

Exhibit A

Affidavit of Good Cause

UNITED STATES OF AMERICA)	
)	
KANSAS CITY, MISSOURI)	
)	
In the matter of the Revocation)	
of the Naturalization of)	
)	
MUBARAK AHMED HAMED	)	AFFIDAVIT OF GOOD CAUSE
A [REDACTED] 644)	

I, Gina Cox, declare under penalty of perjury as follows:

1. I am a Special Agent for the United States Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE). In this capacity, I have access to the official records of DHS, including the immigration file of Mubarak Ahmed Hamed, A [REDACTED] 644.
2. I have examined the records relating to Mr. Hamed. Based on a review of these records, I state, on information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.
3. On November 23, 1999, Mr. Hamed filed an application for naturalization, Form N-400, with the Kansas City District Office of the Immigration and Naturalization Service (INS),¹ now the United States Citizenship and Immigration Service (USCIS). An officer of the INS interviewed Mr. Hamed on May 8, 2000, to determine his eligibility for naturalization. Based on information contained in the naturalization application, his testimony at the naturalization interview, and the documentary evidence he provided, the INS approved Mr. Hamed's application for naturalization on May 8, 2000. On July 21, 2000, Mr. Hamed took the Oath

¹ As of March 1, 2003, the INS ceased to exist and its functions were transferred to various agencies within DHS. See Homeland Security Act of 2002, §§ 441, 451, 471, Pub. L. No. 107-296, 116 Stat. 2135 (2002) (codified at 6 U.S.C. §§ 251, 271, 291). This transfer does not affect the issues in this case.

of Allegiance and was admitted as a citizen of the United States. He was issued a Certificate of Naturalization, number 25738418.

4. Mr. Hamed was ineligible to naturalize, and consequently illegally procured his naturalization, because he could not establish that he was a person of good moral character. As an applicant for naturalization pursuant to section 316(a) of the Immigration and Nationality Act, 8 U.S.C. § 1427(a), Mr. Hamed was required to prove that he was a person of good moral character from November 23, 1994, five years before he filed his application for naturalization, until July 21, 2000, the date on which he was naturalized as a citizen of the United States (the statutory period).

- A. Mr. Hamed could not have established that he was a person of good moral character because he committed unlawful acts that adversely reflected on his moral character during the statutory period.

1. Unless there are extenuating circumstances, an applicant for naturalization is precluded from establishing good moral character if, during the statutory period, he commits unlawful acts that adversely reflect upon his moral character. *See* 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).
2. Between March 1991 and May 2005, during the statutory period, Mr. Hamed committed the illegal act of: Conspiracy to Violate the International Emergency Economic Powers Act (IEEPA) in violation of 18 U.S.C. § 371 and 50 U.S.C. §§1701-1706 by providing financial support to persons and entities within Iraq in

violation of the Iraqi Sanctions Regulations at 31 § C.F.R. 575.210.

3. On June 25, 2010, after his naturalization, Mr. Hamed plead guilty to violating 18 U.S.C. § 371, that is Conspiracy to Violate IEEPA, 50 U.S.C. §§ 1701-1706. On January 11, 2012, he was sentenced to 58 months in the Federal Bureau of Prisons. The crime of violating IEEPA is an unlawful act that adversely reflects upon Mr. Hamed's moral character.
4. Between January 1, 1997 and October 13, 2004, during the statutory period, Mr. Hamed committed the illegal act of: Obstructing or Impeding the Administration of Internal Revenue Laws in violation of 26 U.S.C. § 7212(a) by using Islamic American Relief Agency's tax exempt status to solicit funds, representing that they were legitimate charitable contributions, but then misusing those funds by transferring them to Iraq in violation of IEEPA and the Iraqi Sanctions Regulations. He continued this corrupt endeavor by knowingly failing to disclose these transactions on IARA's IRS Forms 990 from 1997 through 2003 and falsely telling IRS agents on October 13, 2004, that IARA had never transferred funds to Iraq.
5. On June 25, 2010, after his naturalization, Mr. Hamed plead guilty to corruptly endeavoring to Obstruct or Impede the Administration of Internal Revenue Laws in violation of 26 U.S.C. § 7212(a). On

January 11, 2012, he was sentenced to 36 months in the Federal Bureau of Prisons. The crime of corruptly endeavoring to impair Internal Revenue Law is an unlawful act that adversely reflects upon Mr. Hamed's moral character.

6. As evidenced by his post-naturalization convictions, there were no extenuating circumstances that could have mitigated the effect of Mr. Hamed's actions on his ability to establish good moral character.
7. Mr. Hamed was precluded from establishing good moral character because he committed and was ultimately convicted of unlawful acts that adversely reflected upon his moral character during the statutory period. Consequently, he illegally procured his naturalization.

B. Mr. Hamed could not have established that he was a person of good moral character because he provided false testimony during his naturalization interview for the purpose of obtaining his naturalization.

1. An individual who, during the statutory period, provides false testimony while under oath with the intent of obtaining any benefit under the INA, including naturalization, is precluded from establishing good moral character. *See* 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

2. On May 8, 2000, Mr. Hamed appeared before INS Officer, Greg Richardson, for an interview regarding his application for naturalization.
3. At the beginning of the naturalization interview, Mr. Hamed took an oath or affirmed that he would answer all questions truthfully.
4. During the course of the naturalization interview, and in order to adjudicate his eligibility for naturalization, INS Officer Richardson asked Mr. Hamed if he had ever knowingly committed a crime for which he had not been arrested.
5. In response to this question, Mr. Hamed testified, under oath, that he had not.
6. This testimony was false. Mr. Hamed had, in fact, knowingly and willfully conspired to provide financial support to persons and entities within Iraq in violation of IEEPA since 1991 and impeded the administration of Internal Revenue Laws since 1997 as detailed in the Plea Agreement signed on June 25, 2010.
7. Mr. Hamed's false testimony concealed that he had committed crimes that precluded him from establishing that he was a person of good moral character.
8. Because Mr. Hamed provided false testimony during the statutory period for the purpose of obtaining naturalization, he could not establish that he was a person of good moral character. Therefore,

he was ineligible to naturalize and illegally procured his naturalization.

