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DATE FILED: 8/15/11

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

AHMED ABDULKADIR WARSAME,
a/k/a "Khattab,"
a/k/a "Farah,"
a/k/a "Abdi Halim Mohammed Fara,"
a/k/a "Fareh Jama Ali Mohammed,"

Defendant.

:
: SEALED AFFIRMATION

:
: 11 Cr. 559 (CM)

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BENJAMIN NAFTALIS hereby affirms, under penalty of perjury and pursuant to Title 28, United States Code, Section 1746, as follows:

1. I am an Assistant United States Attorney in the office of Preet Bharara, United States Attorney for the Southern District of New York, and I am familiar with this matter. By this affirmation, the Government applies for an order of the Court directing that: (1) indictment 11 Cr. 559 (the "Indictment") and related charging paperwork in this matter be filed under seal until further order of the Court; (2) the Courtroom be closed for the defendant's presentment and arraignment; (3) the transcript of the defendant's presentment and arraignment be sealed until further order of the Court; and (4) docketing of the Indictment, related charging paperwork, the defendant's presentment and arraignment on the Indictment, and the transcript of the defendant's presentment and arraignment be

delayed until further order of the Court. This Office has received authorization from the Deputy Attorney General of the United States to request this relief, in accordance with 28 C.F.R. § 50.9(d).

2. On or about June 30, 2011, a grand jury sitting in this District returned the Indictment, charging the defendant in nine counts:

a. Counts One and Two charge the defendant with conspiracy to provide material support to a foreign terrorist organization (al Shabaab¹), and providing material support to a foreign terrorist organization (al Shabaab), causing death, in violation of Title 18, United States Code, Sections 2339B(a)(1), (d)(1)(C), (E) and (F).

b. Count Three charges the defendant with using and carrying a firearm and destructive device during and in relation to crimes of violence, namely, the conspiracy to provide material support charged in Count One, and the provision and

¹AQAP is a terrorist organization operating primarily in Yemen and Saudi Arabia that was formed in January 2009 and formally designated a foreign terrorist organization by the United States Department of State on January 19, 2010. Among other things, AQAP claimed responsibility for the attempted Christmas Day bombing of a Detroit-bound passenger plane from Europe in 2009. In a video released days after, AQAP addressed the American people, threatening to "come for you to slaughter, and we have prepared for you men who love death like you love life." In addition, AQAP claimed responsibility for an October 2010 plot to detonate packages containing a computer printer and toner cartridges filled with odorless, military-grade plastic explosives while aboard U.S.-bound cargo flights.

attempted provision of material support charged in Count Two, in violation of Title 18, United States Code, Sections 924(c)(1)(A), (B)(i), (B)(ii), (C)(i), and (C)(ii), and 2.

c. Counts Four and Five charge the defendant with conspiracy to provide material support to a foreign terrorist organization (al Qaeda in the Arabian Peninsula ("AQAP")²), and providing material support to a foreign terrorist organization (AQAP), in violation of Title 18, United States Code, Sections 2339B(a)(1), (d)(1)(C), (E) and (F).

