 to travel to Somalia to fight.

23. Co-conspirator #4 traveled from Minnesota to Somalia in November 2008. Since that time, Co-conspirator #4's family has reported to the FBI that Co-conspirator #4 was killed in Somalia. On September 19, 2009, as part of the ongoing terrorism investigation, FBI agents reviewed a YOUTUBE video clip entitled "Blow by Blow" in which Co-conspirator #4 is pictured in Somalia and described as a member of al-Shabaab.

24. CW#2 has further explained that he observed ISSE conduct fundraising prior to CW#2's departure from Minnesota in the fall of 2007. CW#2 observed ISSE raise money at two separate locations. At these two locations CW#2 observed ISSE tell Somalis that Co-conspirator #4 had been accepted to study the Koran in Saudi Arabia, that Co-conspirator #4 needed money to travel to Saudi Arabia, and asked Somalis for donations. CW#2 then observed individuals donating money to ISSE for Co-conspirator #4.

25. CW#1 has also observed ISSE raising money from members of the Somali community to fund travel for individuals leaving Minnesota for Somalia to fight.

26. In addition to the money that ISSE raised for other co-conspirators, ISSE was given money by Co-conspirator #1 and another co-conspirator to fund ISSE's travel to Somalia. CW#3 explained that CW#3 and ISSE were both planning to go to Somalia in the fall of 2007, but that ISSE was unable to get the appropriate travel documents to travel and never ultimately traveled from Minnesota to Somalia.

RECENT TRAVEL

27. On the evening of October 6, 2009 FAARAX was identified as a passenger in a rental car stopped by the Nevada Highway Patrol. During the traffic stop, FAARAX and other occupants in the vehicle were asked the purpose their travel. FAARAX and the other occupants explained they were traveling to San Diego to attend a friend's wedding. During an conversation with an

FBI agent, the Trooper explained that the occupants of the vehicle gave inconsistent explanations regarding where they were staying in San Diego, how the occupants knew one another, and who was getting married at the wedding in San Diego. The State Trooper obtained consent to search the vehicle, and found FAARAX in possession of his passport, and found \$4000 in the vehicle.

28. On October 8, 2009 between 7 and 7:30 AM, FAARAX and ISSE were identified by a U.S. Customs and Border Patrol Officer as two of three individuals dropped off by a taxi cab at the United States/Mexico border at the San Ysidro border crossing, (located South of San Diego). FAARAX and ISSE told the Officer that they would be flying from Tijuana airport to Mexico City airport and displayed airline tickets to the Officer.

29. On October 8, 2009, the driver of the vehicle referenced in paragraph 27, *supra*, was interviewed by FBI agents in Minnesota. During the interview, the driver told agents that he drove to Las Vegas and back to Minnesota in a rental car with one other individual who he identified as "Adam." Agents twice asked the driver if he had any other passengers in his car and he denied having any other passengers in his car both times. After being confronted a third time regarding the presence of other passengers in the car, the driver then admitted that there may have been other people in the car before telling the agents that "I am talking too much." The driver then told began telling agents that he did not know anything.

30. Title 18, United States Code, Section 956, makes it a crime to

> conspire[] with one or more other persons, regardless of where such other person or persons are located, to commit at any place outside the United States an act that would constitute the offense of murder, kidnapping, maiming if committed in the special or maritime and territorial jurisdiction of the United States, [] if any of the conspirators commits an act within the jurisdiction of the United Stats to effect any object of the conspiracy.

I believe that there is probable cause to believe that FAARAX ISSE have conspired with CW#1, CW#2, and CW#3 and other individuals, both in the United States and Somalia, to violate 18 U.S.C. § 956.

Further your Affiant sayeth not.

MICHAEL N. CANNIZZARO, JR. Special Agent, FBI

Subscribed to and sworp to before me this \bigcirc

day of October 2009.

THE HONORABLE ARTHUR J. BOYLAN

United States Magistrate/Judge District of Minnesota

United States District Court STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

WARRANT FOR ARREST Case Number:

V.

(01) CABDULAAHI AHMED FAARAX (02) ABDIWELI YASSIN ISSE

TO: The United States Marshal and any Authorized United States Officer YOU ARE HEREBY COMMANDED to arrest CABDULAAHI AHMED FAARAX

and bring him or her forthwith to the nearest magistrate to answer a(n)

 \Box Indictment \Box Information \boxtimes Complaint \Box Order of court \Box Violation Notice \Box Probation Violation Petition charging him or her with

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

From in or about September 2007 through the present, in Hennepin County, in the State and District of Minnesota and elsewhere, defendant(s), knowingly and intentionally conspired with each other and others, known and unknown to kill, kidnap main and injure individuals outside of the United States,

in violation of Title 18 United States Code, Section(s) 956.	
The Honorable Arthur J. Boylan (UNITED STATES MAGISTRATE JUDGE
NAME OF ISSUING OFFICER	TITLE OF ISSUING OFFICER
Car Ofen	Octolean 8,2009 , St. Paul, Minnesota
SIGNATURE OF ISSUING OFFICER	DATE AND LOCATION
Bail fixed at \$ by	

RETURN				
This warrant was received and executed with the arrest of the above-named defendant at				
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER		
DATE OF ARREST				

THE FOLLOWING IS FURNISHED FOR INFORMATION ONLY:

DEFENDANT'S NAME:		
ALIAS:		
LAST KNOWN RESIDENCE:		
SOCIAL SECURITY NUMBER:		
HEIGHT:	WEIGHT:	
SEX:	RACE:	
HAIR:	EYES:	
SCARS, TATTOOS, OTHER DISTINGUISHING MARKS:		
FBI NUMBER:		
COMPLETE DESCRIPTION OF AUTO:		
INVESTIGATIVE AGENCY AND ADDRESS:		

WAF:waf

United States District Court STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

WARRANT FOR ARREST Case Number:

V.

(01) CABDULAAHI AHMED FAARAX(02) ABDIWELI YASSIN ISSE

TO: The United States Marshal and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest ABDIWELI YASSIN ISSE

and bring him or her forthwith to the nearest magistrate to answer a(n)

 \Box Indictment \Box Information \boxtimes Complaint \Box Order of court \Box Violation Notice \Box Probation Violation Petition charging him or her with (brief description of offense)

From in or about September 2007 through the present, in Hennepin County, in the State and District of Minnesota and elsewhere, defendant(s), knowingly and intentionally conspired with each other and others, known and unknown to kill, kidnap main and injure individuals outside of the United States,

in violation of Title 18 United States Code, Section(s) 9	56.
The Hoporable Arthur J. Boylan	UNITED STATES MAGISTRATE JUDGE
NAME OF ISSUING OFFICER	TITLE OF ISSUING OFFICER
SIGNATURE OF ISSUING OFFICER	DATE AND LOCATION
Bail fixed at \$	by

This warrant was received and executed with the arrest of the above-named defendant at			
NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER		
•	eived and executed with the arrest of the above-n	eived and executed with the arrest of the above-named defendant at	

THE FOLLOWING IS FURNISHED FOR INFORMATION ONLY:

DEFENDANT'S NAME:	
ALIAS:	
LAST KNOWN RESIDENCE:	
LAST KNOWN EMPLOYMENT:	
HEIGHT:	WEIGHT:
SEX:	RACE:
HAIR:	EYES:
SCARS, TATTOOS, OTHER DISTINGUISHING M	1ARKS:
FBI NUMBER:	
COMPLETE DESCRIPTION OF AUTO:	
INVESTIGATIVE AGENCY AND ADDRESS:	