

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x  
:   
UNITED STATES OF AMERICA  
:   
- v. -  
:   
CHOLO ABDI ABDULLAH,  
:   
Defendant.  
:   
- - - - - x

SEALED INDICTMENT  
20 Cr.  
**20 CRIM 677**

COUNT ONE

(Conspiracy to Provide Material Support to a Foreign Terrorist Organization)

The Grand Jury charges:

BACKGROUND

1. The charges in this Indictment arise out of a coordinated scheme by the terrorist organization Harakat al-Shabaab al-Mujahideen, commonly known as "al Shabaab," to target Americans both at home and abroad. Al Shabaab, which has sworn allegiance to al Qaeda and serves as the principal wing of that terrorist organization in East Africa, has escalated these deadly efforts as part of al Qaeda's global campaign to target Americans in response to the United States' decision to move its embassy in Israel to Jerusalem in 2018. That campaign -- which al Shabaab and al Qaeda have dubbed "Operation Jerusalem Will Never be Judaized" -- has culminated in multiple attacks for which al Shabaab has publicly claimed credit and which have

resulted in the deaths of dozens of people, including U.S. nationals, as well as several other plots that have been foiled by law enforcement.

2. CHOLO ABDI ABDULLAH, the defendant, was an al Shabaab operative who participated in one of those foiled plots, specifically, a plot to hijack commercial aircraft and crash them into a building in the United States, in an attack similar to al Qaeda's September 11, 2001 terrorist attacks against the United States.

#### Al Shabaab

3. For years, Somalia has lacked a stable central government and has been vulnerable to intense civil and sectarian violence. In 2004, the Transitional Federal Government (the "Somali TFG") was established in Somalia under international auspices. However, a loose coalition of violent Islamist insurgents known as the Islamic Courts Union fought against the Somali TFG, and took control of much of southern Somalia. Over time, that loose coalition emerged as the terrorist organization known as al Shabaab.

4. Al Shabaab has relied on violence, including targeted assassinations of civilians, journalists, and U.S. military personnel, and the use of improvised explosive devices, rockets, mortars, and automatic weapons, to undermine the Somali

government, quell the Somali population, and force the withdrawal of foreign troops. Al Shabaab has declared that its ultimate goal is the imposition of Sharia, or strict Islamic law, throughout Somalia.

5. On February 26, 2008, the United States Secretary of State designated al Shabaab as a foreign terrorist organization ("FTO"), under Section 219 of the Immigration and Nationality Act, as amended, and as a Specially Designated Global Terrorist under Section 1(b) of Executive Order 13224, as amended. Al Shabaab remains a designated FTO as of the filing of this Indictment.

6. Since that designation, al Shabaab has made numerous public statements demonstrating an intent to harm the United States. For example, after an al Shabaab member was killed in or about May 2008, al Shabaab leaders declared that its fighters would "hunt the U.S. government" and that governments supporting the United States and Ethiopia should keep their citizens out of Somalia. On April 5, 2008, in response to the United States Secretary of State's designation of al Shabaab as an FTO, al Shabaab released a statement that declared the group's intent to target the United States.

7. On or about February 9, 2012, al Shabaab released a videotape which was entitled, "From the two shaykhs, Abu-

Zubayr and Ayman al-Zawahiri, may god protect them both," in which "Shaykh Abu-Zubayr," the then-Emir of al Shabaab, Ahmed Abdi Godane, a/k/a "Mukhtar Abu Zubair," swore allegiance to Ayman al-Zawahiri, the Emir of al Qaeda who succeeded Usama bin Laden. In that same video, al-Zawahiri stated that al Shabaab "will hereby merge into al Qa'ida."

8. Al Shabaab has focused in particular on targeting Americans at public venues, including locations in Kenya and the United States. For example, on or about July 12, 2010, an al Shabaab spokesman 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. On or about September 25, 2013, an al Shabaab spokesman claimed responsibility for the attack on the Westgate shopping mall in Nairobi, Kenya, on September 21, 2013, which killed approximately 72 people and wounded at least 175 people, including some American citizens. On or about February 21, 2015, an al Shabaab spokesman appeared in a video posted online and encouraged followers of al Shabaab to conduct attacks in shopping malls in, among other places, the United States.