5. Mr. Hamed procured his naturalization by willful misrepresentation and concealment of material facts.
 - A. Mr. Hamed willfully misrepresented and concealed his criminal history.
 - B. Mr. Hamed indicated on his N-400 that he had not committed a crime or offense for which he had not been arrested.
 - C. Mr. Hamed signed the N-400 on November 22, 1999, and again at his interview on May 8, 2000, thereby certifying that this representation was true and correct.
 - D. Mr. Hamed indicated on his N-445 that he had not committed an offense for which he had not been arrested since his N-400 interview on May 8, 2000.
 - E. Mr. Hamed signed the N-445 on July 21, 2000, thereby certifying that his representation was true and correct.
 - F. In fact, the respondent's representations on his N-400 and N-445 were false because Mr. Hamed had knowingly and willfully transferred money to Iraq in violation of IEEPA since 1991 and violated the Internal Revenue Law since 1997. These crimes continued through May 8, 2000, at the time of his interview and through July 21, 2000, when he completed his N-445.
 - G. The facts misrepresented by Mr. Hamed were material to determining his eligibility for naturalization because they would have had the natural

tendency to influence the INS decision whether to approve his application.

In fact, Mr. Hamed's criminal activity precluded him from establishing good moral character.

H. Mr. Hamed procured his naturalization unlawfully by misrepresenting and concealing material facts about his criminal conduct.

6. Based on the facts outlined in the forgoing paragraphs, good cause exists to institute proceedings pursuant to section 340(a) of the Immigration and Nationality Act, 8 U.S.C. § 1451(a), to revoke Mr. Hamed's citizenship, and to cancel his certificate of naturalization.
7. Mr. Hamed's current address is: Mubarak Hamed, Register # 19704-045, [REDACTED]
[REDACTED], Columbia, MO 65205.
8. Mr. Hamed's last residence prior to incarceration was: [REDACTED],
Columbia, MO 65203.

Declaration in Lieu of Jurat
(28 U.S.C. § 1746)

I declare under penalty of perjury that the forgoing is true and correct. Executed on this 29 day of June, 2016.



Gina Cox
Special Agent
Immigration and Customs
Enforcement
Department of Homeland Security

Exhibit B

Criminal Documents

-Second Superseding Indictment

-Plea Agreement

-Plea Transcript

-Sentencing Transcript

-Judgment

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	Case No. 07-00087-01/07-CR-W-NKL
)	
Plaintiff,	)	COUNT 1:
	)	Defendants 1, 2, 3, 4, and 5
v.	)	18 U.S.C. § 371
	)	(Conspiracy to Violate the International
ISLAMIC AMERICAN RELIEF AGENCY,)	)	Emergency Economic Powers Act and the
a/k/a Islamic African Relief Agency-USA, )	)	Iraqi Sanctions Regulations)
a/k/a IARA, (1))	
	)	NMT 5 years imprisonment
MUBARAK HAMED, (2)	)	NMT \$250,000 fine
[DOB: 11/03/1956],	)	NMT 3 years Supervised Release
	)	Class D Felony
ALI MOHAMED BAGEGNI, (3))	
[DOB: 01/27/1954],	)	COUNTS 2 through 12:
	)	Defendants 1, 2, 3, and 5
AHMAD MUSTAFA, (4)	)	50 U.S.C. §§ 1701 – 1706
a/k/a Abu Omar,	)	18 U.S.C. § 2
a/k/a Ahmad Al-Katib,	)	31 C.F.R. § 575.210
[DOB: 09/15/1952],	)	(Violations of the International Emergency
	)	Economic Powers Act and the Iraqi
KHALID AL-SUDANEE, (5)	)	Sanctions Regulations)
[DOB: 12/15/1951],)	
	)	NMT 12 years imprisonment
ABDEL AZIM EL-SIDDIG, (6)	)	NMT \$1,000,000 fine
a/k/a Abdel Azim El-Siddiq,	)	NMT 3 years Supervised Release
[DOB: 01/01/1957],	)	Class C Felony
)	
and	)	COUNT 13:
	)	Defendants 1, 2, 3, 4, and 5
MARK DELI SILJANDER, (7)	)	18 U.S.C. § 1956(h)
[DOB: 06/11/1951],	)	(Conspiracy to Commit Money
	)	Laundering)
Defendants.)	
	)	NMT 20 years imprisonment
	)	NMT \$500,000 fine
	)	NMT 5 years Supervised Release
	)	Class B Felony

) **COUNTS 14 through 24:**
) **Defendants 1, 2, 3, and 5**
) **18 U.S.C. §§ 1956(a)(2)(A) and 2**
) **(Money Laundering)**
)
) NMT 20 years imprisonment
) NMT \$500,000 fine
) NMT 5 years Supervised Release
) Class B Felony
)
) **COUNT 25 through 27:**
) **Defendants 1, 2, and 3**
) **18 U.S.C. §§ 641 and 2**
) **(Theft of Public Money)**
)
) NMT 10 years imprisonment
) NMT \$250,000 fine
) NMT 3 years Supervised Release
) Class C Felony
)
) **COUNT 28:**
) **Defendants 1, 2, 3, 6, and 7**
) **18 U.S.C. § 1956(h)**
) **(Conspiracy to Commit Money**
) **Laundering)**
)
) NMT 20 years imprisonment
) NMT \$500,000 fine
) NMT 5 years Supervised Release
) Class B Felony
)
) **COUNTS 29 through 31:**
) **Defendants 1, 2, 3, 6 and 7**
) **18 U.S.C. §§ 1956(a)(1)(B)(i) and 2**
) **(Money Laundering)**
)
) NMT 20 years imprisonment
) NMT \$500,000 fine
) NMT 5 years Supervised Release
) Class B Felony

