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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

Case: 2:08-cr-20314
Judge: Edmunds, Nancy G
MJ: Scheer, Donald A
Filed: 06-04-2008 At 08:45 AM
INDI USA V SEALED MATTER (EW)

VIOLATIONS: 18 U.S.C. §§ 371, 951(a),
1001(a)(2)

D-1, ISSAM GEORGE HAMAMA,
a.k.a. Issam George Zaia,
a.k.a. Issam George Zayya,
a.k.a. Isam Hamama,
a.k.a. Isam Hamamah,
a.k.a. Abu Zaid,
a.k.a. Esam Hamama,

Defendant.

_____ /

INDICTMENT

THE GRAND JURY CHARGES

COUNT ONE

(Conspiracy – 18 U.S.C. §§ 371, 951(a))

D-1 ISSAM GEORGE HAMAMA

I. INTRODUCTORY ALLEGATIONS

At all times material to this Indictment:

A. The Defendant

1. Defendant ISSAM HAMAMA, a naturalized United States citizen born in Iraq, was a resident of the Eastern District of Michigan or the Southern District of California.

2. Defendant ISSAM HAMAMA was also known as Issam George Zaia, Issam George Zayya, Isam Hamama, Isam Hamamah, Abu Zaid and Esam Hamama.

B. The Government of Iraq

3. From 1979 to 2003, the Government of Iraq was ruled by Saddam Hussein and his Ba'ath Party regime. The Ba'ath Party was the controlling political party in Iraq during this time period. Insurgent groups continued to support the Ba'ath Party and Saddam Hussein's regime following his overthrow in April 2003 and his subsequent capture on December 13, 2003. The Government of Iraq, the Ba'ath Party and the regime of Saddam Hussein were a "foreign government," as defined in Title 18, United States Code, Section 11 to include "any government, faction, or body of insurgents within a country with which the United States is at peace, irrespective of recognition by the United States."

4. The Iraqi Intelligence Service (hereafter "IIS"), known in Arabic as the *Da'irat al-Mukhabbarat al-'Ammah*, or the *Mukhabbarat*, was the foreign intelligence arm of the Government of Iraq. The missions of the IIS included foreign intelligence collection (the gathering of information regarding the intentions of foreign governments), counterintelligence (the detecting of efforts by foreign governments to gather intelligence about the Government of Iraq), and the collection of information regarding individuals and groups considered hostile to the Government of Iraq (hereafter "opposition groups").

5. Diplomatic relations between the United States and Iraq were severed following Iraq's invasion of Kuwait in 1990, and the building housing the Iraqi Embassy in Washington, D.C., became the Algerian Embassy. A group of Iraqi diplomats remained to operate an Iraqi Interests Section ("ISEC") within the embassy from early 1991 until the overthrow of Saddam Hussein in or

about April 2003, following the invasion of Iraq by United States and allied military troops on March 19, 2003. The ISEC resumed operations in or about November 2003, and the Iraqi Embassy was reopened in Washington, D.C. in or about December 2003. The IIS operated an office within the ISEC that was referred to as the "Washington Station."

6. The Iraqi Mission to the United Nations ("IMUN") was an Iraqi diplomatic establishment in New York, New York, assigned to the United Nations and represented Iraqi interests at the United Nations. The IMUN was the principal establishment to which Iraqi government officials, including Iraqi Intelligence Service officers, were assigned in the United States.

7. During the period between 1991 and April 2003, the ISEC and the IMUN became the coordinating points for all activities of the Ba'ath Party in the United States.

8. At no time material to this Indictment was defendant HAMAMA:

(a) a duly accredited diplomatic or consular officer of a foreign government, recognized by the United States Department of State;

(b) an officially and publicly acknowledged and sponsored official or representative of a foreign government; or

(c) an officially and publicly acknowledged and sponsored member of the staff of, or employee of, any such officer, official, or representative of a foreign government.

II. THE CONSPIRACY

9. Beginning in or about 1991, and continuing to the present, in the Eastern District of Michigan, Southern Division and elsewhere, defendant ISSAM HAMAMA conspired and agreed with others known and unknown to the Grand Jury to commit offenses against the United States, that is, to knowingly act in the United States as an agent of a foreign government, namely, the Government of Iraq, the Ba'ath Party, and officials of the Saddam Hussein regime, without prior notification to the Attorney General of the United States as required by law, in violation of Title 18, United States Code, Section 951(a).

A. MANNER AND MEANS OF THE CONSPIRACY

It was part of the conspiracy that:

10. Defendant HAMAMA would meet with IIS officials at or near the Washington Station of the IIS.

11. Defendant Hamama was given the code name "6129" by the IIS to protect his identity in internal documents, such as communications and documentation for payment for services and other relevant information pertaining to his services.

