

FILED

United States District Court

NOV 12 2004

Western

DISTRICT OF

Texas
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY RRK
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

Mark Robert Walker

CRIMINAL COMPLAINT

04-
CASE NUMBER: 5015G

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 06, 2004 in El Paso county, in the Western District of Texas, defendant(s) did, (Trace Statutory Language of Offense)

from on or about a date unknown but not later than January 2004 and continuing to and including on or about November 6, 2004, in the Western District of Texas and elsewhere, the Defendant did willfully violate and attempt to violate a regulation issued under Chapter 35 of Title 50, United States Code, by making and attempting to make a contribution of goods and services to and for the benefit of Al-Ittihad Al-Islamiya, a specifically designated terrorist organization, in violation of Title 50, United States Code, Section 1705 (b); and Title 31, Code of Federal Regulations, Sections 595.204 and 595.205.

In violation of Title 50, United States Code, Section(s) 1705(b) and 31 CFR, Sections 595.204 and 595.205.

I further state that I am a(n) Federal Air Marshal and that this complaint is based on the following facts:
Official Title

See attached Probable Cause Statement hereby incorporated by references as if fully restated herein.

Continued on the attached Sheet and made a part hereof:

Yes No

Signature of Complainant

Mark T. Kaminsky

Sworn before me and subscribed in my presence,

November 12, 2004

at

El Paso, Texas

Date

City and State

Norbert Garney, U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

PROBABLE CAUSE STATEMENT

1. I, Mark T. Kaminsky, hereinafter referred to as Complainant, am a Federal Air Marshal (FAM) of Immigration and Customs Enforcement (ICE), and assigned to the El Paso Office of the Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF) to investigate violations of Federal Criminal Law, to include willfully conducting or attempting to conduct transactions with a terrorist group.
2. The information contained herein is based upon interviews conducted by the Complainant, other ICE Agents, Special Agents of the FBI, other JTTF Agents, and information provided by other sources.
3. On 11/06/2004 at approximately 11:30 am, after being advised of his rights, Mark Robert WALKER stated that it was his intent to travel to Somalia and fight for groups that politically and philosophically support the Ittihad Al Islamiya (Agent's note: Ittihad Al Islamiya is also known as Al Ittihad Al Islamiya) and other groups that support a Somali Islamic government. In addition, WALKER stated that it was also his intent to purchase and transport night vision goggles and bullet proof vests to Somalia for the fighters that support the terrorist group Ittihad Al Islamiya. WALKER then stated that the \$2,100.00 in U.S. currency that he had on his person was going to be used for this purpose. The \$2,100.00 was in one-hundred dollar bills.
4. Al-Ittihad Al-Islamiya is a specially designated global terrorist (SDGT) organization since 09/24/2001 by the Department of Treasury and Executive Order 13224. As a SGDT, 50 USC 1705 and 31 CFR 595.204 and 595.205 bars anyone from making or receiving or attempting to make or receive any contribution of funds, goods, or services to or for the benefit of the SGDT.
5. On 10/28/2004 at approximately 2:30pm, FBI Denver received information from the Laramie, Wyoming Police Department regarding suspicious activity engaged in by WALKER. WALKER, while a student at Wyoming Technical College (WyoTech) in Laramie, Wyoming, was reported by his roommate as being a terrorist because WALKER was engaged in Internet activity, wherein he was attempting to fund and equip overseas terrorist groups. WALKER's roommate discovered WALKER had used his computer to visit suspicious websites. On or about October 28, 2004, the roommate confronted WALKER with the information he was in the process of discovering on the computer being used by WALKER. The roommate informed WALKER that because of his concerns about the information discovered on his computer, the roommate had passed that information along to law enforcement. WALKER then fled from Wyoming, and has not been in contact with either law enforcement or his family since that date. The roommate, as the owner of the computer that WALKER was using, then surrendered the computer to law enforcement for further investigation and analysis. The information on the computer is currently in the process of being examined by FBI Denver.
6. On 11/05/2004, a separate FBI source reported that WALKER was an administrator for a jihadist website and was posting on jihadist forums under the screen name of *Abdullah* and *Abdullah313*. It is important to note that WALKER wrote in these communications that his name was "Mark Robert WALKER." WALKER also provided a