) **COUNT 32:**
) **Defendant 7**
) **18 U.S.C. §§ 1503(a) and 1512(i)**
) **(Obstruction of Justice)**
)
) **NMT 10 years imprisonment**
) **NMT \$250,000 fine**
) **NMT 3 years Supervised Release**
) **Class C Felony**
)
) **COUNT 33:**
) **Defendants 1 and 2**
) **26 U.S.C. § 7212(a)**
) **(Obstructing or Impeding Administration**
) **of Internal Revenue Laws)**
)
) **NMT 3 years imprisonment**
) **NMT \$250,000/\$500,000 fine**
) **NMT 1 year Supervised Release**
) **Class E Felony**
)
) **COUNTS 34 through 41:**
) **Defendants 1 and 2**
) **50 U.S.C. §§ 1701 – 1706**
) **18 U.S.C. § 2**
) **31 C.F.R. § 594.204**
) **(Violations of the International Emergency**
) **Economic Powers Act and the Terrorism**
) **Sanctions Regulations)**
)
) **NMT 10 years imprisonment**
) **NMT \$50,000 fine**
) **NMT 3 years Supervised Release**
) **Class C Felony**
)
) **Each Count: \$100 Special Assessment**
)
) **FORFEITURE ALLEGATION:**
) **All Defendants**
) **18 U.S.C. §§ 982(a)(1) and (b)(1)**

Summary of Charges:

DEFENDANT	COUNTS
ISLAMIC AMERICAN RELIEF AGENCY, (1)	1 - 31, 33, Forfeiture Allegation
MUBARAK HAMED, (2)	1 - 31, 33 - 41, Forfeiture Allegation
ALI MOHAMED BAGEGNI, (3)	1 - 31, Forfeiture Allegation
AHMAD MUSTAFA, (4)	1, 13, Forfeiture Allegation
KHALID AL-SUDANEE, (5)	1 - 24, Forfeiture Allegation
ABDEL AZIM EL-SIDDIG, (6)	28 - 31, Forfeiture Allegation
MARK DELI SILJANDER, (7)	28 - 32, Forfeiture Allegation

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges:

Introduction

At all times material herein:

1. From in or about 1991 to at least in or about 2005, and at other times set forth below, **ISLAMIC AMERICAN RELIEF AGENCY, MUBARAK HAMED, ALI MOHAMED BAGEGNI, AHMAD MUSTAFA, KHALID AL-SUDANEE, ABDEL AZIM EL-SIDDIG, and MARK DELI SILJANDER**, the defendants herein, alone and in combination, did scheme, plan, conspire with, and aid and abet each other, in ways made more definite below, to violate certain criminal laws, and to conceal the violations.

The Defendant IARA

2. The defendant **ISLAMIC AMERICAN RELIEF AGENCY**, hereinafter referred to as “**IARA**,” a/k/a **Islamic African Relief Agency-USA**, was an Islamic charitable organization incorporated under Missouri law in 1985. Originally, IARA was incorporated under the name “**Islamic African Relief Agency-USA**.” The central offices of IARA were located in Columbia, Missouri.

3. On its application for tax-exempt status, IARA stated: “The primary purpose in forming the organization was to raise funds in the United States that could be donated abroad to assist in the famine crises in Africa, particularly in the Sudan region. The organization raises its funds in the United States primarily through personal contacts of the organization with other foreigners living in the U.S.”

4. According to the defendant IARA’s website (as of May 10, 2004), “[t]he Islamic American Relief Agency is an American non-profit organization established in 1985 and dedicated to the empowerment of disadvantaged people everywhere through relief and participatory development programs emphasizing human dignity, self-reliance, and social justice.”

5. On or about August 27, 1987, the defendant IARA applied for recognition of tax exemption under Section 501(c)(3) of the Internal Revenue Code (Title 26, United States Code). On April 21, 1989, IARA was granted tax-exempt status. In addition to affecting the organization’s tax liability, the tax-exempt designation allowed all contributions made to the organization to be deducted from the donors’ adjusted gross income.

6. On its IRS Form 1023, Application for Recognition of Exemption, dated August 27, 1987, the defendant IARA stated that it “is an affiliate of the African Relief Agency of Khartoum, Sudan, although the Agency in Khartoum exercises no authority or control over the organization [IARA].”

7. The defendant IARA’s Rider to its Articles of Incorporation, submitted to the IRS on or about April 13, 1989, described it as “Islamic African Relief Agency United States Affiliate” and included the purpose of “effecting the Objectives and Means of the Islamic African Relief Agency as set forth in its Constitution.” The Rider to the Articles of Incorporation further provided that in the event of IARA’s dissolution, the Islamic African Relief Agency (Sudan), among others, should receive its assets.

8. On April 18, 1990, Dr. Abdallah Sulayman Al-Awad, Agency General Director of the Islamic African Relief Agency, Khartoum, Sudan, sent to Columbia, Missouri, a communication to the defendant IARA’s then-office manager, Muhammad Ahmad Ibrahim Al-Bashir, advising the defendant IARA that the Islamic African Relief Agency headquarters in Khartoum, Sudan, had decided to transfer Mubarak Hamad [the defendant MUBARAK HAMED] to the “US office as deputy to the office manager - starting the beginning of October 1990 A.D.” The communication continued by stating, “. . . I request that you kindly start in the proceedings of his entry to the US, providing that he enters and lives on a student visa until he receives the permanent work visa.”

9. In 1998, during correspondence with the Treasury Department, the defendant IARA described the Islamic African Relief Agency as its “partner in Sudan.”

10. On May 25, 2000, the Islamic African Relief Agency-USA legally changed its name to the Islamic American Relief Agency.

11. Internationally, the Islamic African Relief Agency headquartered in Khartoum, Sudan, was known as ISRA. ISRA's publications and correspondence confirmed the merged identity by referring to itself by both names.

