

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.


CRAIG BENEDICT BAXAM

No: 12-252 uc


I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

Beginning on or before December 20, 2011, and continuing to on or about December 23, 2011, in Prince George's County, in the District of Maryland, and elsewhere, the defendant **CRAIG BENEDICT BAXAM** unlawfully and knowingly did attempt to provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), that is, to knowingly provide himself as personnel to work under the direction and control of a designated foreign terrorist organization, that is, Al-Shabaab, knowing that Al-Shabaab was designated as a terrorist organization under 8 U.S.C. § 1189, has engaged or engages in terrorist activity, as that term is defined in 8 U.S.C. § 1182(a)(3)(B), and has engaged or engages in terrorism, as that term is defined in 22 U.S.C. § 2656f(d)(2), all in violation of 18 U.S.C. § 2339B.

I further state that I am a Special Agent, Federal Bureau of Investigation, and that this complaint is based on facts contained in the attached affidavit.

  
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John B. Phillips, IN  
Special Agent  
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence, on January 9, 2012, at Baltimore, Maryland.

  
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William Connelly  
United States Magistrate Judge  
District of Maryland

AFFIDAVIT IN SUPPORT OF COMPLAINT

Your affiant, Special Agent John B. Phillips III, being duly sworn, hereby deposes and says as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, (FBI) and have been so employed since October, 2004. I am currently assigned to the Baltimore Field Office. Prior to being employed with the FBI, I served as an intelligence officer in the U.S. Marine Corps. I have received training in the preparation, presentation, and service of criminal complaints and arrest warrants, and have been personally involved in numerous national security investigations. My primary duty involves the collection of intelligence and conducting criminal investigations regarding terrorism offenses. I have received advanced instruction and training, in both the military and the FBI, and have several years of investigative experience in terrorism matters.

2. This affidavit is submitted in support of a complaint charging that CRAIG BENEDICT BAXAM unlawfully and knowingly did attempt to provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), that is, to knowingly provide himself as personnel to work under the direction and control of a designated foreign terrorist organization, that is, Al-Shabaab, knowing that Al-Shabaab was designated as a terrorist organization under 8 U.S.C. § 1189, has engaged or engages in terrorist activity, as that term is defined in 8 U.S.C. § 1182(a)(3)(B), and has engaged or engages in terrorism, as that term is defined in 22 U.S.C. § 2656f(d)(2), all in violation of 18 U.S.C. § 2339B.

3. This affidavit is based on my personal knowledge, my review of records and other materials obtained during the course of this investigation, as well as information provided to me by other government personnel with knowledge relating to this investigation, particularly including my FBI colleagues. Because this Affidavit is for the limited purpose of setting forth sufficient facts to establish probable cause, it does not include all of the facts that have been learned in the course of this investigation. However, I have not omitted facts that might tend to defeat a finding of probable cause. All oral statements referred to in this Affidavit, unless otherwise indicated, are set forth in substance and in part, rather than verbatim.

### **Designated Foreign Terrorist Organization, Al-Shabaab**

4. Al-Shabaab is a violent and brutal militia group that uses intimidation and violence to undermine Somalia's Transitional Federal Government (TFG) and its supporters. In February 2008, the U.S. Department of State designated Al-Shabaab, a.k.a. Harakat Shabaab al-Mujahidin, a.k.a. The Youth, as a Foreign Terrorist Organization under 8 U.S.C. § 1189 and as a Specially Designated Global Terrorist pursuant to Section 1(b) of Executive Order 13224, stating Al-Shabaab has committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States. The U.S. Department of State described Al-Shabaab as a violent and brutal extremist group with a number of individuals affiliated with Al Qaeda. The consequences of these designations include a prohibition against the provision of material support or resources to Al-Shabaab. I am advised that providing one's self and one's money to a designated foreign terrorist organization constitutes providing material support and resources to such an organization.

5. Throughout Al-Shabaab's war against the TFG and its Ethiopian and African Union supporters, Al-Shabaab has used harassment and targeted assassinations of civilians, improvised explosive devices, rockets, mortars, automatic weapons, suicide bombings, and general tactics of intimidation and violence.

### **CRAIG BENEDICT BAXAM**

6. BAXAM is a United States citizen. He was born in Maryland on March 9, 1987 and graduated from high school in Maryland. He was in the United States Army from 2007 to July 2011. After leaving the Army, BAXAM lived in Laurel, Prince George's County, Maryland. On December 20, 2011, BAXAM boarded a plane at the Baltimore Washington International Airport (BWI) to travel to Somalia, via Kenya.

### **BAXAM's Arrest in Kenya**

7. On December 23, 2011, BAXAM was arrested by Kenyan authorities in Marereni, near Mombasa, Kenya, on suspicion of terrorism; that is, attempting to travel to Somalia to join Al-Shabaab. He was held at the Kenyan Anti-Terrorism Police Unit (ATPU) headquarters in Nairobi.

