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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOHAMED ABDI SIYAD,

aka "Hassan,"

Defendant.

Case No. 18MJ4365

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Sec. 1324
(a)(1)(A)(iv), (v)(I), and
(a)(1)(B)(i) - Conspiracy to Induce
and Encourage Aliens to Enter the
United States for Financial Gain;
Title 8, U.S.C., Sec.
1324(a)(1)(A)(iv), (v)(II),
and(a)(1)(B)(i) - Inducing and
Encouraging Aliens to Enter the
United States for Financial Gain
and Aiding and
Abetting

The undersigned Complainant, being duly sworn, states:

Count 1

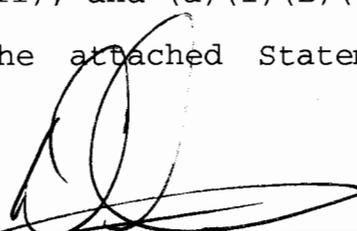
Beginning at a date unknown and continuing up to and including
January 2018, within the Southern District of California, and elsewhere,
defendant MOHAMED ABDI SIYAD, aka "Hassan," with the intent to violate
the immigration laws of the United States, did knowingly and
intentionally conspire with other persons known and unknown, to
encourage and induce illegal aliens to come to, enter and reside in the
United States, for the purpose of commercial advantage and private

1 financial gain; in violation of Title 8, United States Code, Sections
2 1324(a)(1)(A)(v)(I), (A)(iv), and (a)(1)(B)(i).

3
4 Count 2

5 From on or about October 1, 2016 to June 2017, within the Southern
6 District of California, defendant MOHAMED ABDI SIYAD, aka "Hassan," with
7 the intent to violate the immigration laws of the United States, did
8 encourage and induce an alien, namely, D.H.A., to come to, enter and
9 reside in the United States, for the purpose of commercial advantage and
10 private financial gain, knowing and in reckless disregard of the fact
11 that such coming to, entry and residence in the United States is and
12 will be in violation of law; in violation of Title 8, United States
13 Code, Sections 1324(a)(1)(A)(iv), (v)(II), and (a)(1)(B)(i).

14 This complaint is based on the attached Statement of Facts
15 incorporated herein by reference.

16 
17 _____
18 DAVID WHITACRE
19 Special Agent
20 Homeland Security Investigations

21 Sworn to me and subscribed in my presence this 8 day of August, 2018.

22 
23 _____
24 HON. JILL L. BURKHARDT
25 United States Magistrate Judge
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**AFFIDAVIT IN SUPPORT OF CRIMINAL
COMPLAINT AND ARREST WARRANT**

This affidavit is being submitted by the affiant, Special Agent David Whitacre, in support of a criminal complaint and arrest warrant relating to Mohamed Abdi SIYAD, aka "HASSAN."

I, David Whitacre, being duly sworn, hereby depose and state as follows:

There is probable cause to believe that the above-identified individual committed the following criminal offenses in violation of United States law: conspiracy to encourage or induce aliens to come to the United States, for the purposes of commercial advantage and financial gain, in violation of Title 8, U.S.C., Sec. 1324(a)(1)(A)(iv), (v)(I), and (a)(1)(B)(i), and encouraging or inducing Aliens to come to the United States for financial gain, and aiding and abetting, in violation of Title 8, U.S.C., 1324(a)(1)(A)(iv), (a)(1)(B)(i), and (v)(II).

AFFIANT'S BACKGROUND

1. I am a Special Agent with Department of Homeland Security, Homeland Security Investigations (HSI), and have been since March 2003. From April 1998 to February 2003, I was employed as a Special Agent with U.S. Immigration and Naturalization Service. As a Special Agent with HSI, my duties are to conduct investigations into violations of the Immigration and Nationality Act (INA), as amended, as well as related federal criminal statutes. In the course of my

law enforcement experience, I have participated in numerous training programs related to the investigation and prosecution of violations of the INA and have arrested and successfully prosecuted a wide array of federal violations related to human smuggling, to include money laundering, asset forfeiture and manufacturing fraudulent immigration documents. In the course of my duties, I have participated in a number of alien smuggling investigations, federal search warrants, and false document seizures. I have conducted surveillance, executed federal arrest warrants, and prosecuted re-entry criminal aliens that have returned to the United States without permission.

2. In preparing this affidavit, I have conferred with other HSI human smuggling agents, along with officers and agents of U.S. Customs & Border Protection (CBP), who are experienced in the area of human smuggling, fraudulent immigration documents, and other immigration law violations.

