

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

KHALED ABDEL-LATIF DUMEISI

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Beginning in or about 1997 and continuing until the present, in Cook County, in the Northern District of Illinois defendant did, 1) act in the United States as an agent of a foreign government, Iraq, without prior notification to the Attorney General, in violation of Title 18, United States Code, Section 951(a), and 2) did conspire with others to commit an offense against the United States, to wit , to act in the United States as an agent of a foreign government in violation of Title 18, United States Code, Section 951(a), in violation of title 18, United States Code, Section 371.

I further state that I am a(n) Special Agent of the FBI Official Title and that this complaint is based on the following facts:

See attached affidavit

Continued on the attached sheet and made a part hereof: Yes No

Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

at Chicago, Illinois
City and State

EDWARD A. BOBRICK
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

I. INTRODUCTION

1. I, John A. Brown, being duly sworn, depose and state as follows:
2. I am employed as a Special Agent of the Federal Bureau of Investigation (FBI), assigned to the Chicago Field Office. I have been so employed since 1999 and have exclusively handled foreign counterintelligence matters. I have completed FBI training in foreign counterintelligence matters and as a result of my training and experience, I am familiar with the tactics, methods, and techniques of foreign intelligence services and their agents.
3. I have been involved in the investigation of KHALED ABDEL-LATIF DUMEISI, also known as KHALED DUMEISI, ABU WALID¹, and SIRHAN, from June 2000 until the present. Unless specifically stated herein, the information set forth in this affidavit is based on my personal knowledge or was communicated to me by other FBI personnel working on this matter. I have not included each and every fact known to me and other FBI agents concerning this investigation. Rather, I have set forth only the facts, derived through interviews, grand jury testimony, documents obtained from KHALED ABDEL-LATIF DUMEISI (hereinafter DUMEISI), and evidence collected to

¹It is customary within the Arabic culture to address a father by combining the term "ABU" (which means "father of") with the name of the father's oldest son. I am aware through previous investigation that DUMEISI's oldest son's first name is WALID. Therefore, DUMEISI is commonly referred to as ABU WALID.

date², that I believe are necessary to establish probable cause for the issuance of a complaint charging DUMEISI with violations of Title 18, United States Code, Section 951 (a) (Acting as an agent of a foreign government without prior notification to the Attorney General) and Title 18, United States Code, Section 371 (Conspiracy).

II. STATUTORY DEFINITIONS

REQUIREMENT TO REGISTER AS AN AGENT OF A FOREIGN POWER

4. Title 18, United States Code, Section 951(a), states, and did state at all times from July 1, 1998, through the date of this affidavit: "Whoever, other than a diplomatic or consular officer or attaché, acts in the United States as an agent of a foreign government without prior notification to the Attorney General if required in subsection (b), shall be [guilty of a felony]." Section 951(b), which is referenced in that language, states, and did state from July 1, 1998, through the date of this affidavit: "The Attorney General shall promulgate rules and regulations establishing requirements for notification." The regulations referred to by that statute are set forth in Title 28 of the Code of Federal Regulations, Part 73.

²During an interview with the FBI on May 6, 2003, DUMEISI provided the FBI with written consent to search his office located at [REDACTED], Burbank, Illinois, his residence located at [REDACTED], Oak Lawn, Illinois, and his vehicle, a 1995 Mercury Villager, Illinois license # [REDACTED]. Evidence from that search supports this application, further described below.

a. 28 C.F.R. §73.1(c) stated at all times from July 1, 1998, through the date of this affidavit:

i. (a) The term agent means all individuals acting as representatives of, or on behalf of, a foreign government or official, who are subject to the direction or control of that foreign government or official, and who are not specifically excluded by the terms of the Act or the regulations thereunder.

ii. (b) The term foreign government includes any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated.

iii. (c) The term prior notification means the notification letter, telex, or facsimile must be received by the addressee named in §73.3 prior to commencing the services contemplated by the parties.

b. 28 C.F.R. §73.3 states, and did state at all times from July 1, 1998, through the date of this affidavit:

i. (a) Notification shall be made by the agent in the form of a letter, telex, or facsimile addressed to the Attorney General, directed to the attention of the Registration Unit of the Criminal Division [of the Department of Justice], except for those agents described in paragraphs (b) and (c) of this section.

ii. (b) Notification by agents engaged in intelligence, counterintelligence, espionage, counterespionage or counterterrorism assignment or service shall make notification in the form of a letter, telex, or facsimile addressed to the Attorney General, directed to the

attention of the nearest FBI Legal Attache.

- c. Title 18 United States Code, Section 951(d), now and at all times from July 1, 1998 through the date of this affidavit, defined the term "agent of a foreign government" as:

an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official, except that such term does not include --

- i. (1) a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State;
 - ii. (2) any officially and publicly acknowledged and sponsored official or representative of a foreign government;
 - iii. (3) any officially and publicly acknowledged and sponsored member of the staff of, or employee of, an officer, official, or representative described in paragraph (1) or (2), who is not a United States citizen;
 - iv. (4) any person engaged in a legal commercial transaction.
- d. 28 C.F.R. 73.1(f) states, and did state at all times from July 1, 1998, through the date of this affidavit:
- i. The term legal commercial transaction, for the purpose of 18 U.S.C. 951(d)(4), means any exchange, transfer, purchase or sale, of any commodity, service or property of any kind, including information or intellectual property, not prohibited by federal or state legislation or implementing regulations.