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specific date of birth. The affiant confirmed the Defendant's identity as Mark Robert Walker with the same date of birth provided in the internet communications, by reviewing the photograph and birth date on the Defendant's driver's license, his birth certificate, other documents contained within his possession, and his own admission. Under the above mentioned screen name, WALKER stated that "...I hate the U.S. gov't, I wish I could have been flying one of the planes on Sept. 11." The source reported that WALKER had been speaking with an individual with the screen name "Khalid" for the past few weeks on jihad forums and that WALKER had expressed the desire to travel to and fight in Somalia. Under the above mentioned screen name, WALKER wrote, "Well, I feel that I should leave for Som., we badly need mujahideen (Agent's note: mujahideen is defined as a fighter in "jihad") over there, and there's no point in endangering myself staying in the U.S. any longer." WALKER went on to write that, "There are others in the U.S. who are far better with da3wa (Agent's note: dawa is defined as Islamic teachings) than I. Jihad is my best contribution to this ummah (Agent's note: ummah is defined as Islamic world community), and we have to act quickly to stop the non-Islamic Somali provisional govt... it is with knowledge that I go to Jihad." During these chats in the jihadist forums, WALKER also expressed his desire to obtain night vision goggles, bullet proof vests, weapons and ammunition for the jihad fighters in Somalia. WALKER wrote, "I always carry at least a knife or two, don't own a pistol yet." At one point during their conversations on the Internet, WALKER inquired about obtaining false travel documents for his travel to Somalia. WALKER wrote, "Bro militant thought it would be risky to use a fake passport--we'll see what to do about docs once we meet." (Agent's note: the meeting that WALKER is referring to was the one scheduled for 4:00pm on 11/06/04 at the El Paso International Airport.) The source reported that WALKER was on the Internet on 11/05/2004 speaking with Khalid from an Internet cafe in Ciudad Juarez, Mexico. Based upon observation of the conversations with Khalid, the source reported that WALKER would be at the El Paso International Airport at 4:00pm on 11/06/04 to meet Khalid.

7. On 11/05/2004, El Paso FBI/JTTF requested that El Paso Immigration and Customs Enforcement (ICE) place WALKER in their databases as a lookout in the event WALKER traveled to the area. On 11/06/2004 at approximately 0700 hrs., El Paso ICE notified El Paso FBI/JTTF that WALKER was being detained for further questioning at the Paso Del Norte (PDN) Port of Entry (POE). At approximately 0845 hrs., ICE agents conducted a Border Search of WALKER's vehicle for contraband. No prohibited items were found.

8. On 11/06/2004 after being advised of his constitutional rights and warnings, WALKER waived his rights and agreed to speak with agents. At approximately 1130 hrs., FBI/JTTF and ICE agents interviewed WALKER about his plan to meet with above mentioned source and WALKER's plans to travel and fight in Somalia. During this interview, WALKER stated he was in contact with a male on an Internet forum and that they were planning to meet at the El Paso International Airport at 4:00 pm on 11/06/2004 to discuss plans to travel to Somalia to fight with groups that politically and philosophically support the Ittihad Islamiya. In addition, WALKER stated that he had discussed with this individual his plans to buy night vision goggles and bullet proof vests and take them with

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him to Somalia for the fighters. When he was detained, WALKER had \$2,100.00 in U.S. currency that he intended to use for this purpose.

9. In addition, during the interview, WALKER stated although his plan was to travel to and fight in Somalia with the mujahideen, he did not intend to fight against the U.S. or any interests of the U.S. However, in papers found in WALKER's possession and in internet forum information provided by the above mentioned source, it is clear that Walker was hiding his true feelings toward the United States and its interests. Walker stated to the source that he hates the "US gov't" and that he supports the struggle against America in Iraq.

10. In the papers found in WALKER's possession detailing methods of avoiding and receiving law enforcement was found. Furthermore, information was found in his pocket litter detailing methods of concealing his identity and mission as a jihadist from friends, family, news media and other associates.

11. During the interview, Walker also spoke of his knowledge of Al-Ittihad Al-Islamiya and groups that politically and philosophically support this organization. He stated that he knew their mission was to fight against the current Somali government and their goal was to implement a Somali Islamic government. This was confirmed through source reporting. In a conversation on a jihad forum, WALKER wrote that he was going to jihad with knowledge, and that once the current Somali government was replaced with a Somali Islamic government the power of the Islam could be endless. WALKER wrote that this new government in Somalia could be a location that all jihadist fighters are based from while they prepare for jihad in other parts of the world.

12. Following WALKER's arrest, an inventory of his belongings, both on his person and in his vehicle was conducted. Pursuant to this inventory, Agents found a journal and other pieces of paper. On one of these pieces of paper, agents discovered the following websites and handwritten notes written next to each website: www.Bulletproofme.com "Kevlars, vests, & helmets", www.Globalsecurity.org/org/news/2003/030410-m101.htm "info on the M1A1 and its weak points", www.Army-Technology.com/projects/kornet "The Russian KORNET E guided anti-tank missile, capable of destroying an M1A1 (Kornet)-AT-14", www.fas.org/man/dad-101/sys/missile/row/SA-7.htm "the strela AA shoulder fired missile and www.deepakgroup.com "Ammonium nitrate, nitric acid." In addition to the above mentioned paperwork, agents discovered a laptop computer. A search of the laptop computer has not yet been completed.

13. At approximately 4:30 pm, WALKER was transported to El Paso County Detention Facility and was processed.

14. The Paso Del Norte (PDN) Port of Entry (POE) and the El Paso International Airport are within the Western District of Texas.

15. Based upon the above information, the Complainant has probable cause to believe that on or about 10/28/2004 and continuing until 11/06/2004, Mark Robert WALKER,

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willfully violated and attempted to violate a regulation issued under Chapter 35 of Title 50, United States Code, by attempting to make a contribution of goods and services to and for the benefit of Al-Ittihad Al-Islamiya, a specifically designated terrorist organization, in violation of 50 U.S.C. § 1705(b) and 31 CFR, Sections 595.204 and 595.205.