

# ***NEWS RELEASE***

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## ***OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA***

*San Diego, California*

*United States Attorney  
Carol C. Lam*

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*For Immediate Release*

### **NEWS RELEASE SUMMARY** - September 27, 2006

United States Attorney Carol C. Lam announced the filing of a Complaint charging Yssouf Diabate with attempted export of defense articles without a license, in violation of the Arms Export Control Act. The Complaint was filed today in federal district court in San Diego, California.

According to the Complaint, Diabate is a citizen of the Republic of Côte d'Ivoire (the "Ivory Coast") currently residing in Brooklyn, New York. The Complaint alleges that Diabate repeatedly met with an undercover government agent in San Diego to negotiate the purchase and illegal export of firearms and high-capacity firearm magazines to the Ivory Coast.

According to the complaint, in August 2006, Diabate gave an undercover government agent a shopping list of firearms and firearm magazines that Diabate wanted to purchase and export to the Ivory Coast, even though Diabate knew that it is illegal to export the guns and magazines from the United States without an export license from the United States Department of State, and even though Diabate knew that the State Department has placed an embargo on the export of defense articles (such as firearms) to the Ivory

Coast. The Complaint alleges that Diabate gave the undercover government agent a \$10,000 cashier's check as a down payment. The Complaint further alleges that, on September 26, 2006, Diabate met with the undercover government agent again in San Diego, and that Diabate paid the undercover agent another \$13,200 in cash to complete Diabate's purchase of the following items:

- Twenty-six (26) Glock, model 19, 9 millimeter firearms;
- Two (2) Glock, model 26, 9 millimeter firearms;
- Two (2) Glock, model 21, .45 caliber firearms;
- Two (2) Smith & Wesson, model SW9VE, 9 millimeter firearms;
- Two (2) Beretta, model PX4, 9 millimeter firearms;
- Two (2) Beretta, model 3032, .32 caliber firearms;
- Two (2) Sig Sauer, model P232, .380 caliber firearms;
- Ten (10) Glock 17-round firearm magazines;
- Ten (10) Streamlight M3 gun-mount illuminators; and
- Five (5) Laser Max sights.

According to the Complaint, in a storage facility in San Diego, Diabate broke the guns down into parts and then packed the hollow spaces of two video monitors with gun parts. The Complaint alleges that Diabate then delivered a large video monitor filled with gun parts to a UPS office in San Diego for shipment to the Ivory Coast. The Complaint further alleges that Diabate did not tell the UPS employee that the monitor was filled with thousands of dollars worth of gun parts, but instead signed a shipping invoice falsely describing the shipment as "monitor-camera and accessories to friend" with a total value of \$400. When Diabate left the UPS office, Special Agents of the United States Department of Homeland Security, Immigration and Customs Enforcement, and the Defense Criminal Investigate Service placed him under arrest.

Diabate is expected to be arraigned on Thursday, September 28, 2006, at 1:30 p.m. before Magistrate Judge Barbara L. Major.

**DEFENDANT**

Yssouf Diabate

**Magistrate Case No. 06 MG 1776**

Brooklyn, New York

Age: 40

## **SUMMARY OF CHARGES**

Title 22, United States Code, Section 2778(b)(2) and (c) - Attempted Export of Defense Articles Without a License; Maximum penalties: 10 years in prison and a \$1,000,000 fine.

## **PARTICIPATING AGENCIES**

Immigration and Customs Enforcement, Department of Homeland Security  
Defense Criminal Investigative Service, Department of Defense

**A Complaint itself is not evidence that the defendant committed the crimes charged. The defendant is presumed innocent until the Government meets its burden in court of proving guilt beyond a reasonable doubt.**