CONSPIRACY

5. Title 18, United States Code, Section 371 states:

If two or more person conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

III. SUMMARY OF INVESTIGATION

6. The results of this investigation to date establish that there is probable cause to believe that DUMEISI acted as an agent of a foreign government, Iraq,³ (hereinafter Government of Iraq or GOI) and conspired with others to do so, in violation of Title 18, United States Code, Sections 371 and 951 (a). DUMEISI's conduct constituting such violations include:
- a. Producing Press Identification Cards for Iraqi Intelligence Officers.
 - b. Reporting to the Iraqi Intelligence Service on individuals and entities within the United States who were in opposition to the GOI, including providing surreptitiously obtained telephone records of an Iraqi opposition leader.
 - c. Receiving both financial and material support from the GOI to facilitate his activities.
 - d. Traveling to Iraq and receiving instruction in intelligence tradecraft from the Iraqi Intelligence Service.

³ For purposes of this complaint and affidavit, the term Government of Iraq refers to the government in power prior to Operation Iraqi Freedom.

IV. KHALED DUMEISI

7. Records of the Immigration and Naturalization Service (INS) reflect that DUMEISI is a Permanent Resident Alien of the United States who emigrated to the United States on March 27, 1993. On April 30, 1996, DUMEISI submitted an Application to Register Permanent Residence or Adjust Status with the United States Immigration and Naturalization Service. On that application, DUMEISI listed his name as KHALED A.L. DUMEISI and his place of birth as Palestine.
8. DUMEISI's INS records indicate that DUMEISI applied for United States citizenship on December 27, 2001. On his application for U.S. citizenship, DUMEISI identified himself as a Jordanian citizen. DUMEISI was subsequently interviewed by the INS in connection with his citizenship application on September 17, 2002. His application for citizenship was denied on November 26, 2002 for failure to provide the necessary documentation as requested by INS.
9. DUMEISI is the registered agent, president and incorporator of AROUND-THE-WORLD NEWS, INC., which was incorporated in the State of Illinois on August 24, 1998. DUMEISI registered the corporation under the name KHALED A. AL DUMEISI. DUMEISI identified the purpose of incorporation as follows: "to engage in the business of printing and distribution of periodicals in the Arabic and English languages in the field of journalism, both domestically and internationally and to engage in any

lawful purpose relating to the above for which corporations may be organized under the Business Corporation Act of 1983."

BACKGROUND OF DUMEISI'S BUSINESS ACTIVITIES

10. The AL-MAHJAR is an Arabic language publication of AROUND-THE-WORLD NEWS, INC. DUMEISI rents office space for AL-MAHJAR at 6000 W. 79th Street, Suite 203, Burbank, Illinois. In an interview with the FBI on May 6, 2003, DUMEISI informed the interviewing agents that recently he has published AL-MAHJAR on a monthly basis, printing 5,000 copies per edition. DUMEISI advised that AL-MAHJAR is distributed free of charge, has approximately 60 to 70 subscribers, no paid employees, and is primarily funded through advertising. DUMEISI advised that he received approximately \$6,000.00 in advertising income for the April 2003 edition of the AL-MAHJAR and sometimes has earned \$7,000.00 to \$7,500.00 in advertising income per issue.

V. WITNESS STATEMENTS

11. Much of the information contained in this affidavit regarding DUMEISI's activities for the GOI was provided by four individuals who are cooperating with the FBI. They are described as follows:
 - a. Individual A: Individual A has been acquainted with DUMEISI for approximately seven to eight years, and has been a regular contributor of articles to the AL-MAHJAR for approximately two years. Individual A holds a position of trust with DUMEISI, and much of the

information he/she has provided has been corroborated by the FBI in this investigation.

- b. Individual B: Individual B is an admitted former Iraqi Intelligence Officer who met DUMEISI approximately two years ago at the Iraqi Mission to the United Nations (IMUN)⁴. Individual B is familiar with the personnel, procedures, and techniques of the Iraqi Intelligence Service.
- c. Individual C: Individual C previously shared office space with DUMEISI and assisted in the publication of AL-MAHJAR from approximately 1998 to 2000. During that time period, Individual C was a close associate of DUMEISI's and spent a good deal of time in the AL-MAJAR office. Much of the information he/she has provided has been corroborated in the FBI's investigation of DUMEISI.
- d. Individual D: Individual D assisted DUMEISI in the publication of AL-MAHJAR from 1996 to 1999. During that time, Individual D had significant contact with the IMUN on behalf of DUMEISI and the AL-MAHJAR.

