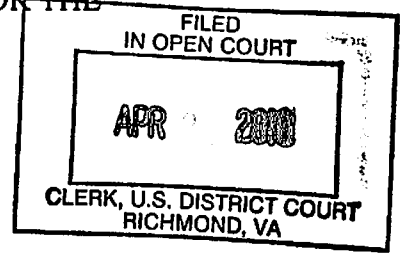


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Norfolk Division



UNITED STATES OF AMERICA)
)
)
 v.)
)
 MOHAMMED MODIN HASAN,)
)
 GABUL ABDULLAHI ALI,)
)
 ABDI WALI DIRE,)
)
 ABDI MOHAMMED GUREWARDHER,)
)
 ABDI MOHAMMED UMAR,)
)
 Defendants.)
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UNDER SEAL
 CRIMINAL NO. 2:10cr *56*
 18 U.S.C. §§ 1651 & 2
 Piracy under the Law of Nations
 (Count 1)
 18 U.S.C. §§ 1659 & 2
 Attack to Plunder Vessel
 (Count 2)
 18 U.S.C. §§ 113(a)(3) & 2
 Assault with a Dangerous Weapon in the
 Special Maritime Jurisdiction
 (Count 3)
 18 U.S.C. § 924(o)
 Conspiracy to Use Firearms During a
 Crime of Violence
 (Count 4)
 18 U.S.C. §§ 924(c)(1)(A)(iii) & 2
 Use of a Firearm During a Crime of
 Violence
 (Counts 5-6)

INDICTMENT

April 2010 Term – At Richmond, Virginia

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Piracy under the Law of Nations)

On or about March 31, 2010, on the high seas, the defendants, MOHAMMED MODIN HASAN, GABUL ABDULLAHI ALI, ABDI WALI DIRE, ABDI MOHAMMED GUREWARDHER and ABDI MOHAMMED UMAR, who were first brought to and arrested in the Eastern District of Virginia, and others known and unknown, committed the crime of piracy as defined by the law of nations, and were afterwards brought into and found in the United States, and did aid, abet, counsel, command, induce and cause each other and others to commit the offense.

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

COUNT TWO

(Attack to Plunder Vessel)

On or about March 31, 2010, on the high seas, the defendants, MOHAMMED MODIN HASAN, GABUL ABDULLAHI ALI, ABDI WALI DIRE, ABDI MOHAMMED GUREWARDHER and ABDI MOHAMMED UMAR, who were first brought to and arrested in the Eastern District of Virginia, and others known and unknown, by surprise and open force, maliciously attacked and set upon a vessel belonging to another, specifically, the USS Nicholas belonging to the United States of America, with an intent unlawfully to plunder the same, and to despoil any owner thereof of any money, goods, and merchandise laden on board thereof, and did aid, abet, counsel, command, induce and cause each other and others to commit the offense.

(In violation of Title 18, United States Code, Sections 1659, 3238 and 2.)

COUNT THREE

(Assault with a Dangerous Weapon in the Special Maritime Jurisdiction)

On or about March 31, 2010, within the special maritime and territorial jurisdiction of the United States, the defendants, MOHAMMED MODIN HASAN, GABUL ABDULLAHI ALI, ABDI WALI DIRE, ABDI MOHAMMED GUREWARDHER and ABDI MOHAMMED UMAR, who were first brought to and arrested in the Eastern District of Virginia, and others known and unknown, did assault with a dangerous weapon, specifically, firearms, with intent to do bodily harm, and without just cause or excuse, crew members of the USS Nicholas, and did aid, abet, counsel, command, induce and cause each other and others to commit the offense.

(In violation of Title 18, United States Code, Sections 113(a)(3), 3238 and 2.)

COUNT FOUR

(Conspiracy to Use Firearms During a Crime of Violence)

From in and around March 2010 to on or about April 1, 2010, on the high seas and within the special maritime and territorial jurisdiction of the United States, the defendants, MOHAMMED MODIN HASAN, GABUL ABDULLAHI ALI, ABDI WALI DIRE, ABDI MOHAMMED GUREWARDHER and ABDI MOHAMMED UMAR, who were first brought to and arrested in the Eastern District of Virginia, and others known and unknown, did conspire to commit an offense under 18 U.S.C. § 924(c), specifically, the defendants conspired to use, carry, and discharge firearms during and in relation to a crime of violence for which they may be prosecuted in the court of the United States as set forth in Count One, Count Two, and Count Three of this indictment, which description of each said crime of violence is re-alleged and incorporated by reference as if set forth in full herein.

