



U.S. Department of Justice

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October 30, 2015

The Honorable Michael J. Davis
United States District Court Judge
United States Courthouse
300 S. Fourth Street
Minneapolis, MN 55415

Re: Guled Ali Omar, Criminal No. 15-49(MJD/FLN)

Dear Judge Davis:

On November 2, 2015, the defendants in the above-referenced case will appear in court to be arraigned on the second superseding indictment filed on October 21, 2015.

Over the past few days, the family of defendant Guled Omar has made statements in the media, including in an October 23, 2015, *Minneapolis Star Tribune* article entitled "Accused ISIL recruit's conditions 'inhumane,' family says." In the article, the family claims that Omar is suffering both physically and mentally from what they have described as "inhumane conditions" at the Ramsey County jail. At different times, the media has reported allegations that defendant Omar is "depressed" and "suffering" and that he is struggling under the current conditions.

As United States Attorney for the District of Minnesota, I take such allegations seriously. While conditions of confinement are generally under the jurisdiction of the United States Marshal and the local facilities that house federal inmates awaiting trial, I have inquired into two issues raised by the media reports. First, why has Omar been transferred between the Anoka and Ramsey jail facilities when other defendants have not? Second, what is the status of Omar's physical and mental well-being? With the assistance of others, I have gathered information to address these questions.

I submit this letter to the Court and counsel with the results of my inquiry. I welcome input from Omar's counsel as to any of the matters raised in this letter.

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1. Omar's Transfers Between Anoka and Ramsey

When he was first arrested in April 2015, Omar was housed at the Ramsey County jail. Omar's attorney filed complaints with this Court regarding the limited visitation hours at Ramsey County. At the time, I am told that the jail was undergoing changes in its computerized visitation system. On May 12, 2015, at the request of Omar's counsel, this Court ordered that defendant Omar be moved to the Anoka County jail.

Also housed at the Anoka county facility was defendant Abdullahi Yusuf. Yusuf had already pled guilty and was cooperating with the government in this case. He is expected to be called as a witness by the government at trial. Experience has shown that separating defendants from potential adverse witnesses ensures the safety of the witnesses, of other inmates in the facility and of jail staff, while also preserving the integrity of the criminal justice system. When, as is the case here, a defendant repeatedly endeavors to make contact with a witness, the best practice is to separate the defendant from the witness.

Specifically, after Omar was transferred to the Anoka facility, the government received numerous reports that he was contacting, and attempting to contact, Yusuf to discuss Yusuf's cooperation. After repeated reports about such contacts, on May 22, 2015, Omar was transferred to the Ramsey facility where he could not be in contact with Yusuf. To be clear, when he was questioned, Omar denied contacting or trying to contact Yusuf.

Shortly after Omar was transferred, Omar's attorney again complained about the conditions at Ramsey County, and, on June 5, 2015, Omar was transferred back to Anoka County.

Almost immediately, the government received new reports that Omar was contacting and attempting to contact Yusuf. In addition, reports from the facility showed that individuals who visited Omar on occasion then made unwanted visits to Yusuf. One report stated that the visitors delivered a message to Yusuf from Omar about Yusuf's cooperation. Again, Omar denied the allegations.

As a result, on or about September 9, 2015, Omar was transferred back to the Ramsey County jail.

While Omar has denied the allegations that he has tried to intimidate or harass a cooperating witness, it was deemed prudent to have the two separated, which has been the case ever since. To my knowledge, we have received no reports that other defendants have tried to contact Yusuf, and no other defendants have been moved for this reason.

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2. Omar's Current Conditions at Ramsey County

Starting September 30, 2015, in accordance with defense counsel's request and this Court's order, Omar has been transported out of the Ramsey facility to the federal courthouse every Wednesday for the entire day. At the courthouse, Omar is fed, and is permitted to meet with his lawyer for as long as they deem necessary, and is permitted to review case-related materials and work on a laptop. I have asked whether he has made any complaints to those transporting him or those accompanying him during his time at the federal courthouse about his physical or mental well-being. I am aware of no such reports by Omar.

Additionally, Omar is visited approximately once per day by a jail official at the Ramsey facility who checks on his welfare. I am told that his behavior is not indicative of someone under the type of duress reported in the media.

I have learned that Omar has made over 100 telephone calls at the Ramsey facility and has had a recent face-to-face visit while in custody. I am aware that inmate calls and visits are routinely recorded – a fact that is made known to all inmates. I have asked whether there is evidence on these recorded calls of Omar displaying any signs of duress, or making any complaints such as those discussed in the media. While we have not had the time to review every call this past week, those who have reviewed calls have told me they are unaware of any such complaints or signs. To be sure, like many inmates, Omar has complained about the food at Ramsey and similar issues. He has also requested a sweatshirt. However, nothing on the calls rises to the level of distress reported to the media.

Moreover, I personally reviewed one recent call and one recent video conversation so that I could hear how Omar sounds and whether he appears to be ill. What I heard is just the opposite. On a very recent call, Omar discussed his confinement with a friend. During the call, he sounded alert, actively engaged and upbeat. When asked by his friend about the conditions at Ramsey, Omar replied: "I'm lovin' it in here." He then went on to explain how he uses his time to read the Quran and that he is studying and learning each day. He can be heard laughing on the call, and said that he is "enjoying my time." Omar's inflection, tone of voice and affect do not sound like a person suffering mentally or physically.

I also watched a recent video conversation between Omar and a friend. In the video, Omar is seen engaged, laughing, smiling and conversant. He made no comments to suggest that he is struggling under the terms of his confinement. And he shows no indication of being depressed or suffering as described in the media.

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If helpful, we will make the recordings of these calls available to the Court and counsel.

As stated above, I take seriously the recent allegations about Omar's condition. In the short time available since the allegations were made, I and others in my office have attempted to learn more about the defendant's well-being. What we have found does not support the allegations that have been made. Of course, there very well may be information in addition to that which we have gathered. If there is other evidence in the possession of the defense that sheds light on the allegations made to the media, I would welcome the opportunity to review it and report further.

Finally, to the extent that Omar has specific pre-trial complaints of any nature, I hope in the future these will be raised by counsel through a properly filed motion to this Court, where relief, if warranted, is available.

Sincerely,

s/ Andrew M. Luger

ANDREW M. LUGER
United States Attorney

cc: Glenn Bruder, Esq.