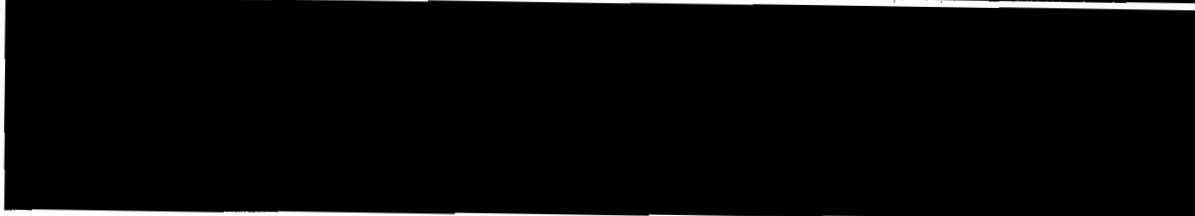
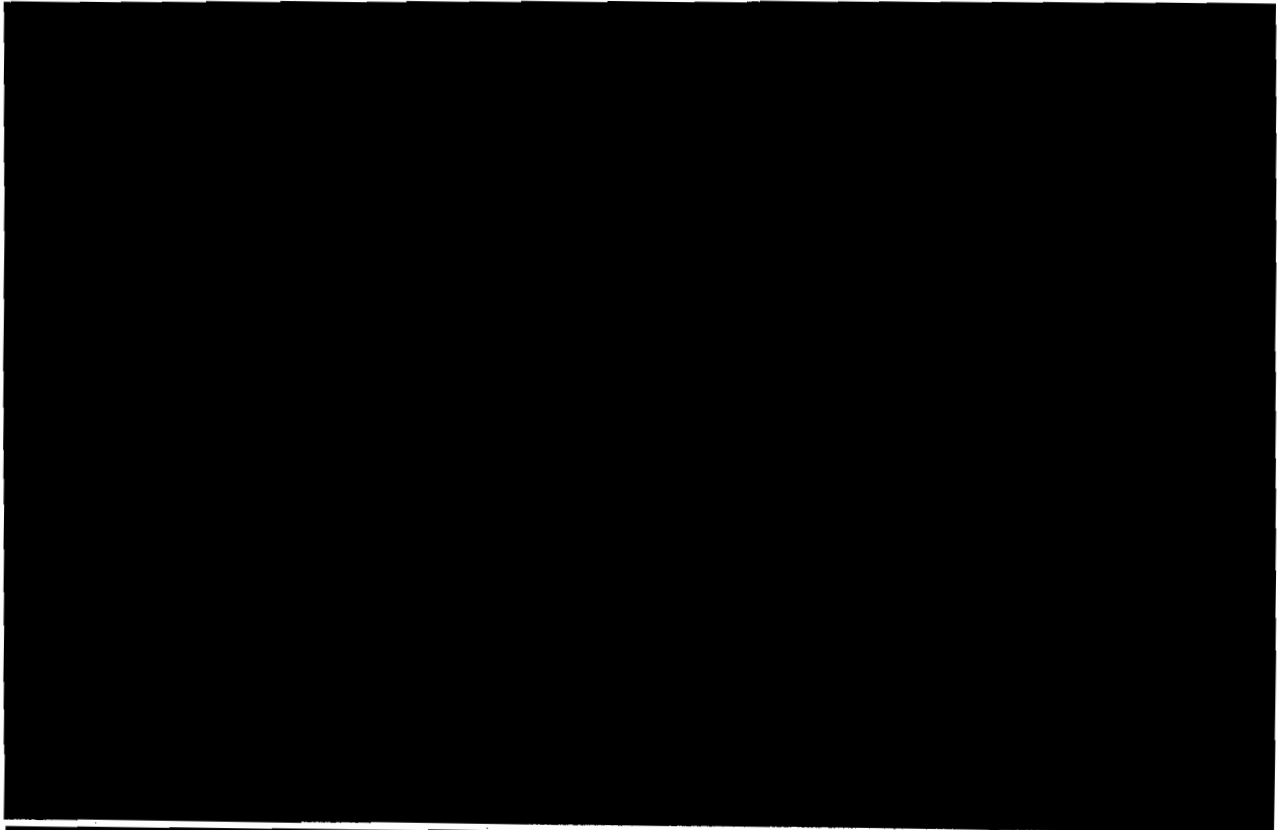
d. Count Six charges the defendant with using and carrying a firearm and destructive device during and in relation to crimes of violence, namely, the conspiracy to provide material support charged in Count Four, and the provision and attempted provision of material support charged in Count Five, in violation of Title 18, United States Code, Sections 924(c)(1)(A), (B)(i), (B)(ii), (C)(i), and (C)(ii), and 2.

