



Terror Suspect Due in Court in St. Paul on Friday

McNabb Associates, P.C. (U.S. Extradition Attorneys)

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Mahamud Omar, extradited to U.S. and due in court Friday, may help reveal the fates of 20 men who left Twin Cities to fight in Somalia.

The long-awaited appearance of an accused terrorist in a Minnesota courtroom Friday could be an important step in understanding how and why 20 young Somalis left Minneapolis to fight in Somalia.

Mahamud Said Omar, 45, a former Minneapolis resident, was arrested in the Netherlands last year and recently lost his battle to avoid extradition.

He will make an initial appearance Friday in U.S. District Court in St. Paul on charges he provided material support to terrorists and conspiracy to kill people outside the United States.

Court documents indicate he was involved in recruiting about 20 young men to fight in Somalia in 2007 and 2008. The charges allege he later met some of them in a safe house in Mogadishu, where he provided them with cash to buy AK-47 assault weapons.

"The process to extradite him to the United States and the overall investigation has been long and tedious," E.K. Wilson, supervisory special agent in charge of the FBI's investigation, said Wednesday night. He said the extradition was "a significant point in this particular investigation and our overall investigation into missing young Somali-American men from the Twin Cities."

Authorities believe Minneapolis has been a recruiting ground for young Somalis to join Al-Shabab, a

paramilitary organization in Somalia that the feds allege has links to Al-Qaida. The Minneapolis recruitment effort has been highlighted in congressional hearings on issues of home-grown terrorism.

Local members of the Somali-American community said they are anxious to see what the government investigation has uncovered.

"This could be huge," said Hussein Samatar, a Minneapolis school board member and executive director of the African Development Center. "There were a lot of young people who had no money and ended up Somalia. How did it happen? Maybe this would be the key piece we are waiting for, or maybe not."

Samatar is a distant relation of a Minneapolis youth who went back to Somalia and was killed there, possibly by Al-Shabab, according to his family here.

"The community is very anxious to move beyond this story," said Dahir Jibreel, head of the Somali Justice Advocacy Center. "The mystery of the disappearance of youngsters from Minnesota and from elsewhere needs to be discovered bit by bit. I'm not sure if this guy [Omar] knows how these youth disappeared. We'll see what will happen in the court."

Two Somalis from Minneapolis have died in suicide military missions in Somalia, according to the FBI, although none has been accused of plotting terrorism against targets in the United States.

Court records do not portray Omar as a kingpin of a conspiracy, but more of a facilitator and recruiter.

Three Somalis arrested earlier provided details to the FBI about Omar's role, according to federal documents. So far, 14 Somalis have been charged.

In November 2008, Omar moved to the Netherlands. He was indicted on five counts by a U.S. grand jury in November 2009 and was arrested at a Dutch asylum seekers' center a year later at Washington's request and jailed in a high-security Dutch prison during his extradition fight. In February, the Dutch supreme court rejected Omar's final appeal to prevent extradition, but his attorney mounted further challenges.

Authorities likely will attempt to persuade Omar to become a cooperating witness and lead them to other suspects.

U.S. Attorney B. Todd Jones said earlier this year: "We've been waiting and waiting and we'll be waiting some more. When he finally gets here, we will be ready for him."

On Wednesday, Jeanne Cooney, a spokeswoman for Jones, would make no comment, other than to confirm that Omar will make his first federal court appearance at 1 p.m. Friday before U.S. Magistrate Judge Jeanne Graham in St. Paul.

Born in Somalia in 1966, Omar has been a lawful permanent resident of the United States since 1994, according to extradition records.

When Omar was arrested in Holland in 2009, federal agents called it the most significant development so far in their investigation of local Somali links to terrorists. But family members and friends rejected the accusations

that he was bankrolling terrorist activities, saying it was too far-fetched to be believed.

"If you met with Mahamud, he's not a well-educated person," Omar's oldest brother, Mohamed Omar Osman, 51, of Rochester, said at the time. "He's not somebody who reads books. He's not somebody who goes after knowledge. He is just somebody who struggles with life."

He described his brother as a twice-divorced father of three who came to the United States from war-torn Somalia in 1993, working odd jobs as a cook, cashier and janitor. After living in Virginia and Georgia with his family, he moved to Owatonna, Minn., in 1998, and came to Minneapolis in 2002 or 2003 where he worked as a janitor at a Somali mosque.

According to an affidavit by FBI special agent Kiann Vandover, Omar gave money to another man to travel to Somalia to fight against Ethiopians who were occupying Somalia.

After Omar returned to Minneapolis, a witness said Omar was present when two Somali men who wanted to travel to Somalia to fight the Ethiopians were driven to the airport.

In November 2008, Omar left the United States and didn't return. He showed up at the Dutch asylum center northeast of Amsterdam in December 2008 and asked the Dutch government for asylum. He was indicted by a U.S. grand jury on August 20, 2009.

This article was written by Randy Furst and Allie Shah and published by the Star Tribune on August 11, 2011.

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Douglas McNabb and other members of the U.S. law firm practice and write extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice

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Extradition from Colombia Still a Tool for Justice and Abuse

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Extradition to stand trial in the U.S., long the biggest fear of Colombian drug traffickers, could now be a softer option, offering shorter jail terms and even impunity to criminals.