"Operation 'Al-Qudsu Lan Tuhawwad  
(Jerusalem will never be Judaized)'"

9. On or about May 14, 2018, the United States officially relocated the U.S. diplomatic mission to Israel from Tel Aviv to Jerusalem.

10. The following day, on or about May 15, 2018, al Shabaab issued a statement online introducing the so-called "Jerusalem Brigade." Al Shabaab described the brigade as "a practical response from the movement [*i.e.*, al Shabaab] to the decision of US president Donald Trump to transfer his embassy from Tel Aviv to Jerusalem." Al Shabaab claimed that the Jerusalem Brigade was created for the purpose of "confronting the Jews and liberating Jerusalem."

11. Al Shabaab has publicly claimed multiple terrorist attacks as part of an "operation" that al Shabaab and al Qaeda have called "Operation 'Al-Qudsu Lan Tuhawwad (Jerusalem will never be Judaized),'" including an attack perpetrated by al Shabaab on January 15, 2019 at a hotel in Nairobi (the "Hotel Attack"), which resulted in the deaths of U.S. Citizen-1, who was a survivor of al Qaeda's 9/11 attacks, and approximately 20 other individuals, including the attackers; a September 30, 2019 attack on a U.S. military facility in Somalia; and a January 5, 2020 attack on another U.S. facility in Kenya, in which three Americans were killed.

12. During the Hotel Attack, an al Shabaab suicide bomber detonated an explosive device directly in front of U.S. Citizen-1, who was seated at an outdoor café at the hotel, killing U.S. Citizen-1. On or about January 15, 2019, an al Shabaab spokesperson publicly claimed credit for the Hotel Attack and stated that the attack was part of "Operation 'Al-Qudsu Lan Tuhawwad (Jerusalem will never be Judaized),' " in retaliation for the United States' decision to move its embassy in Israel to Jerusalem, and that through the "operation," al Shabaab would "targe[t] American and Zionist interests worldwide."

#### The Aviation Plot

13. Beginning in at least in or about 2016, CHOLO ABDI ABDULLAH, the defendant, searched for and consumed al Shabaab and al Qaeda propaganda, including propaganda about al Qaeda's 9/11 attacks on the United States.

14. Beginning in or about 2016, at the direction of a senior al Shabaab commander who was responsible for, among other things, planning the Hotel Attack, CHOLO ABDI ABDULLAH, the defendant, sought to obtain pilot training, test flaws in airport security, and take other steps for hijacking a civil aircraft to use in conducting a terrorist attack on behalf of al Shabaab.

15. In or about December 2016, CHOLO ABDI ABDULLAH, the defendant, began the process of enrolling in a flight school in the Philippines (the "Flight School").

16. Between in or about 2017 and 2019, CHOLO ABDI ABDULLAH, the defendant, attended the Flight School on various occasions and obtained pilot's training, ultimately completing the tests necessary to obtain his pilot's license.

17. While CHOLO ABDI ABDULLAH, the defendant, was obtaining flight training at the Flight School, he conducted research into the means and methods to hijack a commercial airliner to conduct an attack, including, among other things, security on commercial airliners and how to breach a cockpit door from the outside, information about the tallest building in a major U.S. city, and information about how to obtain a U.S. visa.

18. On or about July 1, 2019, law enforcement authorities in the Philippines detained CHOLO ABDI ABDULLAH, the defendant, and ABDULLAH has remained in custody since that time.

#### **STATUTORY ALLEGATIONS**

19. From at least in or about 2016 through in or about 2019, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, CHOLO ABDI ABDULLAH, the defendant, and others known and

unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to knowingly provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), to an FTO, namely, al Shabaab, which at all relevant times was designated as an FTO by the United States Secretary of State.

20. It was a part and an object of the conspiracy that CHOLO ABDI ABDULLAH, the defendant, and others known and unknown, would and did knowingly provide al Shabaab with material support and resources, including, among other things, property, explosives, personnel, services, training, false documentation and identification, communications equipment, weapons, transportation, and expert advice and assistance, knowing that al Shabaab was a designated FTO (as defined in Title 18, United States Code, Section 2339B(g)(6)), that al Shabaab engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and that al Shabaab engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B.