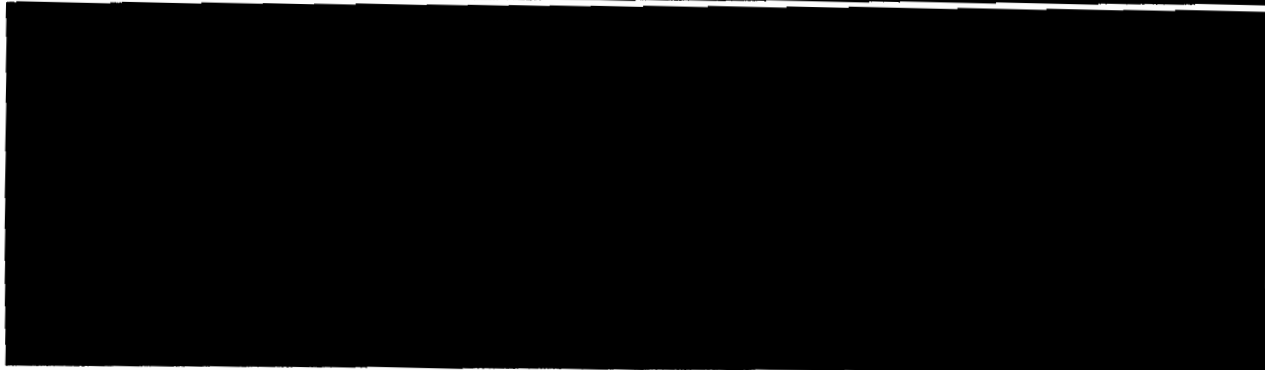
e. Count Seven charges the defendant with conspiracy to teach and demonstrate the making and use of explosives, destructive devices, and weapons of mass destruction, and to distribute information pertaining to the manufacture and

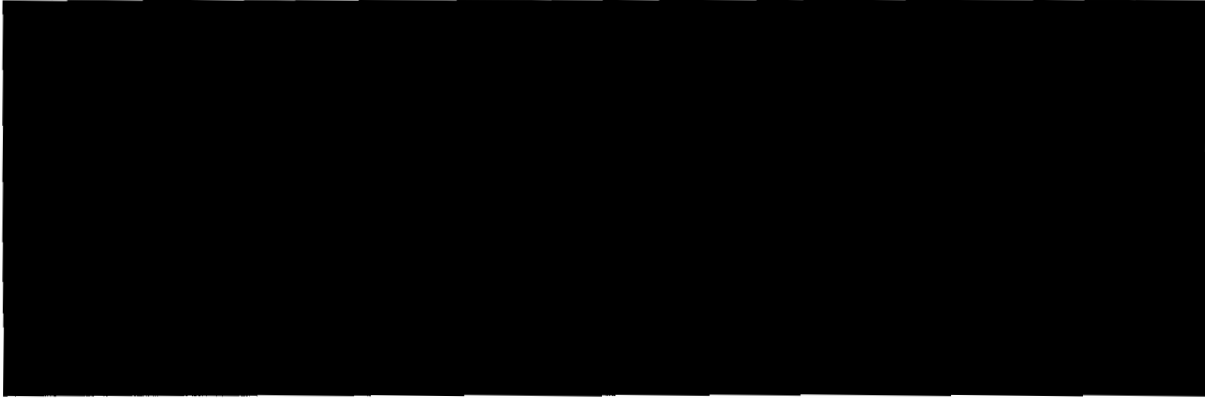
²Al Shabaab claimed responsibility for the suicide bombings that took place in Kampala, Uganda, on July 11, 2010, which killed approximately 74 people, including an American citizen. Moreover, from this and other investigations, it is well known to law enforcement that organizations engaged in terrorism will resort to violence and murder to protect their interests.


use of explosives, destructive devices, and weapons of mass destruction, in violation of Title 18, United States Code, Section 844(n).