VI. IRAQ

12. During the time frame material to this affidavit, the GOI was an internationally recognized foreign government and was

⁴During the time frame material to this affidavit, the Iraqi Mission to the United Nations (IMUN) was an Iraqi diplomatic establishment in New York assigned to the United Nations and representing Iraqi interests at the United Nations. Throughout this affidavit the term IMUN and "Mission" are used interchangeably.

listed in the Diplomatic List published by the United States Department of State, and in the list of Permanent Missions to the United Nations published by the United Nations.

BACKGROUND ON FOREIGN INTELLIGENCE SERVICES

13. An intelligence service operating clandestinely in the United States is capable of a broad range of operations targeting the United States and persons residing in the United States. Those functions include espionage and other intelligence activities, sabotage, assassinations, surveillance of expatriates, and surveillance of U.S. military installations. Normally, an intelligence service cannot accomplish its mission in the United States, whatever it may be, without the assistance of persons either present or residing in the United States.
14. Persons recruited to obtain intelligence for foreign intelligence officers (IOs) are called "agents" or "assets." Generally, such "agents" or "assets" are supervised by an IO of the country seeking to conduct an intelligence operation. The IO who operates the agent is called the agent's "handler." To preserve an agent's ability to covertly obtain intelligence on a continuing basis, IOs may go to great lengths to maintain the secrecy of the agent's identity, including the use of intelligence tradecraft.
15. Intelligence tradecraft is defined as the skills and methods which enable IOs and their agents to clandestinely conduct

their intelligence activities. Examples of tradecraft techniques utilized by the foreign intelligence services include code names, code words, hidden cameras, hidden recording devices, and covert communication techniques.

THE IRAQI INTELLIGENCE SERVICE

16. Based on my training, experience and intelligence data, I am aware that the Iraqi Intelligence Service (IIS), or "General Intelligence," known in Arabic as the Da'irat al-Mukhabbarat al-'Amma, or the Mukhabbarat, was the foreign intelligence arm of the GOI. The IIS had multiple tasks assigned to it, including foreign intelligence collection (that is, the gathering of information regarding the intentions of foreign governments), counterintelligence (that is, the detecting efforts of foreign governments to gather intelligence about the GOI), and covert action.
17. In describing the Iraqi Intelligence Service in the United States, Individual B, the former Iraqi IO, advised that when Iraqi IOs were assigned to the IMUN they held the title of attache and resided within the IMUN, generally in the basement. Individual B further advised that Iraqi Intelligence Officers were stationed at the IMUN for only one year and were not allowed to bring their families with them to the United States. Individual B advised that there were two Iraqi Intelligence Officers posted as attaches at the IMUN at

all times. They were in charge of security, monitoring of the employees and gathering information of interest to the GOI.

18. Based on my training, experience, and intelligence data, I am aware that one of the primary missions of the IIS was collecting information regarding the activities and whereabouts of members of the Iraqi opposition.

VII. THE IRAQI OPPOSITION

19. The term "Iraqi Opposition" when used generally, connotes the many diverse individuals and groups which were organized and dedicated to the reform (or fall) of the former Iraqi regime under Saddam Hussein. Those groups included, but were not limited to, the Iraq Foundation, Iraqi National Front, Iraqi National Coalition, Kurdish Democratic Party, Patriotic Union of Kurdistan, Iraqi National Accord, and the Assyrian Democratic Movement.

THE IRAQ FOUNDATION AND THE IRAQI HOUSE

20. According to its website,

The Iraq Foundation is a non-profit, 501(C)3 corporation, working for democracy and human rights in Iraq, and for a better international understanding of Iraq's potential as a contributor to political stability and economic progress in the Middle East.

The Foundation was established in 1991 by Iraqi expatriates with the purpose of working with Iraqis and non-Iraqis in promoting its vision. The Foundation is non-partisan, non-sectarian, and non-ethnic, and is not affiliated with any other organization or political party.

In 1998, the Iraq Foundation launched the Iraqi Community Organizing Project (ICOP) to assist Iraqis in the United States in adjusting to their new environment,

and to help them build institutions for mutual assistance and civic representation.

21. Also according to the web site, as part of the ICOP, the Foundation assisted Iraqi refugee communities in five cities to establish "civil society" institutions called Al-Bayt Al-Iraqi or "Iraqi House". Chicago's Iraqi House is located at 3336 W. Lawrence, Chicago, Illinois.
22. Based on FBI interviews of Iraqi House employees, the Iraqi House exists primarily to assist Iraqi asylum-seekers with adjusting to life in the United States, such as finding employment and completing INS applications. An Iraqi House employee advised that although Iraqi House does not conduct any political activities, it is assumed that asylum-seekers are against the government of SADDAM HUSSEIN and support Iraqi opposition efforts. Also based on interviews of Iraqi House personnel, the Iraq Foundation is considered part of the Iraqi opposition.

VIII. IRAQI INTELLIGENCE OFFICERS AT THE IMUN

23. Through its investigation of DUMEISI, the FBI has determined that the individuals listed below, with whom DUMEISI interacted at the IMUN, were Iraqi Intelligence Officers. Evidence supporting the FBI's conclusions are presented below.