12. The defendant IARA provided a large amount of its financial aid through the offices of the Islamic Relief Agency (ISRA), located throughout the world, including Amman, Jordan, and Peshawar, Pakistan.

13. The defendant IARA raised funds throughout the United States and elsewhere by various means, including appeals for charitable donations and participation in grants. IARA solicitations for charitable donations included presentations at mosques and Islamic community centers, fund-raising letters sent to donors and potential donors, publications and newsletters mailed to donors and potential donors, direct appeals to donors and potential donors, and information posted on IARA's website, accessible to the general public.

14. On October 13, 2004, IARA along with five of its overseas representatives, was designated a Specially Designated Global Terrorist (SDGT) by the Office of Foreign Assets Control in the Department of the Treasury (OFAC). From that point, IARA could no longer receive contributions or use any of its property.

The Individual Defendants

15. The defendant **MUBARAK HAMED** was the executive director for the defendant IARA beginning in at least 1992, continuing until the organization's closure in October 2004. He was transferred to Columbia, Missouri, in about 1990. Defendant HAMED ran the day-to-day operations of IARA, and was responsible for implementing the projects IARA started, or with which it associated itself. HAMED spoke for IARA, negotiated and entered cooperation agreements and contracts on its behalf, and authorized spending and payment for projects, materials, and travel.

16. The defendant **ALI MOHAMED BAGEGNI** was a member of the defendant IARA's board of directors beginning in at least 1992, continuing until the organization's closure in October 2004. At all times material, he was a signatory authority for checks and wire transfers, including most of the financial transactions set forth below, and others, which violated the Iraqi Sanctions Regulations and various Executive Orders, described more fully below, which constituted the theft of government money, and constituted the laundering of money by various means.

17. The defendant **KHALID AL-SUDANEE** was the regional director of ISRA's Middle East office, located in Amman, Jordan. Defendant SUDANEE was the facilitator who actually moved the money and goods which IARA provided him for use in Iraq to Iraq. He communicated with IARA about his efforts on their behalf in Iraq, and also communicated with persons involving government and military in Iraq on behalf of IARA. On October 13, 2004, SUDANEE was designated as a SDGT by OFAC.

18. The defendant **AHMAD MUSTAFA, a/k/a Abu Omar, a/k/a Ahmad Al-Katib**, a native of Iraq, was a fund-raiser for the defendant IARA from approximately July 1996 until the organization's closure in October 2004. In his capacity as a fund-raiser for IARA, Defendant MUSTAFA traveled throughout the United States soliciting charitable contributions. Defendant MUSTAFA concentrated his efforts in raising funds for use in Iraq, and traveled to Iraq on behalf of the defendant IARA while the Iraqi Sanctions Regulations more fully described below, were in effect.

19. The defendant **ABDEL AZIM EL-SIDDIG, a/k/a Abdel Azim El-Siddiq**, was a fund-raiser for the defendant IARA, and has been described as its Vice-President for International Operations. On or about November 1, 2003, he opened one of the defendant IARA's bank accounts at LaSalle Bank, Chicago, Illinois, on which he had signatory authority, identifying himself as President of IARA and his wife as Secretary of IARA. This account was used to transfer funds from the defendant IARA to the defendant **MARK DELI SILJANDER**.

20. The defendant **MARK DELI SILJANDER** was a former member of the United States House of Representatives, and owner/director of a consulting firm, Global Strategies, Inc., a planning, marketing and public relations company incorporated in Virginia. Defendant SILJANDER, a friend of the defendant **ABDEL AZIM EL-SIDDIG**, was hired to advocate for IARA's removal from a Senate Finance Committee list of charitable organizations suspected of being involved in supporting international terrorism, and its

reinstatement as an approved government contractor after having been terminated as is alleged more specifically below.

USAID Grants to IARA

21. The defendant IARA also received funds for its activities in the form of government cooperation agreements and grants. Beginning on or about January 1, 1997, the defendants IARA, MUBARAK HAMED, ALI MOHAMED BAGEGNI and others known and unknown to the Grand Jury, entered into a series of written cooperative agreements with the United States Agency for International Development (USAID), an agency within the United States Department of State, for relief projects in Mali, Africa. The agreements were terminated by USAID on or about December 19, 1999. At the time of termination, the amount of money involved in the cooperative agreements totaled approximately \$2,000,000.00.

22. By the terms of each cooperative agreement, the defendant IARA could not commingle USAID program funds with other money, and was required to separately track USAID contributions to the program. The defendant IARA opened special and exclusive accounts for each project, which detailed the financial transactions related to the respective cooperative agreement. Additionally, the defendant IARA was obligated by the terms of the agreements to provide a specified percentage of matching funds, ranging from approximately 13 - 26 percent of USAID applied funds. The defendant IARA failed to fully fund the required percentage of matching contributions.

23. Subsequent to the termination of the agreements, the defendant IARA was authorized to request and expend USAID funds to pay for outstanding invoices obligated during the existence of the agreements, and specifically related to projects authorized within the terms of the agreements.

24. After all outstanding invoices were satisfied, the defendants IARA, MUBARAK HAMED and ALI MOHAMED BAGEGNI, without authorization, retained approximately \$84,922.00 of USAID money and failed to return the unexpended funds to USAID as required by the terms and rules related to the agreements.

25. After the December 20, 1999, termination of the defendant IARA's cooperative agreement with USAID, the defendant IARA was debarred from any procurement transactions with any part of the Executive Branch of the United States Government. IARA was informed that, in part, its termination and debarment was due to a determination that continuing the grant was not in the national interest of the United States.

26. The defendant MARK DELI SILJANDER was informed of the basis for the debarment, and in or about March 2004 was hired by the defendants IARA, MUBARAK HAMED, ALI MOHAMED BAGEGNI, ABDEL AZIM EL-SIDDIG and other known and unknown conspirators, in part, to attempt to have the debarment lifted. Thereafter, Defendant SILJANDER contacted various persons regarding the reasons for the debarment, including an employee of USAID.