WAYS, MANNER, AND MEANS TO ACCOMPLISH THE CONSPIRACY

The primary purpose of the conspiracy was to make money by means of piracy on the high seas. The ways, manner and means by which this purpose was carried out included the following:

1. It was part of the conspiracy that members of the conspiracy left Somalia in a seagoing vessel in search of a merchant ship to pirate. The seagoing vessel had two smaller craft tied to it. The seagoing vessel served as the conspirators' means of long range transportation and contained provisions to support the pirates on their cruise, including food and gasoline. The two smaller craft served as the attack boats should the conspirators locate a merchant ship to pirate.
2. It was further part of the conspiracy that members of the conspiracy would use assault firearms and a rocket propelled grenade (RPG) to attack merchant ships and the crews thereon.
3. It was further part of the conspiracy that members of the conspiracy would be financially compensated in exchange for pirating a merchant vessel.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, the defendants and their conspirators committed overt acts including, but not limited to, the following:

1. In and around March 2010, MOHAMMED MODIN HASAN, GABUL ABDULLAHI ALI, ABDI WALI DIRE, ABDI MOHAMMED GUREWARDHER and ABDI MOHAMMED UMAR left Somalia in a seagoing vessel in search of a merchant ship to pirate.
2. On or about March 31, 2010, on the high seas and at night, MOHAMMED MODIN HASAN, GABUL ABDULLAHI ALI and ABDI WALI DIRE boarded one of the two smaller attack vessels that had been tied to the seagoing vessel and set about to pirate what they

believed to be a merchant ship.

3. On or about March 31, 2010, on the high seas and at night, while other members of the conspiracy left in the smaller attack boats to pirate what they believed to be a merchant ship, ABDI MOHAMMED GUREWARDHER and ABDI MOHAMMED UMAR remained behind in the seagoing vessel to maintain that ship.

4. On or about March 31, 2010, on the high seas and at night, MOHAMMED MODIN HASAN carried an RPG to assist in the planned piracy of what he believed to be a merchant vessel.

5. On or about March 31, 2010, on the high seas and at night, GABUL ABDULLAHI ALI and ABDI WALI DIRE each carried an assault firearm to use during the planned piracy of what they believed to be a merchant vessel.

6. On or about March 31, 2010, on the high seas and at night, GABUL ABDULLAHI ALI and ABDI WALI DIRE opened fire with their assault firearms on what they believed to be a merchant ship. The ship on which GABUL ABDULLAHI ALI and ABDI WALI DIRE fired was actually the USS Nicholas, a United States Navy frigate.

(In violation of Title 18, United States Code, Sections 924(o) and 3238.)

COUNT FIVE

(Use of a Firearm During a Crime of Violence)

On or about March 31, 2010, on the high seas and within the special maritime and territorial jurisdiction of the United States, the defendants, MOHAMMED MODIN HASAN, GABUL ABDULLAHI ALI, ABDI WALI DIRE, ABDI MOHAMMED GUREWARDHER and ABDI MOHAMMED UMAR, who were first brought to and arrested in the Eastern District of Virginia, and others known and unknown, did knowingly and unlawfully use, carry and discharge a firearm, specifically, an assault firearm used, carried and discharged by GABUL ABDULLAHI ALI, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely: (1) Piracy under the Law of Nations, in violation of Title 18, United States Code, Sections 1651 and 2, as set forth in Count One of this indictment, which description of said crime of violence is re-alleged and incorporated by reference as if set forth in full herein, (2) Attack to Plunder Vessel, in violation of Title 18, United States Code, Sections 1659 and 2, as set forth in Count Two of this indictment, which description of said crime of violence is re-alleged and incorporated by reference as if set forth in full herein, and (3) Assault with a Dangerous Weapon, in violation of Title 18, United States Code, Sections 113(a)(3) and 2, as set forth in Count Three of this indictment, which description of said crime of violence is re-alleged and incorporated by reference as if set forth in full herein, and did aid, abet, counsel, command, induce and cause each other and others to commit the offense.

(In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii), 3238 and 2.)

COUNT SIX

(Use of a Firearm During a Crime of Violence)

On or about March 31, 2010, on the high seas and within the special maritime and territorial jurisdiction of the United States, the defendants, MOHAMMED MODIN HASAN, GABUL ABDULLAHI ALI, ABDI WALI DIRE, ABDI MOHAMMED GUREWARDHER and ABDI MOHAMMED UMAR, who were first brought to and arrested in the Eastern District of Virginia, and others known and unknown, did knowingly and unlawfully use, carry and discharge a firearm, specifically, an assault firearm used, carried and discharged by ABDI WALI DIRE, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely: (1) Piracy under the Law of Nations, in violation of Title 18, United States Code, Sections 1651 and 2, as set forth in Count One of this indictment, which description of said crime of violence is re-alleged and incorporated by reference as if set forth in full herein, (2) Attack to Plunder Vessel, in violation of Title 18, United States Code, Sections 1659 and 2, as set forth in Count Two of this indictment, which description of said crime of violence is re-alleged and incorporated by reference as if set forth in full herein, and (3) Assault with a Dangerous Weapon, in violation of Title 18, United States Code, Sections 113(a)(3) and 2, as set forth in Count Three of this indictment, which description of said crime of violence is re-alleged and incorporated by reference as if set forth in full herein, and did aid, abet, counsel, command, induce and cause each other and others to commit the offense.

(In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii), 3238 and 2.)

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Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

A TRUE BILL:

FOREPERSON

Neil H. MacBride

NEIL H. MACBRIDE
United States Attorney