24. MOHAMMED QASEM AHMED DAOUD (True Name)⁵, aka KASSIM KHADER MOHAMMED, aka ABU MOHAMMED, aka, QASEM KHUDER MOHAMAD (hereafter KASSIM or ABU MOHAMMED) was an Iraqi Intelligence Officer.
- a. An FBI review of United States Department of State Office of Foreign Mission records indicated that KASSIM KHADER MOHAMMED, an Iraqi national, was listed as an attache at the IMUN from October 25, 2000 to December 7, 2001.
 - b. A summary English translation of a document seized in Iraq during Operation Iraqi Freedom reads "IIS assignment order for New York dated 4 June 2000, replacing MAHMOUD ALI ISHAN, true name MAHMOUD ABDELRAZAK KHALAF, with QASEM KHUDER MOHAMAD, true name MOHAMMED QASEM AHMED DAOUD."
 - c. Individual B advised that that ABU MOHAMMED was also known as KASSIM MOHAMMED. According to Individual B, MOHAMMED, who was at the IMUN, told Individual B that he (MOHAMMED) was an Iraqi Intelligence Officer. Individual B advised that in 2001 MOHAMMED was Chief of Station for the IIS at the IMUN, and that upon his return to Baghdad, MOHAMMED was promoted to the Vice-Chief of Iraqi

⁵I am aware that the Iraqi Intelligence Service, like other foreign intelligence services, used aliases and code names to disguise the true identity of its intelligence officers. Further, there are no "standard" translations of Arabic names, as translations are completed phonetically. Consequently, a variety of different spellings can result, based on the individual preferences of each translator.

Intelligence. Individual B testified that MOHAMMED introduced DUMEISI to Individual B when DUMEISI was in New York visiting the IMUN.

25. ABDUL RAHMAN KHARHOUT SAAD, aka ABU MOHANED was an Iraqi IO.
 - a. An FBI review of the United States Department of State, Office of Foreign Mission records indicated that ABDUL RAHMAN KHARHOUT SAAD, an Iraqi National, was listed as a counselor at the IMUN from August 16, 2001 to June 26, 2002. State Department records also indicate that SAAD's son's first name was MOHANAD, making SAAD's "nickname" ABU MOHANED.
 - b. Individual B told the FBI that ABU MOHANED, who was at the IMUN, told him he was an Iraqi Intelligence Officer.
 - c. On June 17, 2002, ABC News reported that the State Department ordered the expulsion of ABDUL RAHMAN I. K. SAAD, First Secretary at the IMUN on suspicion of spying on the United States.
 - d. On May 6, 2003, in an interview with the FBI, DUMEISI advised that ABU MOHANED was "kicked out" by the U.S. Government.
26. SAKEH MEDHI SALMAN HASSAN (True Name), aka SALIH ABDALLAH MAHMOUD and SALEH ABDULLAH MAHMOUD, was an Iraqi Intelligence Officer.
 - a. An FBI review of the United States Department of State Office of Foreign Mission records indicated that SALIH

ABDALLAH MAHMOUD, an Iraqi national, was listed as an attache at the IMUN from January 15, 2001 to March 31, 2002.

b. A summary English translation of a document seized during Operation Iraqi Freedom reads "IIS assignment order for New York, dated 20 September 2000, replacing QASEM RA'AD SUBHI with SALEH ABDULLAH MAHMOUD, true name SAKEH MEDHI SALMAN HASSAN."

27. SATTAR MAHMOUD KHUDEIR (True Name), aka LAITH MAHMOUD HAMAD, LAITH HAMAD, LAITH AL MASHADANI, LAITH, was an Iraqi Intelligence Officer.

a. An FBI review of the United States Department of State Office of Foreign Mission records indicated that LAITH HAMAD, an Iraqi national, was listed as an attache at the IMUN from December 19, 1997 to July 6, 1999.

b. A summary English translation of a document seized during Operation Iraqi Freedom read "IIS assignment memo dated 16 May 1999 specifying that LAITH MAHMOUD HAMAD, true name SATTAR MAHMOUD KHUDEIR, assigned to New York, will be replaced by MAHMOUD ALI ISHAN, true name MAHMOUD ABDELRAZAK KHALAF."

IX. DUMEISI'S CONTACT WITH IIS OFFICERS

28. In an interview with the FBI, on September 27, 1999, DUMEISI informed the FBI that he had regular contact, about once a

- week, with the IMUN.⁶ DUMEISI claimed that this contact was purely for journalistic purposes on behalf of AL-MAHJAR.
29. On May 6, 2003, DUMEISI advised the FBI that he generally travels to the IMUN twice a year, by invitation, to attend the celebration of Saddam Hussein's birthday in April and National Day in July. DUMEISI stated that his expenses to travel to and stay in New York were paid for by the IMUN.
30. DUMEISI told the FBI that he generally did not know the titles or positions of people at the Mission. However, DUMEISI admitted that he knew that Iraqi Intelligence Officers were stationed at Iraqi establishments.
31. DUMEISI further advised the FBI that he has spent time with ABU MOHAMMED⁷ and ABU MOHANED⁸ in the basement of the Mission, where they cooked meals, ate, and visited.