IARA's Placement on the United States Senate Finance Committee List

27. On or about January 14, 2004, it was announced that the defendant IARA was included on a United States Senate Finance Committee list (hereinafter "the list") targeting the activities of Section 501(c)(3) organizations suspected of being involved in supporting international terrorism.

28. In or around March 2004, the defendants IARA, MUBARAK HAMED, ALI MOHAMED BAGEGNI, ABDEL AZIM EL-SIDDIG and others known and unknown to the Grand Jury, hired the defendant MARK DELI SILJANDER, in part, to advocate for IARA's removal from "the list" and reinstatement as an approved government contractor, by gathering information and meeting with individuals and agencies of the United States Government, for which IARA paid Defendant SILJANDER at least \$75,000.00.

IEEPA and the Iraqi Sanctions Regulations

29. Under the International Emergency Economic Powers Act (Title 50, United States Code, Sections 1701 through 1706) (IEEPA), the President of the United States had the authority to deal with unusual or extraordinary threats to the national security and foreign policy of the United States. This authority included investigating, regulating and prohibiting any transaction, including transfers of credit or payments, involving any interest of a foreign country or national thereof related to a Presidentially declared national emergency. The President's formal directives in this regard were issued through Executive Orders which had the force and effect of law.

30. On or about August 2, 1990, under the authority of IEEPA, and following Iraq's invasion of Kuwait, President George H. W. Bush issued Executive Order 12722, which declared a national emergency with respect to Iraq. According to the directive, the policies and actions of the Government of Iraq constituted an unusual and extraordinary threat to the national security and foreign policy interests of the United States. On or about August 9, 1990, the President issued Executive Order 12724, which prohibited specific conduct related to the national security concerns and empowered the Secretary of Treasury to promulgate regulations and take other action necessary to fully realize the purposes of the relevant Executive Orders.

31. Pursuant to this authority, the Secretary of Treasury issued the Iraqi Sanctions Regulations, Title 31, Code of Federal Regulations, Section 575. These Executive Orders and regulations, which are administered and enforced by the Department of Treasury's Office of Foreign Assets Control (OFAC), prohibited, among other things: (a) the unauthorized transfer, direct or indirect, of funds or other financial or economic resources to the Government of Iraq or to any person in Iraq; (b) the unauthorized export of goods, technology or services from the United States to a third country that were intended for further shipment to Iraq; (c) any transaction for the purpose of, or which had the effect of, evading or avoiding the Iraqi Sanctions Regulations; (d) unauthorized travel to Iraq by United States persons, including permanent resident aliens; and (e) any conspiracy formed for the purpose of engaging in a transaction prohibited by the regulations.

32. The regulations did, however, provide for the registration and licensing of Non-Governmental Organizations (NGOs) engaged in humanitarian activities in Iraq, as well as individual transactions; all of which were reviewed on a case-by-case basis by OFAC. If approved, the NGO or other applicant would receive a license from OFAC containing strict guidance on the nature and extent of the approved activities. None of the defendants ever received a license from OFAC authorizing money or other items to be delivered, directly or indirectly, into Iraq.

33. The President renewed the declared national emergency regarding Iraq by the yearly reissuance of the relevant Executive Orders. Effective May 23, 2003, subsequent to the ouster of the Ba'ath party and the regime of then-President Saddam Hussein, OFAC issued a General License which suspended most economic sanctions against Iraq, including those described herein.

34. At no time material did any of the defendants, IARA, MUBARAK HAMED, ALIMOHAMED BAGEGNI, AHMAD MUSTAFA and KHALID AL-SUDANEE, receive a license or other authorization from OFAC to transfer or cause to be transferred, monies or other items, into Iraq, or to travel to Iraq.

35. As is more fully detailed below, between approximately March 1991 and May 2004, the defendants IARA, MUBARAK HAMED, KHALID AL-SUDANEE, ALI MOHAMED BAGEGNI, AHMAD MUSTAFA, and others, conspired to violate the Iraqi Sanctions Regulations, by knowingly transferring and attempting to transfer funds from the United States to Iraq, by and through Amman, Jordan. During this time, all of the defendants

named in this Indictment attempted to conceal and disguise these violations through various false statements and filings, and expenditures.

IEEPA, Gulbuddin Hekmatyar and the Shamshatu Refugee Camp

36. Under the International Emergency Economic Powers Act (Title 50, United States Code, Sections 1701 through 1706) (IEEPA), the President of the United States has the authority to deal with unusual or extraordinary threats to the national security and foreign policy of the United States. The President deals with these unusual or extraordinary threats, in part, through Executive Orders which have the force and effect of law.

37. On September 23, 2001, President George W. Bush issued Executive Order 13224, which declared a national emergency following the events of September 11, 2001, regarding organizations and individuals identified as Specially Designated Global Terrorists (SDGTs), who commit, threaten to commit, or support acts of terrorism that threaten the security of United States nationals or the national security, foreign policy, or economy of the United States. Included in an Annex to the Executive Order were specific names of groups and individuals designated by the President pursuant to the Order. Additionally, Executive Order 13224 authorized the Secretary of the Treasury, in consultation with the Secretaries of State and Homeland Security, and the Attorney General, to designate groups and individuals determined by the Secretary of the Treasury to be engaged in acts of terrorism which fall within the purposes of Executive Order 13224.

38. In order to enforce the directives of the Executive Order, the Secretary of the Treasury was authorized by the President to promulgate sanctions regulations which

specifically proscribed conduct related to SDGTs. Pursuant to the sanctions regulations, no person subject to United States jurisdiction was permitted to engage in any transaction with, or otherwise deal in any property or interest in property of, any group or individual whose property or interests in property are blocked pursuant to Executive Order 13224 and Title 31, Code of Federal Regulations, Section 594.201(a).