The first treaty governing extradition of Colombians to the U.S., most on drug trafficking and money laundering charges, came into force in 1982. It was the subject of fierce opposition from criminal interests, most notably Pablo Escobar, who tried to force the government to block the measure through targeted assassinations and bombing attacks. In 1991, due in part to this pressure, a new constitution banned the extradition of nationals, but this measure was overturned in 1997. Fewer than 400 Colombians were extradited in the first few years after extradition was reintroduced, but more than 1,100 were during President Alvaro Uribe's time in power, between 2002 and 2010.

The prospect of extradition was hated and feared by Colombia's criminals. In foreign jails, as well as being far from their families, they would be unable to exercise the kind of influence that they might in Colombia's weak and corrupt justice system. But

according to a report in Colombian newspaper El Tiempo, Colombian criminals are increasingly choosing not to fight extradition. One reason for this, according to the paper, is that the time spent opposing the process, often two years, does not count towards their sentence in the U.S., so the legal battle could simply lengthen the time they spend in prison. Another reason given by lawyers who spoke to El Tiempo is that, if prisoners choose not to fight extradition, they have a better chance of gaining concessions by cooperating with U.S. justice, as they can offer up-to-date knowledge of drug trafficking activities.

This kind of bargaining -- providing intelligence about their associates and trafficking business -- can allow high-level drug traffickers to gain major shortening of their sentences. This has garnered a fair amount of criticism in Colombia. In addition, paramilitary leaders who have committed serious human rights violations, responsible for ordering massacres and torture, face only drug trafficking charges in the U.S. It may be easier for paramilitaries to make beneficial deals with the U.S., as the authorities in that country would not face public pressure to punish these men in the same way that Colombian authorities would.

Most notorious was the surprise extradition of fourteen of the biggest paramilitary leaders, who had surrendered to Colombian justice via the peace accords made between the government and the United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia - AUC) in the mid 2000s. The stated reason was the commanders' failure to cooperate fully with the peace process and end their drug trafficking activities.

Some have suggested that part of the reason for the mass extradition of the paramilitary leaders in 2008 was a desire on the part of

authorities to stem the flood of details regarding AUC collaboration with politicians. Information about these ties, present on a much greater scale than had previously been realized, began spilling into the public domain when the paramilitary bosses began testifying about the politicians they had had dealings with, in what became known as the “parapolitics” scandal.

Indeed, the extradition did hinder the delivery of paramilitary testimony. There are reports in Colombian media that, two years on from the mass extradition, in May 2010, only six of the paramilitary bosses sent to the U.S. had testified before Colombia courts, as had been promised. There are various explanations for this: many of the jailed warlords feared for their families in Colombia, saying that their relatives had not been given the protection they were promised, and could suffer revenge attacks if the boss revealed information about his criminal dealings.

A report by Berkeley University in 2010 argued that extradition had granted impunity to many paramilitary leaders. In at least seven cases the records of these men have been sealed, so that there is no way of knowing where they are or even if they are still in prison. This means that Colombian justice does not have access to these men, who will not then testify about the horrendous crimes they committed in their home country. For many who lost relatives to the paramilitary atrocities, this means they may never know what exactly happened to their relatives, or where their bodies were dumped afterwards.

In a recent interview with *El Tiempo*, police chief General Oscar Naranjo defended the process of extradition, denying that it offered impunity to criminals. He said that Colombian authorities expected the U.S. to begin sharing more

information on the whereabouts of extradited criminals, and on any information that they handed over. According to Naranjo, extradition is a vital weapon against crime, as it breaks the ties between imprisoned criminal bosses and their organizations, and stops them running their operations from jail. His argument is backed by many incidences of criminal bosses continuing to exert power after being imprisoned in Colombia. One clear example is that of Diego Murillo, alias “Don Berna,” who was Medellín’s biggest criminal leader for many years. He continued to run the city’s underworld after his arrest in 2005, and it was only when he was sent to the U.S. in 2008 that a succession crisis kicked off in his group, the *Oficina de Envigado*.

The question now is how useful extradition remains as a judicial tool in Colombia, with some signs that it is increasingly employed for political ends. A clear example is the case of Walid Makled, a confessed drug trafficker who was captured in Colombia in 2010. Both Venezuela and the U.S. requested his extradition, but after some months of delay Colombia’s President Juan Manuel Santos plumped for Venezuela. Santos’ government has given various explanations for this decision, including that Venezuela handed their request in first. But it seems likely that Bogota judged it more politically expedient to build ties with their neighbor, in the hopes of gaining further cooperation in rebuilding trade ties and security cooperation fractured under the watch of former President Alvaro Uribe. Given the growing presence of Mexican drug trafficking organizations on Colombian soil, Colombia’s recently-negotiated extradition treaty with that country raises the possibility of more cases like Makled’s in the future, where the government’s loyalties may be divided.

Extradition has proven helpful in Colombia when employed to cut off criminal warlords from their organizations. But as indicated by the sealing of paramilitary testimony in the U.S., extradition has also served to undermine Colombia’s long and difficult reconciliation process. In many ways, especially when it comes to the victims of the AUC’s human rights crimes, extradition has obstructed justice rather than ensured it.

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