X. KHALED DUMEISI IS AN AGENT OF THE GOVERNMENT OF IRAQ

⁶Telephone records corroborate this. DUMEISI is the authorized subscriber to cellular telephone number (708) 829-8818. DUMEISI was formerly the authorized subscriber to home telephone number (708) 499-6698. The AL-MAHJAR, through DUMEISI, is the authorized subscriber to telephone numbers (708) 233-1303 and telephone number (708) 233-1302. The Iraqi Mission to the United Nations (IMUN) utilized telephone number (212) 737-4433 as the main switchboard, (212) 737-4434 and (212) 737-4435 as the secondary switchboard telephones and telephone number (212) 772-1794 as the office facsimile number. A review of telephone records found during the search of DUMEISI's office has determined that between November 26, 1996 and November 30, 1998 there were one-hundred-fifty-nine (159) telephone calls placed between telephone numbers associated with DUMEISI and the IMUN.

⁷ABU MOHAMMED was an Iraqi IO. See paragraph 24 above.

⁸ABU MOHANED was an Iraqi IO. See paragraph 25 above.

KHALED DUMEISI'S INTELLIGENCE TRAINING

32. Individual D advised that DUMEISI told him/her that he (DUMEISI) traveled to Baghdad, Iraq, where he met with the Iraqi Intelligence Service. DUMEISI provided that information to Individual D sometime before the year 2000, possibly in 1997 or 1998, soon after DUMEISI returned from Baghdad.
33. DUMEISI told Individual D that he first traveled to the Iraqi Embassy in Amman, Jordan, where he obtained a visa to travel to Iraq. While at the Iraqi Embassy, DUMEISI told the Iraqis what he wanted to do for Iraq, and they directed him to travel to the Al Rashid Hotel in Baghdad. Upon arriving there, DUMEISI found an agenda waiting for him. Two people accompanied DUMEISI in and around Baghdad, and made arrangements for him. DUMEISI used the Arabic word "Al Jamaa" (translated as "The Group") and ~~they~~ when speaking of the Iraqi Intelligence Service. DUMEISI used those terms in describing the two individuals who accompanied him in Baghdad.
34. Individual D advised the FBI that DUMEISI told him/her that the Iraqi Intelligence Service had trained him to use a pen which contained a hidden camera and microphone. DUMEISI showed Individual D the pen and told Individual D about it upon returning from Iraq. DUMEISI told Individual D that he used the pen to record an interview of an Iraqi opposition member. During the interview, DUMEISI wore the pen clipped to

the center of his shirt near the buttons for it to work better.

35. Individual C advised that in approximately 1999, DUMEISI told him/her that he (DUMEISI) visited the IMUN where he was paid \$3,000.00 to follow the activities of the Iraqi opposition in America. Individual C further advised that DUMEISI told Individual C that DUMEISI had to speak to people at the IMUN on a separate private cellular telephone every Thursday at 1:00pm. Individual C stated that he never saw DUMEISI make the call, but instead on Thursdays at 1:00pm, DUMEISI would lock the door to his office, or if Individual C was in the office, DUMEISI would go to his car to speak on the cellular telephone. Individual C told the FBI that DUMEISI was always alone when he took the calls.
36. On one occasion, DUMEISI told Individual D that he had an important phone call around 1:00pm that he didn't want anyone to know about. At exactly 1:00pm, DUMEISI took a call. During the call, Individual D was able to overhear DUMEISI's conversation. Individual D overheard DUMEISI speak in what Individual D believed was some type of code. In Arabic, DUMEISI said, "The dinner is ready. Let the group come." Individual D did not hear the entire conversation as DUMEISI walked away from Individual D. Later, after the phone call, Individual D asked DUMEISI about the dinner. DUMEISI told Individual D it was none of Individual D's business.

37. Individual D told the FBI that every Thursday at 1:00pm, DUMEISI either received a call from the IMUN or he called the IMUN via cellular telephone. DUMEISI never used his office phones for this call. DUMEISI used his cellular telephone which possibly ended in the numbers 1318.⁹
38. During the search of DUMEISI's residence, the FBI recovered a notepad sheet, folded in half, from inside the sleeve of a pocket calendar for the year 1996. Written in Arabic on the back side of the sheet is the following:
- | | | |
|------|-----------------|----------------|
| i. | ABU MOHAMMED | The Father |
| ii. | New York | Home |
| iii. | Taking Things | Advertisements |
| iv. | Important Items | The wedding |
| v. | Threat | Inoperable car |
39. Based on the my training and experience with the tactics, methods, and techniques of foreign intelligence services and their agents, I believe that the above reflects a rudimentary code system to be utilized by DUMEISI in connection with his foreign intelligence activities: that ABU MOHAMMED refers to KASSIM MOHAMMED, an Iraqi Intelligence Officer, and New York refers to the IMUN. Through this rudimentary code, DUMEISI would use the terms "father" and "home" when referring to KASSIM MOHAMMED and the IMUN. With regard to "inoperable

⁹An FBI review of the past issues of AL-MAHJAR indicates that (708) 233-1317 was identified as a contact number for the publication.

car," because DUMEISI had previously received threats from the Iraqi opposition and reported those threats to the Iraqi Intelligence Service, as discussed in paragraph 58 below, the FBI believes that when faced with threats, DUMEISI would convey the message that his car was inoperable.