39. Gulbuddin Hekmatyar founded Afghanistan's Hezbi Islami Party, also called Hezb-e-Islami-Gulbuddin (HIG), in about 1976, when in exile in Pakistan. In the 1980s, he was a rebel (mujahideen) military commander in the war with Soviets in Afghanistan. He also commanded forces in the subsequent Afghan civil war. Hekmatyar served as Prime Minister of Afghanistan for periods in 1992 and in 1996. He fled the country in 1996, when the Taliban took control of Kabul. Since 2000, Hekmatyar supported various terrorist acts conducted by al-Qa'ida, the Taliban and others, in Pakistan and elsewhere. Hekmatyar vowed to engage in a holy war against the United States and international troops in Afghanistan. In December 2002, he issued a message that read: "Hezb-e-Islami will fight our jihad until foreign troops are gone from Afghanistan and Afghans have set up an Islamic government." On February 19, 2003, the United States Government designated Hekmatyar as an SDGT because "[t]he U.S. Government has information indicating that Gulbuddin Hekmatyar has participated in and supported terrorist acts committed by al-Qa'ida and the Taliban."

40. The Shamshatu refugee camp was founded in or about 1978 by Gulbuddin Hekmatyar with a 1000-acre land grant from the government of Pakistan. Shamshatu

contained approximately 300,000 homes for Afghanistan refugees. The HIG had four office complexes in Shamshatu near Gulbuddin Hekmatyar's home, which was located near the center of the Shamshatu camp. On or about July 15, 2003, the defendants IARA and MUBARAK HAMED entered into a written contract with a representative of Hekmatyar to fund the operation of an "orphanage," as that term is understood in Pakistan, located in Shamshatu camp.

41. As is more fully detailed below, between in or about March 2003 and in or about August 2004, the defendants IARA and MUBARAK HAMED engaged and attempted to engage in financial transactions and otherwise dealt and attempt to deal in property and interests in property of and for the benefit of Gulbuddin Hekmatyar, an SDGT, in violation of the Executive Orders discussed in this section of the Indictment, by sending, and causing to be sent, approximately one hundred thirty thousand dollars (\$130,000.00) to ISRA bank accounts in Peshawar, Pakistan, to renovate buildings located in the Shamshatu camp, which were owned and controlled by SDGT Gulbuddin Hekmatyar.

Other Criminal Acts

42. As is more fully detailed below, from at least 1991 until in or about 2005, and at other times the defendants ISLAMIC AMERICAN RELIEF AGENCY, MUBARAK HAMED, ALI MOHAMED BAGEGNI, AHMAD MUSTAFA, KHALID AL-SUDANEE, ABDEL AZIM EL-SIDDIG, and MARK DELI SILJANDER, alone and in combination, took efforts to hide, disguise and conceal their unlawful acts, charged and uncharged, including making false and misleading verbal and written statements to, among others,

government agencies including, but not limited to the Internal Revenue Service, and OFAC, and stealing government funds in order to pay for the activities which Defendant SILJANDER would take on IARA's behalf.

The Financial Institutions

43. At all times material, LaSalle Bank, First National Bank, First Virginia Bank, Centerre Bank, Nation's Bank, Boone County National Bank, Boatmen's Bank, Bank of America, Branch Bank and Trust, James Monroe Bank, and Merrill Lynch were all located within the United States and were all financial institutions as defined in section 5312(a)(2) of Title 31, United States Code.

COUNT ONE

(Conspiracy to Violate the International Emergency Economic Powers Act
and the Iraqi Sanctions Regulations)

44. The allegations of paragraphs 2 through 35, 42, and 43 of this Indictment are re-alleged and incorporated by reference as though fully set forth again.

45. Beginning in or around March 1991, and continuing until in or around May 2005, in the Western District of Missouri, and elsewhere, the defendants **IARA, MUBARAK HAMED, KHALID AL-SUDANEE, ALI MOHAMED BAGEGNI, AHMAD MUSTAFA**, and others known and unknown to the Grand Jury, knowingly and willfully conspired, confederated and agreed to violate Executive Orders 12722 and 12724 and the Iraqi Sanctions Regulations, by transferring, attempting to transfer and causing to be transferred, funds, from the United States to Iraq, by and through Amman, Jordan, which transfers were subject to Executive Orders 12722 and 12724 and the Iraqi Sanctions

Regulations, in violation of Title 50, United States Code, Sections 1701 through 1706; and Title 31, Code of Federal Regulations, Section 575.210.

The Object, Manner and Means of the Conspiracy

46. It was the object of the conspiracy to collect and attempt to collect money and funds within the United States for use in and transfer to Iraq, and to distribute and attempt to distribute money and funds collected in the United States to persons and entities within Iraq.

47. In furtherance of the conspiracy, beginning in or around March 1991, the defendant IARA, by and through its board of directors, including the defendant ALI MOHAMED BAGEGNI, authorized the provision of financial support to persons and organizations located inside Iraq.

48. During the course and in furtherance of the conspiracy, and in order to generate donations for Iraq and elsewhere, the defendants made appeals for charitable donations. IARA participated in grants or cooperative agreements with USAID and others in order to maximize the use of charitable donations, including the use of general donations in Iraq. In order to generate donations, IARA used the defendants and others to solicit funds through presentations at mosques and Islamic community centers, fund-raising letters sent to donors and potential donors, publications and newsletters mailed to donors and potential donors, direct appeals to donors and potential donors, and information posted on IARA's website, accessible to the general public. In order to inform donors of IARA's efforts and use of funds in Iraq, the defendants also used the above-listed methods.

49. During the course and in furtherance of the conspiracy, and in order to generate money for use in Iraq, the defendants IARA, MUBARAK HAMED, ALI MOHAMED BAGEGNI, and AHMAD MUSTAFA used IARA's tax-exempt status to solicit donations from the public by representing that the donors' contributions were tax deductible.

50. During the course and in furtherance of the conspiracy, and in order to conceal the unlawful endeavor, the defendants attempted to avoid detection by routing the money and transactions indirectly to Iraq.