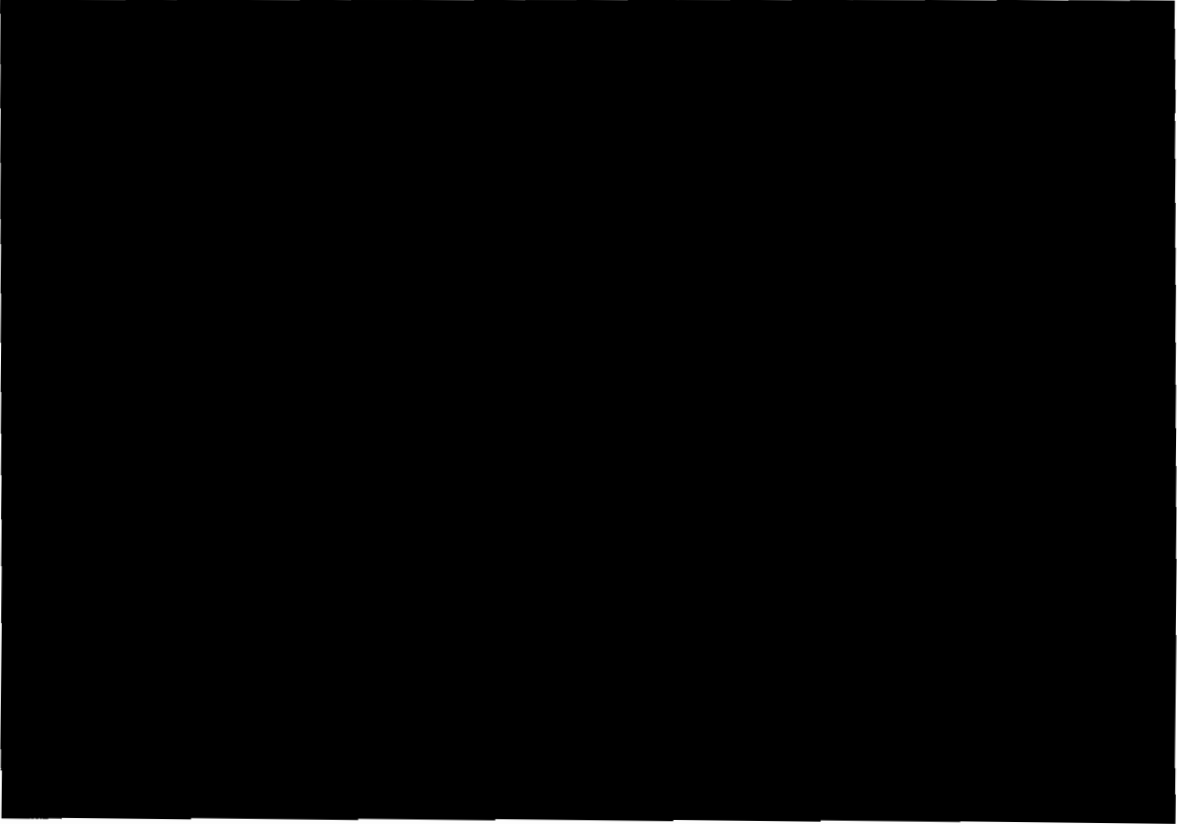
f. Counts Eight and Nine charge the defendant with conspiracy to receive military-type training from a foreign terrorist organization (namely al Shabaab and AQAP), and receipt of such training, in violation of Title 18, United States Code, Section 2339D and 371.