12. Defendant HAMAMA would receive direction from and act under the control of co-conspirators who were IIS officials.

13. Defendant HAMAMA would receive money from the IIS.

14. Defendant HAMAMA would collect information regarding individuals and organizations located in the United States who were of interest to the IIS.

15. Defendant HAMAMA would report to the IIS the identities and activities of these individuals.

16. Defendant HAMAMA would use a post office box in Alexandria, Virginia, to provide written communications to the IIS.

17. Defendant HAMAMA would misrepresent, conceal, hide, and cause to be misrepresented, concealed, and hidden, the purposes of and acts done in furtherance of the conspiracy, to avoid detection and apprehension by law enforcement authorities.

B. OVERT ACTS

18. In furtherance of the conspiracy, and for the purpose of effecting its unlawful objectives, defendant HAMAMA and other unindicted co-conspirators committed overt acts, in the Eastern District of Michigan, Southern Division, and elsewhere, including, but not limited to, the following:

(a) In or around 1991, defendant HAMAMA wrote a letter to the Iraqi minister of the exterior, expressing his loyalty to Saddam Hussein and the Ba'ath Party, and offering to serve as an intermediary with an opposition group to "lessen the size and influence and activity of the traitorous counteracting Iraqi forces."

(b) On or about November 27, 1996, the IIS prepared a memorandum to another component of the IIS, classified "secret and personal," describing an attached letter "of our source Isam Hamamah" with directions to review and "take the action necessary on your part."

(c) On or about March 10, 1997, the IIS prepared a document, classified "secret," stating that "our source 6129 will be in Baghdad during the second half of the current month of March."

(d) On or about March 23, 1997, the IIS prepared a written communication to another component of the IIS that stated "Kindly inform us as soon as your source 6129 arrives in the country so that we can interview him regarding the subject of interest."

(e) On or about June 17, 1997, the IIS prepared a document describing a request from an opposition member for an entry visa for "Issam Hamamah," two other individuals, and himself.

(f) On or about June 21, 1997, the IIS prepared a document classified "secret and personal," indicating that "Isam Hamamah" was a "mediating source" between the New York station of the IIS and the leaders of an opposition group who wanted to visit Iraq.

(g) On or about July 9, 1997, the IIS prepared a document stating that entry visas had been approved for "Isam Hamamah" and the three members of the opposition group, and requesting "the date of their coming to our side, so we can facilitate the procedures for their entry."

(h) On or about August 3, 1997, the IIS prepared a document directing another component of the IIS to "coordinate with the U.S. division" which "may have information being that Isam Hamamah is one of their sources."

(I) On or about May 24, 1998, the IIS prepared a document, stating that "the New York station has previously informed us of the desire" of "Isam Hamamah (Station source)" and three members of an opposition group to visit Iraq and meet with representatives of the Iraqi government, and stating that the Washington station had informed the IIS that the visit had been abandoned.

(j) In or about June 1998, defendant HAMAMA received payment from the IIS.

(k) In or about June or July 1998, defendant HAMAMA received another payment from the IIS.

(l) On or about November 28, 1999, the IIS prepared a memorandum to the New York station requesting information about the three opposition group members, directing the station to follow a plan "for the purpose of precisely observing them, and benefit from your sources to reach

the extension of their families and make use of their frequent visits to you during the period when they had the intention of visiting the country, so we can move at them again to benefit our work.”

(m) On or about January 23, 2001, defendant HAMAMA received a payment from the IIS.

(n) On or about June 5, 2003, defendant HAMAMA signed a security clearance application, Standard Form 86, in connection with his application for contract employment as a U.S. government translator in Iraq, in which he stated “no” in response to a question asking whether he had ever had any contact with a foreign government, its establishments (embassies or consulates), or its representatives, whether inside or outside the United States.

(o) On or about January 29, 2005, defendant HAMAMA signed a security clearance application, Standard Form 86, in connection with his application for contract employment as a translator for the U.S. military in Iraq, in which he stated “no” in response to a question asking whether he had ever had any contact with a foreign government, its establishments (embassies or consulates), or its representatives, whether inside or outside the United States.

(p) On or about September 15, 2006, defendant HAMAMA concealed his involvement in the conspiracy by making false statements during an interview with agents of the Federal Bureau of Investigation.

All in violation of Title 18, United States Code, Sections 371 and 951(a).

COUNT TWO

(False Statements – 18 U.S.C. § 1001(a)(2))

D-1 ISSAM GEORGE HAMAMA

1. Paragraphs 1 through 8 of Count One of this Indictment are realleged and incorporated as if fully set forth herein.

2. On or about June 5, 2003, while a resident of the Eastern District of Michigan, Southern Division, defendant ISSAM HAMAMA applied for a position as a contract translator for the U.S. military in Iraq. As part of the application process, HAMAMA signed a Security Clearance Application, Standard Form 86, prepared by the U.S. Office of Personnel Management, an agency of the executive branch of the U.S. government with jurisdiction to conduct background investigations.