51. During the course and in furtherance of the conspiracy, and in order to maximize the amount and use of its charitable donations, to maintain its tax-exempt status, to avoid detection of its projects and the use of its funds in Iraq, and to regain its ability to participate in government grants and cooperative agreements, the defendants knowingly made false and misleading statements to various governmental agencies and others, and stole and misused government funds.

52. During the course and in furtherance of the conspiracy, the defendants IARA, MUBARAK HAMED, ALI MOHAMED BAGEGNI and AHMAD MUSTAFA engaged the services of the defendant KHALID AL-SUDANEE, regional director of ISRA's Middle East office, to transfer, by electronic and other means, funds or other items originating in the United States to Iraq. As part of his duties, and in order to facilitate the transactions and identify recipients and projects for IARA, Defendant AL-SUDANEE met with Iraqi military and other government officials, and with persons sent to Jordan and elsewhere by IARA.

53. During the course and in furtherance of the conspiracy, the defendants MUBARAK HAMED, ALI MOHAMED BAGEGNI and AHMAD MUSTAFA knowingly transferred and caused to be transferred, funds from the defendant IARA's bank accounts in the Western District of Missouri to ISRA's bank accounts in Amman, Jordan, controlled by the defendant KHALID AL-SUDANEE, who, by and in agreement with other defendants, knowing that such transfers were in violation of the Iraqi Sanctions Regulations, transferred and caused to be transferred, these monies and materials to Iraq.

54. During the course and in furtherance of the conspiracy, the defendant KHALID AL-SUDANEE authored and maintained internal reports and financial schedules detailing monies and funds transferred and sent from the United States by IARA to him for use in and for Iraq. Copies of these reports were periodically forwarded to IARA and other defendants.

Overt Acts

55. During the course and in furtherance of the conspiracy, and in order to accomplish its aims and purposes, there was committed by one or more of the conspirators, known and unknown, at locations in the Western District of Missouri and elsewhere, at least one of the following overt acts:

A - X. On or about each of the dates set forth below, the transfer and attempted transfer of funds and other items set forth below was made from the Western District of Missouri to Aman, Jordan, for ultimate distribution to Iraq:

<u>OVERT ACT</u>	<u>DATE OF TRANSFER</u>	<u>APPROXIMATE AMOUNT</u>
A	04/10/91	\$ 15,542.50
B	08/26/91	\$ 19,200.00
C	03/26/92	\$ 15,000.00
D	07/28/92	\$ 4,742.50
E	06/11/93	\$ 6,981.00
F	05/31/95	\$ 4,120.00
G	07/26/96	\$ 10,000.00
H	11/20/96	"Medical Supplies"
I	12/10/96	\$ 14,529.00
J	01/28/97	\$ 41,700.00
K	03/31/97	\$ 51,500.00
L	01/29/98	\$ 50,000.00
M	12/09/99	\$ 8,801.00
N	01/04/00	\$ 30,000.00
O	01/14/00	\$ 50,000.00
P	02/08/00	\$ 75,000.00
Q	05/12/00	\$ 58,995.00
R	10/31/00	\$ 60,000.00
S	02/07/01	\$ 50,000.00
T	02/14/01	\$ 50,000.00
U	07/19/01	\$ 50,000.00
V	12/18/01	\$ 40,974.09
W	05/24/02	\$ 5,776.00
X	08/29/02	\$ 4,829.00

Y - AA. The theft of public money counts as alleged in Counts Twenty-Five (25) through Twenty-Seven (27), inclusive, are incorporated herein and re-alleged as separate overt acts as if fully set forth again.

BB - DD. The money laundering counts as alleged in Counts Twenty-Nine (29) through Thirty-One (31), inclusive, are incorporated herein and realleged as separate overt acts as if fully set forth again.

EE - SS. The acts alleged in subparagraphs A through O of Count Thirty-Three (33), paragraph 77, inclusive, are incorporated herein and re-alleged as separate overt acts as if fully set forth again.

TT. On April 18, 1990, Dr. Abdallah Sulayman Al-Awad, Agency General Director of the Islamic African Relief Agency, Khartoum, Sudan, sent to Columbia, Missouri, a communication to the defendant IARA's then-office manager, Muhammad Ahmad Ibrahim Al-Bashir, advising the defendant IARA that the Islamic African Relief Agency headquarters in Khartoum, Sudan, had decided to transfer Mubarak Hamad [the defendant MUBARAK HAMED] to the "US office as deputy to the office manager - starting the beginning of October 1990 A.D." The communication continued by stating, ". . . I request that you kindly start in the proceedings of his entry to the US, providing that he enters and lives on a student visa until he receives the permanent work visa."

UU. On or about November 12, 1991, the defendant MUBARAK HAMED mailed a letter to a charity in Canada, describing IARA's efforts in Iraq, and efforts at raising money for use in Iraq.

VV. On or about December 23, 1998, the defendant KHALID AL-SUDANEE mailed a letter to the defendant MUBARAK HAMED, describing work done in Iraq and military

efforts of the United States in Iraq. The letter stated that an Iraqi military commander appeared at the opening of an IARA-funded school, and included photographs.

WW. On or about February 18, 1999, the defendant KHALID AL-SUDANEE mailed a letter to the defendant MUBARAK HAMED, describing the status of work done in Iraq, and requesting continued support.

XX. Between approximately 1991 and in or about April 2004, publications were produced and distributed throughout the United States, which described conditions in Iraq, and solicited and lauded contributions going to Iraq. Frequently, these publications claimed the conditions were due to the sanctions imposed upon Iraq.

YY. Between in or about 1991 and in or about April 2004, publications were produced and distributed to keep contributors and donors up to date on IARA's efforts in Iraq, and to encourage the contributors to continue to give money to IARA. Some of the publications showed the percentage of IARA's funds that went to Iraq, and described the claimed use of some of the funds. The publications also detailed travel by one of the defendants to Iraq, in violation of the sanctions.