### BAXAM's Statements to the FBI

8. On December 27 and 30, 2011, BAXAM was interviewed by FBI agents in Nairobi, Kenya.<sup>1</sup> On each occasion, prior to being asked any questions, BAXAM was provided with an Advice of Rights form. The Advice of Rights form was read aloud and provided to BAXAM for his review. Since he was in the custody of the ATPU, BAXAM was told that the FBI could not advise him regarding local law pertaining to obtaining retained or appointed counsel. BAXAM reviewed the Advice of Rights form and initialed next to each line under "Acknowledgment of Rights and Waiver of Rights to an Attorney and to Remain Silent." On each occasion, BAXAM advised that he wished to speak with the interviewing agents without an attorney present. BAXAM then printed and signed his name at the bottom of the form. On each occasion, BAXAM stated that he was being treated fine by the Kenyan police. The following paragraphs contain the substance of some of the statements that BAXAM made during these interviews.

9. BAXAM was born in Takoma Park, Maryland in 1987. BAXAM attended Laurel High School in Laurel, Maryland and graduated in 2005.

10. After joining the Army in 2007 and attending basic training, BAXAM attended eight months of Advanced Individual Training for Cryptology and Intelligence at Goodfellow Air Force Base in San Angelo, Texas. Upon completion of training, BAXAM was assigned to the 18th Airborne Corps at Fort Bragg in Fayetteville, N.C. BAXAM was only in N.C. for approximately one month before being deployed to Baghdad, Iraq. After his tour in Iraq, BAXAM returned with his unit to Fort Bragg. BAXAM reenlisted and received orders to Korea with the 2nd Infantry Division. In August 2010, he deployed to Camp Red Cloud, for a one year assignment in Korea. BAXAM did not finish his entire year in Korea; approximately one month prior to completion, he separated from the Army.

11. In July 2011, BAXAM returned to Maryland and resided with his father. He applied for work at a few businesses but did not try hard to find a job. He was eventually hired and paid well by a named television services company. BAXAM later

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<sup>1</sup> On December 26, 2011, FBI agent Matthew W. Espenshade, assigned as the FBI's Assistant Legal Attache at the U.S. Embassy in Nairobi, visited Baxam at the ATPU headquarters where he introduced himself by name and stated that he was employed at the Embassy. In a conversation that followed, Baxam was asked about and provided the circumstances of his arrest. No Miranda warnings were used during that conversation and no statements made by Baxam at that time are related herein.

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quit this job because money was not important to him.

12. BAXAM converted to Islam approximately seven to ten days before he separated from the Army, in July 2011. Prior to Islam, he had no real religious affiliation. One evening, BAXAM was surfing the internet and came across a named Islamic religious website. An article therein about the Day of Judgment spoke to BAXAM. BAXAM read more and immediately realized that Islam was the truth. He wanted to read more about Islam and the more he read, the more he wanted. BAXAM's conversion was in secret, except that his roommate in the Army eventually figured it out because he saw BAXAM's prayer rug and books.

13. After BAXAM returned to Maryland from Korea, he spent his time reading and praying. BAXAM considered it his duty to conduct his "*hijra*" or migration to an Islamic land (*Darul Islam*). The only true Islamic lands, the places which are actually governed by true *Sharia* law, are Taliban-controlled areas of Afghanistan; Al-Shabaab-controlled areas of Somalia; and the southern islands of the Philippines, where a group the West considers as terrorists is trying to establish *Sharia* law. These were the only acceptable places for BAXAM to migrate to. BAXAM said that if he were living with Al-Shabaab or the Taliban and the United States invaded or the host country tried to institute a democratic government then he would fight against it. If the defense of *Sharia* law is required then he would fight for it. His loyalties are to Islam and not to the United States. BAXAM wanted to make his *hijra* to Somalia and defend *Sharia* law under Al-Shabaab. The *hijra* was the important part; he planned to stay in Somalia even if it was at peace. BAXAM would also defend it [Al-Shabaab in Somalia] if it was under attack, which it is right now. The world is trying to destroy Islam and is using the military in the three areas that are fighting for *Sharia* law.

14. BAXAM said that living an Islamic way of life in the United States is oppressive. To live as a Muslim in the United States you need to compromise. He finds the constant playing of music and constant display of pictures disrespectful. Only Allah can create images.

15. BAXAM was afraid to search for Al-Shabaab on his home computer because he is aware of the capabilities of the United States government. BAXAM understands IP addresses and knows that they can be traced to their source. Before

leaving for Somalia, BAXAM destroyed his computer. The computer is far, far away and it will never be found. BAXAM took the computer out to his father's porch and hit it with a blunt object. He then threw the remains in a dumpster. BAXAM destroyed the computer because he did not want anything on his record and it would help him to keep a low profile.