DUMEISI PRODUCED AL-MAHJAR PRESS ID CARDS FOR THE IIS

40. During the search of DUMEISI's residence, the FBI seized a Press Card issued by the AL-MAHJAR NEWSPAPER in the name of KHALED DUMEISI.
41. Individual B advised that, in the presence of Individual B and others, KASSIM MOHAMMED asked DUMEISI if DUMEISI could make press passes¹⁰ belonging to DUMEISI's newspaper. DUMEISI replied that he could. DUMEISI told MOHAMMED and the others that all he needed was two photographs from each person. Individual B advised that he and the others gave their photographs to MOHAMMED. MOHAMMED gave the photographs, along with his own, to DUMEISI in person, in New York City. DUMEISI made the press identification cards as requested. MOHAMMED gave Individual B his press pass, telling Individual B that DUMEISI made it for him.
42. Individual B testified that, based upon his training and experience as an Iraqi IO, the press passes could be used to attend conferences and public gatherings to which they would

¹⁰Individual B uses "press passes" and "press identification cards" interchangeably.

not otherwise have access, because, as foreign diplomats they are required to present their diplomatic ID which would have identified them as employees of the Iraqi Mission.¹¹

43. Individual B provided his AL-MAHJAR Press Card to the FBI. The press identification card bore a picture of Individual B, a stamp that reads "ALMAHJAR Newspaper 6000 W. 79th St. Burbank, IL 60459 U.S.A.," and a signature "Individual B." Individual B stated that he had not signed the card himself. The card indicated that it was issued by the Arab-American Media Guild Chicago, IL. On the back of the card it reads:

AL-MAHJAR NEWSPAPER
New Yourk (sic) Office
Main Office: 6000 W. 79th St. Burbank, IL. 60459
Tel. (708 233-1303

44. During the search of DUMEISI's residence, the FBI seized a press card in the name of KHALED DUMEISI. The card was very similar to the card provided by Individual B, although DUMEISI's card represented that it was issued by Almahjar Newspaper Main Office, Cligago, (sic) IL.
45. During the FBI's search of DUMEISI's office, the FBI seized an Apple Macintosh IIci Computer. A file was located on the hard

¹¹Since 1991, Iraqi Diplomats assigned to the IMUN, to include IIS officers under diplomatic cover, were allowed to travel only within the five boroughs of New York City defined as Brooklyn, Queens, the Bronx, Manhattan, and Staten Island. Moreover, even though under diplomatic status, IMUN employees are routinely prohibited from attending certain functions and events. The AL-MAHJAR Press Identification Cards may have facilitated access that would have been otherwise restricted to those IIS officers.

drive which contained the same information as appears on DUMEISI's press identification card. Therefore, based on the foregoing, the FBI believes that the computer file recovered from DUMEISI's computer is in fact the file DUMEISI used to generate the press card found during the search of DUMEISI's residence.

46. A further review of the file from DUMEISI's computer provided evidence that the file contained text of two additional press cards. One press card was issued by the Arab American Media Guild Chicago, IL in the name of Salih A. Mahmoud¹², address 3150 Grand Concourse, Apt. 203, Bronx, NY 10468.
47. Based on the foregoing, the FBI believes that DUMEISI, per the instructions of KASSIM MOHAMMED, a known Iraqi Intelligence Officer, produced AL-MAHJAR press identification cards for the Iraqi Intelligence Service.

DUMEISI REPORTS ON IRAQI OPPOSITION MEMBERS TO THE IIS

48. In an interview with the FBI, Individual C advised that DUMEISI told Individual C that he (DUMEISI) received \$2,000 or \$3,000 from Mission personnel to help them gather information on Iraqi opposition efforts; specifically what the opposition was doing in the United States, where they were concentrated, what their strength was, and how dangerous they were.
49. Individual C further advised that a short time after DUMEISI's trip to Baghdad, DUMEISI wrote a negative article regarding

¹²Salih A. Mahmoud is an IO. See paragraph 26 above.

Iraqi opposition efforts. According to Individual C, DUMEISI told him/her that he wrote the article to "provoke" them in order to get more information about those involved.