Overt Acts

21. In furtherance of the conspiracy and to effect the illegal object thereof, CHOLO ABDI ABDULLAH, the defendant, and others known and unknown, committed and caused to be committed, among others, the following overt acts:

a. In or about December 2016, ABDULLAH began the process of enrolling in the Flight School in the Philippines.

b. On or about October 6, 2018, ABDULLAH visited a web page that compiled, among other things, jihadist propaganda about al-Qaeda's attacks on September 11, 2001.

c. In or about December 2018, ABDULLAH researched online, among other things, security on commercial airliners and how to breach a cockpit door from the outside.

d. In or about January 2019, ABDULLAH researched online for, among other things, information about the tallest building in a major U.S. city.

e. In or about January and February 2019, ABDULLAH researched online for, among other things, information about aircraft hijackings and how to obtain a U.S. visa.

(Title 18, United States Code, Sections 2339B(a)(1), (d)(1)(C), (E), and (F), and 3238.)

COUNT TWO

(Provision of Material Support to a Foreign Terrorist  
Organization)

The Grand Jury further charges:

22. The allegations contained in Paragraphs One through Eighteen of this Indictment are repeated and realleged as if fully set forth herein.

23. From at least in or about 2016 through in or about 2019, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, CHOLO ABDI ABDULLAH, the defendant, who is expected to be first brought to and arrested in the Southern District of New York, knowingly provided and attempted to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), to an FTO, namely, al Shabaab, which at all relevant times was designated as an FTO by the United States Secretary of State, including, among other things, personnel (including himself) and services, knowing that al Shabaab was a designated FTO (as defined in Title 18, United States Code, Section 2339B(g)(6)), that al Shabaab engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and that al Shabaab engages and has engaged in terrorism (as defined in

section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

(Title 18, United States Code, Sections 2339B(a)(1), (d)(1)(C), (E), and (F), 3238, and 2.)

**COUNT THREE**

**(Conspiracy to Murder U.S. Nationals)**

The Grand Jury further charges:

24. The allegations contained in Paragraphs One through Eighteen of this Indictment are repeated and realleged as if fully set forth herein.

25. From at least in or about 2016 through in or about 2019, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, CHOLO ABDI ABDULLAH, the defendant, while outside the United States, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to commit killing that is murder, as that term is defined in Title 18, United States Code, Section 1111(a), of nationals of the United States, in violation of Title 18, United States Code, Section 2332(b).

26. It was a part and an object of the conspiracy that CHOLO ABDI ABDULLAH, the defendant, and others known and

unknown, would murder United States nationals anywhere in the world.

Overt Acts

27. In furtherance of the conspiracy and to effect the illegal object thereof, CHOLO ABDI ABDULLAH, the defendant, and others known and unknown, committed and caused to be committed, among others, the overt acts described in Paragraph Twenty-One of this Indictment, which are incorporated by reference herein.

(Title 18, United States Code, Sections 2332(b) and 3238.)

COUNT FOUR

**(Conspiracy to Commit Aircraft Piracy)**

The Grand Jury further charges:

28. The allegations contained in Paragraphs One through Eighteen of this Indictment are repeated and realleged as if fully set forth herein.

29. From at least in or about 2016 through in or about 2019, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, CHOLO ABDI ABDULLAH, the defendant, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, willfully and knowingly combined, conspired, confederated, and agreed together

and with each other to commit aircraft piracy, in violation of Title 49, United States Code, Section 46502.

30. It was a part and an object of the conspiracy that CHOLO ABDI ABDULLAH, the defendant, and others known and unknown, would seize and exercise control of an aircraft, inside the special aircraft jurisdiction of the United States, by force, violence, threat of force or violence, and intimidation, and with wrongful intent.

Overt Acts

31. In furtherance of the conspiracy and to effect the illegal object thereof, CHOLO ABDI ABDULLAH, the defendant, and others known and unknown, committed and caused to be committed, among others, the overt acts described in Paragraph Twenty-One of this Indictment, which are incorporated by reference herein.

(Title 49, United States Code, Section 46502 and Title 18,  
United States Code, Section 3238.)