3. The facts in this affidavit come from my personal observations, my training and experience, information obtained from other law enforcement officers, examination of documents and records, and interviews of witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not set forth all of the information known by myself and other law enforcement officers in this investigation.

4. Based on my training and experience and the facts set forth in this

affidavit, there is probable cause to believe that the subject Mohamed Abdi SIYAD, aka “HASSAN,” did knowingly and intentionally encourage or induce aliens to come to or enter the United States, for the purposes of commercial advantage and financial gain, knowing and in reckless disregard of the fact that the alienS had not received prior official authorization to come to, enter, and reside in the United States, and regardless of any official action which may be later taken with respect to such alien, and did conspire to do so, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I), Title 8, United States Code, Section 1324(a)(1)(A)(iv), Title 8, United States Code, Section 1324(a)(1)(B)(i), and Title 8, United States Code, Section 1324(a)(1)(A)(v)(II) .

SUMMARY OF PROBABLE CAUSE

5. This is an investigation into an alien smuggling organization that smuggles Somali nationals and other East Africans to the United States (without authorization) via a network of smuggling cells in Africa, South America, and Central America. The alien smugglers typically arrange passage for the smuggled aliens from Africa to Sao Paulo, Brazil. Mohamed Abdi SIYAD, aka “HASSAN,” is a member of this alien smuggling organization who operated in Sao Paulo, Brazil. HASSAN was a first point of contact for aliens arriving in Brazil from Africa en route to the United States. For a fee, HASSAN would facilitate aliens’ transport

from Sao Paulo, Brazil, to Colombia, and further north through South and Central America. In some cases, the aliens were then smuggled by various associated cells from Brazil through South and Central America to the United States border. In other cases, members of the associated cells would go to known landing points and recruit alien clients by referencing the names of other known smugglers associated with the network.

6. Since beginning this investigation in February 2017, I have reviewed over two hundred interviews, personally interviewed over fifty East African travelers, seized fraudulent documents, collected pocket trash, reviewed Facebook messages and analyzed phone data that identified HASSAN as a human smuggler.

7. East African aliens who are smuggled by the target network of smugglers traveled from Africa to Guarulhos International Airport in Sao Paulo, Brazil. Aliens arriving in Sao Paulo typically met HASSAN or one of his representatives who took the aliens to a local hotel to wait for HASSAN to meet with them to make further arrangements to smuggle the aliens to the United States. In some instances, aliens arriving in Sao Paulo had received specific guidance to meet or contact HASSAN when they arrived. HASSAN would typically take a photograph of the alien with his cellular phone and send the photograph to other smugglers in the network using the WhatsApp application. Other smugglers in the network would show the photograph to the traveling aliens to prove they worked with HASSAN and

the smuggling network. HASSAN would normally charge each alien \$500.00 USD to smuggle them to Rio Bronco, Brazil, where they would meet with the Colombia-based smuggler. The Colombia-based smuggler was the next step in the journey and smuggled the aliens from Rio Bronco, Brazil, into and through Peru, Ecuador and into Colombia. HASSAN communicated with the Colombia-based smuggler through the WhatsApp application. Additionally, HASSAN's Facebook contained communications with others regarding his smuggling activities and direction on possible points of entry into the United States. Aliens, including A.M.B., D.H.A., M.M.M., A.A.A., A.A.O., and F.K.H. who entered the United States in the Southern District of California between March 2017 and January 2018, have identified photographs of HASSAN as the smuggler based in Sao Paulo, Brazil, who facilitated their travel through South America en route to the United States.

8. I have interviewed over 50 aliens smuggled by HASSAN and his network, including D.H.A. D.H.A., an East African alien who was smuggled by HASSAN, left Africa in October 2016. D.H.A. said that he was directed by his Africa-based smuggler to contact a smuggler named "HASSAN" upon arrival in Brazil. (D.H.A. said that he paid the Africa-based smuggler \$2,500 to be smuggled, which D.H.A. understood included HASSAN's fees.) Upon arrival in Sao Paulo, D.H.A. contacted HASSAN on WhatsApp using the number the Africa-based smuggler provided. HASSAN told D.H.A. to take a taxi to a hotel in central Sao

Paulo, where D.H.A. stayed with several other Somalis for approximately a week. After about a week, HASSAN accompanied D.H.A. and other aliens on a train to another area of Sao Paulo to an apartment-type building, where the group stayed for approximately three weeks. D.H.A. then saw HASSAN two more times before HASSAN sent the group by bus to Aziz, Brazil. In Aziz, D.H.A. met another smuggler who indicated he worked for the main smuggler, the Colombia-based smuggler. The smuggler showed D.H.A. a picture that HASSAN had taken of D.H.A. to prove to D.H.A. that he was still being smuggled by the group working with HASSAN.