16. One day BAXAM had read a *sura* in the Quran that told him to do *hijra*. It was at this time that Allah provided him with the opportunity. BAXAM cashed out his Thrift Savings Plan (TSP) balance, which was approximately \$3,500, and had those funds transferred to his USAA bank account. Within one week he had purchased his plane ticket to Kenya. BAXAM purchased a round trip ticket because he assumed that it was less expensive and because he did not want to stand out. BAXAM knew that buying a round trip ticket would not raise suspicion.

17. BAXAM paid approximately \$1,600 for the ticket. He also loaned \$1,000 to someone in Maryland who needed the money more than him. BAXAM refused to provide further details of who he loaned the money to. It is also an Islamic requirement that he pay his bills prior to departure. BAXAM attempted to reach out to someone in Korea to whom he still owed money. BAXAM could not reach the person but Allah would forgive BAXAM because he made the effort. BAXAM set out on his travel to Somalia with between \$600 and \$700. He planned to give the money to Al-Shabaab as *zakat* [offering] shortly after he crossed into Somalia.

18. During his travel, BAXAM tried to keep a low profile; he did not speak to a lot of people because he wanted to avoid drawing attention to himself. He did not become friends with anyone. BAXAM traveled with only a few items: the Quran, books of *Hadeeth*, a prayer mat, a towel, razors, and miscellaneous books on Islam including "Life of the Last Prophet."

19. Baxam flew on American Airlines from Baltimore on Tuesday night [December 20, 2011] and arrived in London on Wednesday where he had a 12 hour layover. On Wednesday evening, he flew on Virgin Atlantic to Nairobi and arrived at the airport in Nairobi, Kenya on Thursday morning [December 22, 2011]. BAXAM traveled to the largest mosque in Nairobi and attended prayer. BAXAM did not make friends at the mosque but asked locals for directions to the bus station. After stating that he

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intended to travel to Mombasa, Kenya, the locals directed him to the appropriate bus station. BAXAM purchased a ticket on the MASH POA bus line. In total, BAXAM was in Nairobi for approximately 12 hours. He took a night bus to Mombasa, which arrived the following morning.

20. Upon his arrival in Mombasa, BAXAM asked for directions to the nearest mosque. BAXAM found the mosque and attended morning prayer service. Following prayer, BAXAM found a nearby restaurant and ate breakfast. Thereafter he hired a taxi to take him north to Malindi, Kenya. In Malindi, BAXAM attended Friday prayer and again hired a taxi to travel "as far north as possible." BAXAM believed that he was dropped off in the city of "Marareme" but he could not recall the exact name or correct pronunciation. Once in "Marareme," he asked locals for direction to the bus station. BAXAM hoped to find a bus to Garissa, Kenya.

21. BAXAM found the bus station and boarded a bus that he thought was going to Garissa. The locals pronounced the destination city as something similar to "Arara." An individual boarded the bus and asked BAXAM questions such as "where are you going?", "do you speak the local language?", and "do you have family here?" BAXAM believed the man was Muslim so he (BAXAM) trusted him and spoke to him. BAXAM did not ask if he was Muslim because that would be rude. The man said that he would help BAXAM reach Garissa but the man needed to first depart the bus to buy a ticket. The man never returned but the bus was soon stopped by the Kenyan Police. BAXAM believes that the unidentified man was an informant for the Police. There were multiple signs at each of the bus stations noting that people should report suspicious behavior to the police. BAXAM believed that his travel must have looked suspicious. The Kenyan Police removed BAXAM from the bus and arrested him for trying to travel to Somalia.

22. BAXAM intended to reach Al-Shabaab-controlled territory in southern Somalia. BAXAM wanted to live under *Sharia* law. He did not have any names or contacts to reach out to. BAXAM trusted in Allah. Al-Shabaab controlled the land immediately across the Kenya border. His plan was to cross the border and find the first mosque. That mosque would be an Al-Shabaab mosque. BAXAM wants to practice Islam unoppressed until he dies. He was asked what he thought his role would be with

Al-Shabaab to which he stated that he would just be another body there.

23. The War on Terror is a War on Islam. Ethiopia, Kenya, and the TFG are fighting Al-Shabaab because of *Kufars* [non-believers]. The Afghanistan Taliban is a sign; their successful resistance is proof of Allah's existence. The United States and all of the countries involved in the coalition are all falling into collapse. This is the result of Allah. The combined forces of these countries cannot beat the Taliban. The U.S., even with 100,000 soldiers and advanced weapons, cannot defeat a few thousand Taliban who are fighting with outdated weapons and no technology. The weapons and technology are irrelevant because Allah is on their side. The World is at war with Islam and the World is losing.

