

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v.- : INDICTMENT

ABDUWALI ABDUKHADIR MUSE, : S1 09 Cr. 512 (LAP)

Defendant. :

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COUNT ONE

The Grand Jury charges:

1. From on or about April 8, 2009, up to and including on or about April 12, 2009, on the high seas, ABDUWALI ABDUKHADIR MUSE, the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, committed the crime of piracy as defined by the law of nations, and was afterwards brought into and found in the United States, to wit, the defendant unlawfully, willfully and knowingly seized and robbed, and aided and abetted the seizure and robbery, of a United States-flagged ship, the Maersk Alabama, while the ship was navigating in the Indian Ocean beyond the outer limit of the territorial sea of any country.

(Title 18, United States Code, Sections 1651, 3238 and 2.)

COUNT TWO

The Grand Jury further charges:

2. From on or about April 8, 2009, up to and including on or about April 12, 2009, on the high seas and in the

jurisdiction provided under Title 18, United States Code, Sections 2280(b)(1)(A)(i) and (b)(1)(B), ABDUWALI ABDUKHADIR MUSE, the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, intentionally, and knowingly seized and exercised control over a ship by force and threat of force and intimidation, and attempted to do the same, to wit, the defendant, armed with a firearm, attempted to hijack, hijacked, and aided and abetted the hijacking of, the Maersk Alabama, a United States-flagged ship that was navigating in the Indian Ocean beyond the outer limit of the territorial sea of any country.

(Title 18, United States Code, Sections 2280(a)(1)(A), 2280(a)(1)(H), 3238 and 2.)

COUNT THREE

The Grand Jury further charges:

3. From at least in or about March 2009, up to and including the filing of this indictment, on the high seas and in the jurisdiction provided under Title 18, United States Code, Sections 2280(b)(1)(A)(i), (b)(1)(B) and (b)(1)(C), ABDUWALI ABDUKHADIR MUSE, the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, intentionally, and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 2280(a)(1)(A).

4. It was a part and an object of the conspiracy that ABDUWALI ABDUKHADIR MUSE, the defendant, and others known and unknown, would and did seize and exercise control over ships by force and threat of force and intimidation, to wit, the defendant, and others known and unknown, armed with firearms, hijacked three ships, including the Maersk Alabama, a United States-flagged ship, that were navigating in the Indian Ocean beyond the outer limit of the territorial sea of any country.

Overt Acts

5. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. In or about March 2009, ABDUWALI ABDUKHADIR MUSE, the defendant, and others armed with firearms, boarded a ship ("Ship-1") as Ship-1 was navigating in the Indian Ocean.

b. In or about March 2009, after boarding Ship-1, MUSE and others threatened the captain of Ship-1 with a firearm; seized control of Ship-1; and held the captain and the crew of Ship-1 hostage on board Ship-1.

c. In or about March 2009, while on board Ship-1, MUSE, the defendant, pointed a gun at one of the Ship-1 hostages and threatened to kill him.

d. In or about March 2009, while on board Ship-1, MUSE, the defendant, showed one of the Ship-1 hostages what

appeared to be an improvised explosive device ("IED"); MUSE placed the IED in the vicinity of the hostage, and indicated that if the authorities came the IED would explode and the hostage would be killed.

e. In or about April 2009, MUSE and others left Ship-1 on a small boat ("Skiff"); when the Skiff returned to Ship-1, Ship-1 and the Skiff were made to rendezvous with another ship ("Ship-2") that was then navigating in the Indian Ocean.

f. In or about April 2009, after Ship-1 and the Skiff arrived in the vicinity of Ship-2, the captain of Ship-1 was ordered to pull Ship-1 up to Ship-2; Ship-1 was then attached to Ship-2, and the two ships floated near each other.

g. Beginning in or about April 2009, MUSE and others held hostage both the captain and the crew of Ship-1 and the captain and the crew of Ship-2; the hostages from Ship-1 and the hostages from Ship-2 were held on board Ship-2.

h. In or about April 2009, MUSE and three others left Ship-2 and, on or about April 8, 2009, boarded the Maersk Alabama armed with firearms, as the Maersk Alabama was navigating in the Indian Ocean.

i. On or about April 8, 2009, after boarding the Maersk Alabama, MUSE threatened the captain of the Maersk Alabama with a firearm.

j. At the present time, the captain and the crew

of Ship-2 continue to be held hostage on board Ship-2.

(Title 18, United States Code, Sections 2280(a)(1)(H) and 3238.)

COUNT FOUR

The Grand Jury further charges:

6. From on or about April 8, 2009, up to and including on or about April 12, 2009, on the high seas, ABDUWALI ABDUKHADIR MUSE, the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, used and carried a firearm, and, in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, to wit, the defendant, and others known and unknown, possessed machineguns during and in relation to the offense charged in Count Two of this Indictment.