COUNT FIVE

(Conspiracy to Destroy Aircraft)

The Grand Jury further charges:

32. The allegations contained in Paragraphs One through Eighteen of this Indictment are repeated and realleged as if fully set forth herein.

33. From at least in or about 2016 through in or about 2019, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, CHOLO ABDI ABDULLAH, the defendant, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to violate Title 18, United States Code, Section 32(a).

34. It was a part and an object of the conspiracy that CHOLO ABDI ABDULLAH, the defendant, and others known and unknown, would set fire to, damage, destroy, disable, and wreck an aircraft in the special aircraft jurisdiction of the United States and a civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce, in violation of Title 18, United States Code, Section 32(a)(1).

35. It was further a part and an object of the conspiracy that CHOLO ABDI ABDULLAH, the defendant, and others known and unknown, would interfere with or disable, with intent to endanger the safety of any person or with a reckless disregard for the safety of human life, anyone engaged in the authorized operation of such aircraft, in violation of Title 18, United States Code, Section 32(a)(5).

Overt Acts

36. In furtherance of the conspiracy and to effect the illegal objects thereof, CHOLO ABDI ABDULLAH, the defendant, and others known and unknown, committed and caused to be committed, among others, the overt acts described in Paragraph Twenty-One of this Indictment, which are incorporated by reference herein.

(Title 18, United States Code, Sections 32(a)(8) and 3238.)

COUNT SIX

**(Conspiracy to Commit Acts of Terrorism Transcending National Boundaries)**

The Grand Jury further charges:

37. The allegations contained in Paragraphs One through Eighteen of this Indictment are repeated and realleged as if fully set forth herein.

38. From in or about 2016 through in or about 2019, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, CHOLO ABDI ABDULLAH, the defendant, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, willfully and knowingly combined, conspired, confederated, and agreed, in an offense involving conduct transcending national boundaries, to kill, maim, commit an assault resulting in serious bodily

injury, and assault with a dangerous weapon persons within the United States, and to create a substantial risk of serious bodily injury to another person by destroying and damaging a structure, conveyance, and other real or personal property within the United States, in violation of the laws of the United States, namely, Title 18, United States Code, Sections 32 (conspiring to destroy aircraft), 2332 (conspiring to murder U.S. nationals), 2339B (conspiring and providing material support to a foreign terrorist organization), and Title 49, United States Code, Section 46502 (conspiring to commit aircraft piracy), and (i) the mail and facilities of interstate and foreign commerce, including the Internet, were used in furtherance of the offense, and (ii) the offense and the results of the offense would have affected interstate and foreign commerce, in violation of Title 18, United States Code, Section 2332b(a)(2).

#### Overt Acts

39. In furtherance of the conspiracy and to effect the illegal object thereof, CHOLO ABDI ABDULLAH, the defendant, and others known and unknown, committed and caused to be committed, among others, the overt acts described in Paragraph



Twenty-One of this Indictment, which are incorporated by reference herein.

(Title 18, United States Code, Sections 2332b(a)(2) and 3238.)

**FORFEITURE ALLEGATIONS**

40. As a result of planning and perpetrating Federal crimes of terrorism against the United States, as alleged in Counts One through Six of this Indictment, CHOLO ABDI ABDULLAH, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(G) and 2332b(g)(5), and Title 28, United States Code, Section 2461:


- a. all right, title, and interest in all assets, foreign and domestic;
- b. all right, title, and interest in all assets, foreign and domestic, affording a source of influence over al Shabaab;
- c. all right, title and interest in all assets, foreign and domestic, acquired and maintained with the intent and for the purpose of supporting, planning, conducting, and concealing a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property; and

d. all right, title and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property;

including, but not limited to, a sum of money representing the value of the property described above as being subject to forfeiture.

(Title 18, United States Code, Sections 981(a)(1)(G) and 2332b(g)(5), and Title 28, United States Code, Section 2461.)

foreperson

  
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AUDREY STRAUSS  
Acting United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

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SEALED INDICTMENT

20 Cr.

(18 U.S.C. §§ 32, 2332, 2332b, 2339B,  
3238 & 2; 49 U.S.C. § 46502.)

AUDREY STRAUSS

Acting United States Attorney.

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A TRUE BILL

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foreperson.

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