3. The answers provided by HAMAMA on Standard Form 86 were material in that they could reasonably affect the decision to issue a security clearance to HAMAMA.

4. Question 14 of Standard Form 86 asked “Have you ever had any contact with a foreign government, its establishments (embassies or consulates), or its representatives, whether inside or outside the U.S., other than on official U.S. Government business (Does not include routine visa applications and border crossing contacts).”

5. Defendant HAMAMA knowingly and willfully made a materially false statement when he responded “no” to Question 14, in that he then and there knew that he had had such contact with the Government of Iraq.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT THREE

(False Statements – 18 U.S.C. § 1001(a)(2))

D-1 ISSAM GEORGE HAMAMA

1. Paragraphs 1 through 8 of Count One of this Indictment are realleged and incorporated as if fully set forth herein.

2. On or about January 29, 2005, while a resident of the Eastern District of Michigan, Southern Division, defendant ISSAM HAMAMA applied for a position as a contract translator for the U.S. military in Iraq. As part of the application process, HAMAMA signed a Security Clearance Application, Standard Form 86, prepared by the U.S. Office of Personnel Management, an agency of the executive branch of the U.S. government with jurisdiction to conduct background investigations.

3. The answers provided by HAMAMA on Standard Form 86 were material in that they could reasonably affect the decision to issue a security clearance to HAMAMA.

4. Question 14 of Standard Form 86 asked “Have you ever had any contact with a foreign government, its establishments (embassies or consulates), or its representatives, whether inside or outside the U.S., other than on official U.S. Government business (Does not include routine visa applications and border crossing contacts).”

5. Defendant HAMAMA knowingly and willfully made a materially false statement when he responded “no” to Question 14, in that he then and there knew that he had had such contact with the Government of Iraq.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT FOUR

(False Statements – 18 U.S.C. § 1001(a)(2))

D-1 ISSAM GEORGE HAMAMA

1. Paragraphs 1 through 8 of Count One of this Indictment are realleged and incorporated as if fully set forth herein.

2. Between August 2003 and the present, the Federal Bureau of Investigation (“FBI”), an agency of the executive branch of the United States government, was investigating whether defendant ISSAM HAMAMA had acted as an unregistered agent of a foreign government. This investigation was a matter within the jurisdiction of the FBI.

3. On or about September 15, 2006, in the Eastern District of Michigan, Southern Division, and elsewhere, defendant ISSAM HAMAMA knowingly and willfully made a materially false statement to an agent of the FBI, in that (1) defendant HAMAMA stated that did not have a source relationship with the Iraqi Intelligence Service, when, in fact, defendant HAMAMA then and there knew that he did have a source relationship with the Iraqi Intelligence Service, and (2) in that defendant HAMAMA stated that did not receive compensation from the Iraqi government, when, in fact, defendant HAMAMA then and there knew that he had received compensation from the Iraqi government.

4. These statements were material in that they could reasonably affect the outcome or direction of the investigation.

In violation of Title 18, United States Code, Section 1001(a)(2).

THIS IS A TRUE BILL

s/Grand Jury Foreperson
Foreperson

STEPHEN J. MURPHY
United States Attorney

s/Jonathan Tukel
Jonathan Tukel
Chief, National Security Unit

s/Barbara L. McQuade
Barbara L. McQuade
Assistant U.S. Attorney

s/Michael C. Martin
Michael C. Martin
Trial Attorney
U.S. Department of Justice

Dated: June 3, 2008

Case: 2:08-cr-20314
 Judge: Edmunds, Nancy G
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 Filed: 06-04-2008 At 08:45 AM
 INDI USA V SEALED MATTER (EW)

United States District Court
 Eastern District of Michigan

Criminal Case Co

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number: 07-20160
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned: Edmunds
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	AUSA's Initials:

Case Title: USA v. Issam George Hamama

County where offense occurred : Macomb

Check One: **Felony** **Misdemeanor** **Petty**

Indictment/ ___ Information --- **no** prior complaint.
 Indictment/ ___ Information --- based upon prior complaint [Case number:]
 Indictment/ ___ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information:


Superseding to Case No: _____ **Judge:** _____

- Original case was terminated; no additional charges or defendants.
- Corrects errors; no additional charges or defendants.
- Involves, for plea purposes, different charges or adds counts.
- Embraces same subject matter but adds the additional defendants or charges below:

Defendant name **Charges**

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

June 3, 2008
 Date


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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.