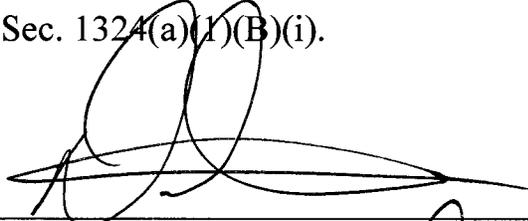
9. HASSAN further assisted D.H.A. by sending D.H.A. a screen shot and Colombian phone number for a smuggler who would assist D.H.A. with travel from the Ecuador border to Colombia. D.H.A. contacted that smuggler as directed and with that smuggler's assistance, D.H.A. traveled from Aziz, taking several buses to Lima, Peru, and through Ecuador to the border of Colombia. From there, D.H.A. went by horseback into Colombia. After crossing into Colombia, D.H.A. took a taxi to Pasto, Colombia. At that point, D.H.A. called HASSAN who directed D.H.A. to go to Turbo, Colombia, purchase a ticket to Capurgana, Colombia, and then pay a small fee to be guided into Panama by foot. Once through the jungle, D.H.A. was arrested in Panama by immigration authorities and taken to a detention camp where he was held for a few days before being transported to the border of Costa Rica and

turned over to their immigration authorities. When he was released from custody, D.H.A. paid another smuggler \$500 USD to be smuggled through Nicaragua into Honduras. From Honduras, D.H.A. traveled through Guatemala and Mexico without using the services of a smuggler.

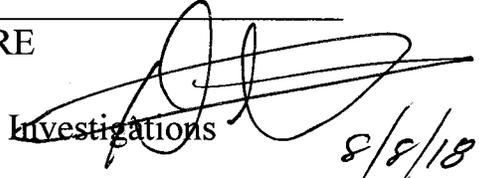
10. As part of the investigation, agents received authorization to search several Facebook accounts, including a Facebook account used by HASSAN. Data from HASSAN's Facebook account showed that he used the account to communicate with his alien-smuggling associates and with aliens that he smuggled, including D.H.A. Throughout his trip from Sao Paolo, Brazil, to the United States, D.H.A. remained in contact with HASSAN via Facebook. In January 2017, while in Mexico, HASSAN had an exchange with D.H.A. on Facebook wherein HASSAN advised him that he could not enter the U.S. in California and that D.H.A. should instead go to Texas. HASSAN further represented that he had sent people through Texas in 2016. Taking the advice to go to Texas, D.H.A. traveled to the border of Texas near Reynoso, Mexico, but was kidnapped, and his mother had to pay a ransom for his release. After his release, D.H.A. returned to Mexico City and then took a bus to Tijuana. In June 2017, D.H.A. climbed the border fence from Tijuana, Mexico, into the United States. D.H.A. crossed there into San Diego and ultimately came in contact with CBP officers patrolling the area.

11. Based on the facts presented in this probable cause statement, I believe

Mohamed Abdi SIYAD, aka "HASSAN," committed the offense of conspiring to induce aliens to come to the United States, for the purposes of commercial advantage and financial gain, in violation of Title 8, U.S.C., Sec. 1324(a)(1)(A)(iv), Title 8 U.S.C., Sec. 1324(a)(1)(A)(v)(I), and Title 8 U.S.C., Sec. 1324(a)(1)(B)(i) and encouraging or inducing Aliens to come to the United States, for the purposes of commercial advantage and private financial gain, and aiding and abetting, in violation of Title 8, U.S.C., Sec. 1324(a)(1)(A)(iv), Title 8 U.S.C., Sect 1324(a)(1)(A)(v)(II), and Title 8 U.S.C., Sec. 1324(a)(1)(B)(i).

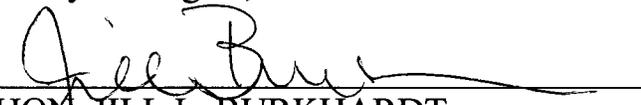


DAVID WHITACRE
Special Agent
Homeland Security Investigations



8/8/18
10:20 AM

Subscribed and sworn before me this ^{8th} day of August, 2018.


HON. JILL L. BURKHARDT
United States Magistrate Judge