24. Defensive *jihad* is required under *Sharia* law. Offensive *jihad* is questionable but only Al Qaeda is conducting offensive *jihad*. BAXAM was traveling to join Al-Shabaab, not Al Qaeda. BAXAM was not looking for Al Qaeda, he was looking for *Sharia* law. Al Qaeda and Al-Shabaab might be combined but he would have to ask Al-Shabaab. It is apparent that Al-Shabaab took on the tactic of suicide bombings from Al Qaeda. The two groups might be tied together.

25. BAXAM saw himself dying in Somalia. It might be from malaria or from being hit by a rocket. Only Allah could know. BAXAM never intended to return from Somalia. BAXAM was "looking for dying with a gun in my hand." He would be happy to die defending Islam; being mowed down or hit with a cruise missile. If someone dies defending Islam, they are guaranteed a place in *Jannah* [paradise].

26. The western media reports that Al-Shabaab is destroying shrines. BAXAM believes that is a good thing, "that's one point for Shabaab." Sufism is wrong and Al-Shabaab is following *Sharia* when they destroy shrines. When asked if BAXAM was aware that Al-Shabaab beats people seen on the street during prayer time, BAXAM responded, "that is awesome." BAXAM noted that he wanted even more to join Al-Shabaab. Muslims have to attend prayer and they can be beaten for not attending. Muslims are allowed to beat other Muslims because their faith is stronger.

27. BAXAM was caught trying to enter Somalia and join Al-Shabaab. He was going to Somalia to join Al-Shabaab and killing is justified in Islam. Islam is a religion



of self defense. If Islam is under threat<sup>2</sup>, defensive *jihād* is an obligation. If Kenya's military entered south Somalia and tried to bring democracy, he would fight. This action is justified in Islam. BAXAM knows that he was caught and he is accepting of his fate. He is aware that Kenya and the United States consider Al-Shabaab a terrorist organization. BAXAM does not care if he spends the rest of his life in jail in Kenya or the United States. This life is not important, only the next life is. In Islam, BAXAM gets credit for having tried to conduct *hijra* just as if he had made it.

28. BAXAM stated that if he was released he would take care of his dying father and then should his father die, he would then decide if he would try to rejoin al Shabaab. He stated that "I'd be better off in Somalia".

#### **Corroboration of BAXAM's Statements**

29. BAXAM's travel to and presence in Kenya, and the circumstances surrounding his arrest, corroborate his statements about his intent to provide material support and resources to Al-Shabaab and the substantial steps taken by him to accomplish that purpose. In addition, the following paragraphs summarize some documentary evidence that has been gathered to date.

30. Records of the United States Army confirm BAXAM's statements about his military service set forth above.

31. Records of the United States Department of Homeland Security, Customs and Border Protection (CBP), confirm BAXAM's round trip ticket including his flight from BWI on to Nairobi, Kenya on December 20, 2011, and his return flight reservation. These records also confirm his return from Korea on July 13, 2011.

32. Records of TSP confirm that on November 30, 2011 Baxam requested closing of his TSP account and on December 6, 2011, TSP sent \$3613.38 to Baxam's USAA bank account.

#### **CONCLUSION**


33. The foregoing facts and circumstances demonstrate probable cause to believe that BAXAM, while living in Maryland, formed an intention to travel to Somalia, join Al-Shabaab, which he knew to be a designated foreign terrorist organization, and fight for Al-Shabaab; and that BAXAM thereafter took substantial steps to act upon his

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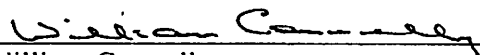
<sup>2</sup> Baxam stated that he believed that Islam was already under threat; see paragraphs 13 and 23 above.

intention by cashing out his TSP, buying a plane ticket, going to BWI Airport and flying to Kenya, and thereafter traveling in Kenya toward the border with Somalia, all in his effort to join and fight for Al-Shabaab.

34. For the foregoing reasons, there is probable cause to believe that CRAIG BENEDICT BAXAM unlawfully and knowingly did attempt to provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), that is, to knowingly provide himself as personnel to work under the direction and control of a designated foreign terrorist organization, that is, Al-Shabaab, knowing that Al-Shabaab was designated as a terrorist organization under 8 U.S.C. § 1189, has engaged or engages in terrorist activity, as that term is defined in 8 U.S.C. § 1182(a)(3)(B), and has engaged or engages in terrorism, as that term is defined in 22 U.S.C. § 2656f(d)(2), all in violation of 18 U.S.C. § 2339B.

  
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John B. Phillips III  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me this 9<sup>th</sup> day of January, 2012.

  
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William Connelly  
United States Magistrate Judge  
District of Maryland