50. Individual C further advised that after the article was published, people from the Iraqi opposition left messages for DUMEISI on his telephone answering machine. DUMEISI told Individual C that, at the request of the IMUN, he sent these answering machine tapes to the IMUN.
51. Individual C advised that upon DUMEISI's suggestion, DUMEISI and Individual C traveled to Cleveland, Ohio, where Individual C contacted a friend of his who invited Individual C and DUMEISI to dinner. Individual C advised that during dinner, DUMEISI asked questions about the Iraqi opposition, such as what they were doing in Cleveland and where they were concentrated.
52. During the FBI's search of DUMEISI's office, the FBI seized a letter, written in Arabic, from DUMEISI, reporting on his attempts to attend an Iraqi opposition conference. The letter is addressed to ABU RA'ED.¹³
53. During the FBI interview of DUMEISI on May 6, 2003, when shown the letter, DUMEISI said that he wanted to attend so that he could write a story about the conference for the AL-MAHJAR,

¹³On May 6, 2003, DUMEISI advised that ABU RA'ED worked for the IMUN.

and that he reported his efforts to the IMUN so he could show the IMUN that he was working hard to gain advertisers.

54. The FBI also seized a letter from DUMEISI's office which is typed in Arabic from DUMEISI to the Iraqi Institute in Washington, D.C. through the Iraqi House in Chicago requesting an invitation to the conference in New York on October 29th (no year mentioned).
55. The FBI seized a letter, dated September 9, 1999, faxed from the Iraqi Community Organization Program (ICOP) & Al-Bayt Al-Iraqi Chicago advertising a job vacancy for the position of Local Program Coordinator to coordinate and implement women and family-oriented programs at Al-Bayt Al-Iraqi.¹⁴ A fax cover sheet was also included. Hand-written in Arabic at the top of the faxed letter advertising the job vacancy was the following:
 - a. "Attention brother ABU RA'ED the respected/from AL-MAHJAR Newspaper"
56. Based on the hand-written note at the top of the faxed letter from Al-Bayt Al-Iraqi, I believe that upon receiving the fax, DUMEISI re-faxed the document to ABU RA'ED at the IMUN.

¹⁴I believe that the Iraqi Intelligence Service would be interested in existing employment opportunities at an Iraqi opposition organization as it may be viewed as an opportunity to possibly insert an Iraqi agent within the organization to report on the Iraqi opposition's activities.

57. The FBI also seized a letter, written in Arabic, from DUMEISI to MR. LAITH¹⁵ reporting that DUMEISI had received threats via phone messages as a result of publishing a response to one of their "elements" in issue number 63 which issue was provided to MR. LAITH. The letter notes that the threatening messages have been recorded and preserved.

DUMEISI RECEIVED FINANCIAL & MATERIAL SUPPORT FROM THE GOI

58. Approximately two years ago, DUMEISI told Individual A that he (DUMEISI) had received \$2,000.00 from "them", which Individual A understood to mean the IMUN.¹⁶ Approximately six months later, Individual A asked if DUMEISI had received any more money from the IMUN. DUMEISI responded negatively, and reported that two or three diplomatic people had been "kicked out" of the IMUN by the United States Government. DUMEISI told Individual A that among those "kicked out" was "my man" or "my friend."¹⁷

59. DUMEISI advised the FBI that he requested a computer from ABU MOHAMMED so that DUMEISI could access the Internet for stories

¹⁵LAITH is believed to be LAITH HAMAD SATTAR MAHMOUD KHUDEIR (True Name), aka LAITH MAHMOUD HAMAD, aka LAITH HAMAD, aka LAITH AL MASHADANI, aka LAITH, an Iraqi Intelligence Officer. See paragraph 27 above.

¹⁶ As set out in paragraph 48 above, DUMEISI also told Individual C that he received \$2,000 or \$3,000 from the IMUN.

¹⁷Per DUMEISI's previous statements regarding the expulsion of one his points of contact at the IMUN, I believe that DUMEISI's statements to Individual A regarding "my man" or "my friend" are referring to ABDUL RAHMAN I. K. SAAD, aka ABU MOHANED, an Iraqi Intelligence Officer.

- and information for his newspaper. ABU MOHAMMED gave him a computer and a monitor, which he brought back from New York.
60. Individual B advised the FBI that DUMEISI told him/her that he (DUMEISI) asked for more financial support from ABU MOHAMMED, telling ABU MOHAMMED at one point that he had turned down an offer to "work for another agency" in order to stay with ABU MOHAMMED.
61. Individual B advised the FBI that after ABU MOHAMMED left the IMUN, DUMEISI was "passed on" to another Iraqi IO at the IMUN. DUMEISI told Individual B that ABU MOHAMMED treated DUMEISI better than the others in budgetary matters. ABU MOHAMMED told Individual B that he (ABU MOHAMMED) "got DUMEISI good money."

PASSAGE OF IRAQI OPPOSITION PHONE RECORDS TO THE IIS

62. In interviews with the FBI from April 28, 2003 to May 2, 2003, a close friend of DUMEISI's, hereafter referred to as Individual E, advised the FBI that in early 2002 she told him that she was romantically involved with an individual who was a possible future President of Iraq (hereafter referred to as Individual F.) After Individual E told DUMEISI of her relationship with Individual F, DUMEISI offered to help her learn more about him. Subsequently Individual E gave DUMEISI a list of phone numbers called by Individual F.¹⁸ Individual E

¹⁸ Individual E reported that she was employed at an international long distance telephone service provider, during the time she was in contact with Individual F. She accessed

advised that after giving the phone numbers to DUMEISI, she received three telephone calls from an individual who identified himself only as ABU AYMAN, and who asked questions about Individual F. ABU AYMAN encouraged her to continue her relationship with Individual F.