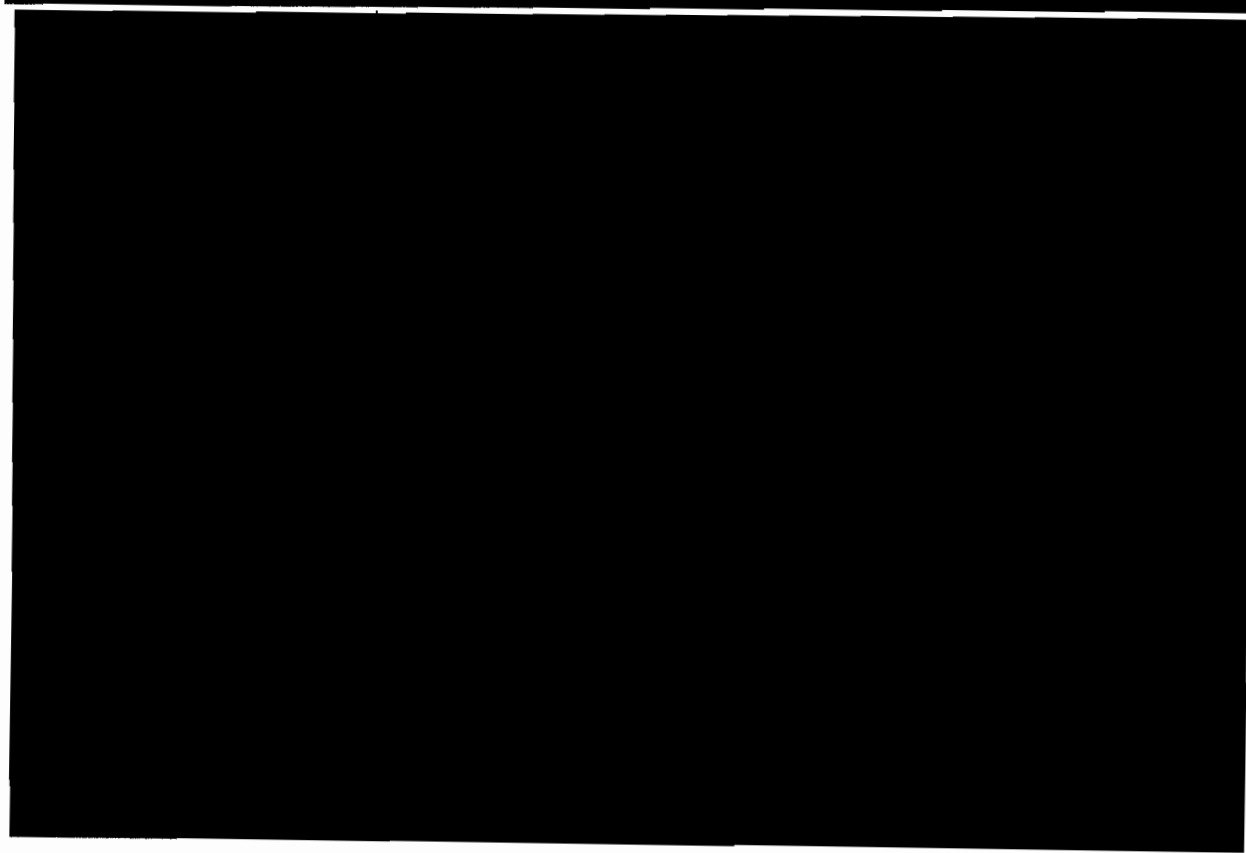


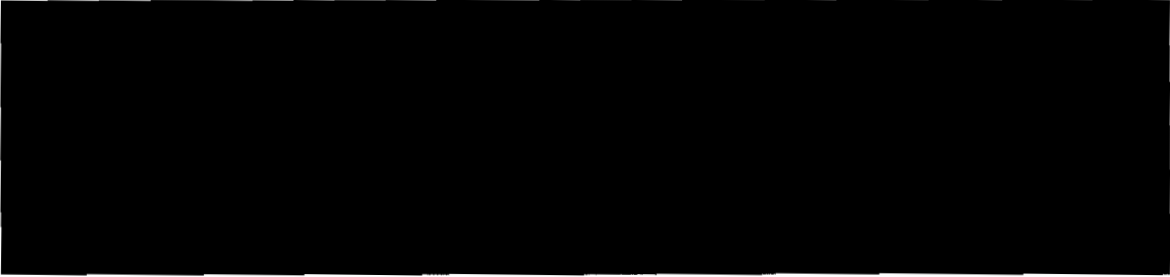




7. Although there is a qualified right of public access to Court documents, the Second Circuit has recognized that documents may be filed under seal to protect, among other things, to further ongoing law enforcement efforts, including grand jury investigations. 