(Title 18, United States Code, Sections 924(c)(1)(A), 924(c)(1)(B)(ii), 3238 and 2.)

COUNT FIVE

The Grand Jury further charges:

7. From on or about April 8, 2009, up to and including on or about April 12, 2009, on the high seas, ABDUWALI ABDUKHADIR MUSE, the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly seized and

detained and threatened to kill, injure, and continue to detain another person, namely, a national of the United States, and aided and abetted the same, in order to compel a third person and a governmental organization to do and abstain from doing an act as an explicit and implicit condition for the release of the person detained, to wit, the defendant, and others known and unknown, detained the captain of the Maersk Alabama on a life boat in the Indian Ocean, and demanded safe passage from the scene in exchange for the release of the captain.

(Title 18, United States Code, Sections 1203(a), 3238 and 2.)

COUNT SIX

The Grand Jury further charges:

8. From on or about April 8, 2009, up to and including on or about April 12, 2009, on the high seas, ABDUWALI ABDUKHADIR MUSE, the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 1203(a).

9. It was a part and an object of the conspiracy that ABDUWALI ABDUKHADIR MUSE, the defendant, and others known and unknown, would and did seize and detain and threaten to kill, injure, and continue to detain another person, namely, a national of the United States, in order to compel a third person and a

governmental organization to do and abstain from doing an act as an explicit and implicit condition for the release of the person detained.

Overt Acts

10. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. From on or about April 8, 2009, up to and including on or about April 12, 2009, ABDUWALI ABDUKHADIR MUSE, the defendant, and others, detained the captain of the Maersk Alabama on a life boat in the Indian Ocean, and demanded safe passage from the scene in exchange for the release of the captain.

b. While on the life boat, MUSE used a radio to communicate with representatives of the United States Government and threatened to kill the captain unless his demands were satisfied.

(Title 18, United States Code, Sections 1203(a) and 3238.)

COUNT SEVEN

The Grand Jury further charges:

11. From on or about April 8, 2009, up to and including on or about April 12, 2009, on the high seas, ABDUWALI ABDUKHADIR MUSE, the defendant, who was first brought to and arrested in the Southern District of New York, and others known

and unknown, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, used and carried a firearm, and, in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, to wit, the defendant, and others known and unknown, possessed machineguns during and in relation to the offense charged in Count Five of this Indictment.

(Title 18, United States Code, Sections 924(c)(1)(A), 924(c)(1)(B)(ii), 924(c)(1)(C)(ii), 3238 and 2.)

COUNT EIGHT

The Grand Jury further charges:

12. From on or about April 8, 2009, up to and including on or about April 12, 2009, on the high seas, ABDUWALI ABDUKHADIR MUSE, the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly seized, confined, inveigled, decoyed, kidnaped, abducted, and carried away and held for ransom and reward and otherwise a person, namely, a national of the United States, and aided and abetted the same, to wit, the defendant, and others known and unknown, confined the captain of the Maersk Alabama to a life boat in the Indian Ocean, and demanded safe passage from the scene in exchange for the release of the captain.

(Title 18, United States Code, Sections 1201(a)(2), 3238 and 2.)

COUNT NINE

The Grand Jury further charges:

13. From on or about April 8, 2009, up to and including on or about April 12, 2009, on the high seas, ABDUWALI ABDUKHADIR MUSE, the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 1201(a)(2).

14. It was a part and an object of the conspiracy that ABDUWALI ABDUKHADIR MUSE, the defendant, and others known and unknown, would and did seize, confine, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom and reward and otherwise a person, namely, a national of the United States.

Overt Acts

15. In furtherance of the conspiracy and to effect the illegal object thereof, ABDUWALI ABDUKHADIR MUSE, the defendant, and others known and unknown, committed the overt acts set forth in Count Six of this Indictment, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 1201(c) and 3238.)

COUNT TEN

The Grand Jury further charges:

16. From on or about April 8, 2009, up to and including on or about April 12, 2009, on the high seas, ABDUWALI ABDUKHADIR MUSE, the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, used and carried a firearm, and, in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, to wit, the defendant, and others known and unknown, possessed machineguns during and in relation to the offense charged in Count Eight of this Indictment.

(Title 18, United States Code, Sections 924(c)(1)(A), 924(c)(1)(B)(ii), 924(c)(1)(C)(ii), 3238 and 2.)

FOREPERSON

PREET BHARARA
United States Attorney

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INDICTMENT

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18 U.S.C. §§ 1651, 3238,
2280, 1201, 1203, 924, and 2

PREET BHARARA
United States Attorney


Foreperson