63. On May 1, 2003, on behalf of the FBI, Individual E had a consensually monitored conversation with DUMEISI, during which DUMEISI told her that ABU AYMAN was a diplomat, and that he provided Individual E's telephone number to him because he wanted to help Individual E get more customers for the long distance phone carrier for which she worked.
64. Individual A advised that DUMEISI told Individual A that Individual E gave DUMEISI Individual F's telephone records and bank account records. DUMEISI further told Individual A that he (DUMEISI) told the IMUN about Individual E and Individual F's relationship and they (IMUN) asked DUMEISI to give them all the papers regarding Individual F. DUMEISI further told Individual A that he provided the records to the IMUN as requested.

IIS RECORDS RECOVERED IN IRAQ

65. On or about 04/23/2003, a dossier was obtained by members of the Iraqi National Congress (INC)¹⁹. According to the INC,

Individual F's telephone records via her computer at the long distance carrier.

¹⁹INC is an Iraqi opposition umbrella group described in an April 10, 2003 U.S. Department of State Press Briefing as playing

this dossier was seized from an Iraq Intelligence Service safehouse in Baghdad, Iraq. The dossier was then provided to the FBI. A preliminary translation from Arabic to English of the contents of this dossier indicates that it is a file containing IIS reports regarding the activities of an agent/asset code-named ❖Sirhan,❖ whom I believe to be Dumeisi.

66. ❖Sirhan❖ is identified as having a pro-Iraqi/Arab newspaper in Chicago called the AL-MAHJAR. In an internal IIS document, it is stated that Sirhan has a friend, identified as Individual E, who has a romantic relationship with Individual F (referred to in the document as ❖The Evil-Doer.❖) The document indicates that ❖Sirhan❖ is tasked to cultivate Individual E, who is identified as an employee of a phone company, and who obtained a list of telephone calls Individual F made. This document reflects that the list of these phone calls is enclosed with the communication. At the conclusion of this IIS document it is stated that a goal should be continuing to task Individual E, through ❖Sirhan,❖to provide information relating to Individual F, including his contacts, activities, travel, and a list of phone numbers that he contacts, especially those outside the United States.

67. Included in this dossier are two handwritten lists of telephone numbers. I am familiar with the handwriting of

"a productive and useful role in our efforts to topple SADDAM's regime, and we will continue to work closely with them."

Individual E, and these lists appear to be in her handwriting. One of the two lists of phone numbers has the notation on it: long distance calls for Individual F.

68. Another internal IIS document in this dossier reports on a plan for Sirhan to surveil and report on the activities of the opposition in the United States. In this same document it is reported that Individual E hosted Individual F in a trip to Chicago, that he arrived on March 17, 2002, and that he delivered a lecture to 200 people regarding the role of the Iraqi Opposition and its efforts to overthrow the regime.
69. Within this dossier are documents reflecting the payment by the IIS to Sirhan of reimbursement for travel expenses and for assistance.
70. Based on the contents of this file as summarized above, I believe that Sirhan is DUMEISI, and that this file is a file of the IIS regarding DUMEISI's activities on behalf of the IIS.

XI. DUMEISI IS NOT REGISTERED AS A FOREIGN AGENT FOR THE GOI

71. On April 16, 2003, the United States Department of Justice, Foreign Agent Registration Unit advised the FBI that there is no record of foreign agent registration for any of the following names: DUMEISI, DAMISI, DEMISI.

XII. CONCLUSION

72. Based on the contents of this affidavit and my training and experience , I conclude that DUMEISI was acting as an agent of

the Iraqi Intelligence Service, The production of press identification cards, the passage of Iraqi opposition member and organization information, submitting to the direction of the Iraqi Intelligence Service, knowledge of intelligence tradecraft and monetary payments are characteristics of an agent of an intelligence service. Further, the fact that he has been symbolized, or code-named (☒Sirhan☒) by the IIS is an additional indicator of his status as an agent or asset of the GOI.

73. Based on the contents of this affidavit, I conclude that there is probable cause to believe that KHALED ABDEL-LATIF DUMEISI has violated Title 18, United States Code, Section 951 (a) (Acting as an agent of a foreign government without prior notification to the Attorney General) and Title 18, United States Code, Section 371 (Conspiracy).

XIII. REQUEST FOR SEALING

74. The criminal investigation described herein is continuing. Based on my training and experience, I believe that disclosure of the contents of this affidavit would seriously impede the investigation by disclosing details of the government's investigation and evidence gathered in connection herewith. In addition, I believe disclosure of the information contained in this affidavit to DUMEISI would significantly increase his apprehension of arrest and prosecution and therefore would increase the risk that he would destroy evidence and/or flee.

Accordingly, I request that the court issue an order sealing this affidavit and the sealing order, until the government notifies the court that it is appropriate to unseal these documents.

FURTHER AFFIANT SAYETH NOT