10. Accordingly, the Government requests that the Court enter an order directing that: (1) the Indictment, and related charging paperwork in this matter be sealed; (2) the Courtroom be closed for the defendant's presentment and arraignment; (3) the transcript of the defendant's presentment and arraignment be sealed; and (4) docketing of the Indictment, related charging paperwork, and the defendant's presentment and arraignment be delayed until further order of this Court.

11. The Government also requests that this Application and any related Order be sealed and their docketing delayed until the defendant is sentenced or further Order of this Court.

12. Further, the Government requests that it shall report to the Court on or before six months after execution of this Order regarding the continuing need, if any, to maintain these matters under seal.

13. No prior request for the relief set forth herein
has been made.

Dated: New York, New York
July 5, 2011



Benjamin Naftalis / Adam Hickey
Assistant United States Attorneys
Southern District of New York
(212) 637-2456/1039

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

SEALED ORDER

- v. -

11 Cr. 559 (CM)

AHMED ABDULKADIR WARSAME,

a/k/a "Khattab,"

a/k/a "Farah,"

a/k/a "Abdi Halim Mohammed Fara,"

a/k/a "Fareh Jama Ali Mohammed,"

Defendant.

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WHEREAS, an application has been made by the United States of America requesting that: (1) indictment 11 Cr. 559 (the "Indictment"), and related charging paperwork in this matter remain under seal until further order of this Court; (2) the Courtroom be closed for the defendant's presentment and arraignment; (3) the transcript of the defendant's presentment and arraignment be sealed until further order of this Court; and (4) docketing of the Indictment, related charging paperwork, and the defendant's presentment and arraignment on the Indictment, be delayed until further Order of this Court;



IT IS HEREBY ORDERED that: (1) the Indictment and related charging paperwork in this matter shall be sealed; (2) the Courtroom shall be closed for the defendant's presentment and

arraignment; (3) the transcript of the defendant's presentment and arraignment shall be sealed; and (4) the docketing of the Indictment, related charging paperwork, the defendant's presentment and arraignment on the Indictment, and the transcript of the defendant's presentment and arraignment be delayed until further order of this Court;

IT IS FURTHER ORDERED that this Order and the related Application be sealed and their docketing delayed until the defendant is sentenced or further order of this Court; and

IT IS FURTHER ORDERED that the Government shall report to the Court on or before six months after execution of this Order regarding the continuing need, if any, to maintain these matters under seal.

SO ORDERED:

Dated: New York, New York
July , 2011

THE HONORABLE COLLEEN MCMAHON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

SEALED ORDER

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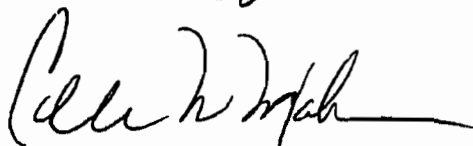
arraignment; (3) the transcript of the defendant's presentment and arraignment shall be sealed; and (4) the docketing of the Indictment, related charging paperwork, the defendant's presentment and arraignment on the Indictment, and the transcript of the defendant's presentment and arraignment be delayed until further order of this Court;

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IT IS FURTHER ORDERED that the Government shall report to the Court on or before six months after execution of this Order regarding the continuing need, if any, to maintain these matters under seal.

SO ORDERED:

Dated: New York, New York
July 5, 2011



THE HONORABLE COLLEEN MCMAHON
UNITED STATES DISTRICT JUDGE