ZZ. Between in or about 1991 and on or about October 13, 2004, internal accounting classifications were prepared and maintained, which detailed the nature and amount of contributions being made for use in Iraq.

AAA. Between in or about 1992 and on or about October 13, 2004, the defendant IARA's board of directors, including the defendant ALI MOHAMED BAGEGNI, reviewed and approved the defendant IARA's annual reports, which described the defendant IARA's activities in Iraq. The annual reports and other literature were sent out to solicit and encourage donations in order to facilitate the defendant IARA's ongoing efforts within Iraq.

BBB. Between in or around June 1999 and in or around October 1999, the defendant AHMAD MUSTAFA, a/k/a Ahmad Al-Katib, traveled to Iraq as a representative of the defendant IARA.

CCC. In or around 2000, the defendant AHMAD MUSTAFA traveled to at or near Duhouk, Iraq, as a representative of the defendant IARA.

DDD. In or around 2001, the defendant AHMAD MUSTAFA traveled to at or near Duhouk, Iraq, as a representative of the defendant IARA.

EEE. In or about January, 2001, a website was operated which, in part, solicited donations for IARA projects in Iraq.

FFF. On or about August 17, 2001, in response to OFAC letters of March 21, 2001, and August 1, 2001, noting that (a) the IARA website stated that the organization was active in both Sudan and Iraq, (b) IARA-USA's application for a license to send merchandise to Sudan was denied, and (c) Islamic Relief Agency, which listed IARA-USA as one of its major donors, was also denied a license to send merchandise to Sudan, and requesting, within 20 days, a report of IARA-USA's activities in Sudan and Iraq within the preceding five years, the defendants IARA and MUBARAK HAMED sent a letter to OFAC in which they claimed that "IARA-USA [the defendant IARA] is an independent U.S. non-profit corporation that is separate and distinct from any other organization outside U.S. that may use IARA or any portion of this name in its title," and in which he stated that IARA did not export any merchandise to Iraq and was only "trying to help Iraqi people outside Iraq."

GGG. In or about March and April 2004, the defendant MUBARAK HAMED hired MARK DELI SILJANDER, not named as a defendant in this Count, to advocate for IARA's removal from a Senate Finance Committee list of charitable organizations suspected of being

involved in supporting international terrorism, and its reinstatement as an approved government contractor after its termination by USAID.

HHH. On or about April 28, 2004, the defendants MUBARAK HAMED, ALI MOHAMED BAGEGNI, and IARA, and ABDEL AZIM EL-SIDDIG (not a defendant in this count) agreed with MARK DELI SILJANDER (not a defendant in this count) to mischaracterize his efforts and relationship with IARA.

III. On or about May 18, 2004, ABDEL AZIM EL-SIDDIG paid MARK DELI SILJANDER \$25,000.00, through a check, number 1005, payable to International Foundation (with the notation indicating sub-account number 600-006, Muslim Friends).

JJJ. On or about November 13, 2004, the defendant MUBARAK HAMED executed and swore to an affidavit stating, in part, that IARA was a completely separate organization from any other entities, that it was a self-contained legal entity and not a parent or subsidiary of any other organization, and was a completely separate organization from the Islamic African Relief Agency in Sudan.

All in violation of Title 18, United States Code, Section 371; Title 50, United States Code, Sections 1701-1706; and Title 31, Code of Federal Regulations, Section 575.210.

COUNTS TWO through TWELVE

(Violations of the International Emergency Economic Powers Act
and the Iraqi Sanctions Regulations)

56. The allegations of paragraphs 44 through 55 of this Indictment are re-alleged and incorporated by reference as though fully set forth again.

57. On or about the dates, and in the approximate amounts, set forth below, in the Western District of Missouri, and elsewhere, the defendants IARA, MUBARAK HAMED,

ALI MOHAMED BAGEGNI and KHALID AL-SUDANEE, aided and abetted by each other, knowingly and willfully violated Executive Orders 12722 and 12724 and the Iraqi Sanctions Regulations, by participating in transactions involving the transfer and attempted transfer of funds from the United States to Iraq, by and through Amman, Jordan, which funds were subject to Executive Orders 12722 and 12724 and the Iraqi Sanctions Regulations:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>APPROXIMATE AMOUNT</u>
2	12/09/99	\$ 8,801.00
3	01/04/00	\$ 30,000.00
4	01/14/00	\$ 50,000.00
5	02/08/00	\$ 75,000.00
6	05/12/00	\$ 58,995.60
7	10/31/00	\$ 60,000.00
8	02/14/01	\$ 50,000.00
9	07/19/01	\$ 50,000.00
10	12/18/01	\$ 40,974.09
11	05/24/02	\$ 5,776.00
12	08/29/02	\$ 4,829.80

All in violation of Title 50, United States Code, Sections 1701-1706; Title 31, Code of Federal Regulations, Section 575.210; and Title 18, United States Code, Section 2.

COUNT THIRTEEN
(Conspiracy to Commit Money Laundering)

58. The allegations of paragraphs 56 and 57 of this Indictment are re-alleged and incorporated by reference as though fully set forth again.

59. Beginning in or about March 1991 and continuing until in or about May 2003, in the Western District of Missouri, and elsewhere, the defendants **IARA, MUBARAK HAMED, ALI MOHAMED BAGEGNI, AHMAD MUSTAFA** and **KHALID AL-SUDANEE** did conspire and agree with one another, and with others known and unknown to the Grand Jury, to knowingly transport, transmit and transfer, and attempt to transport, transmit and transfer monetary instruments and funds from a place in the United States to a place outside the United States with the intent to promote the carrying on of specified unlawful activity, that is, knowingly and willfully transferring and attempting to transfer funds or other financial or economic resources to Iraq, by and through Amman, Jordan, in violation of Title 50, United States Code, Sections 1701 through 1706 (IEEPA), and punishable under Section 206 of IEEPA (also known as Title 50, United States Code, Section 1705(b)).

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS FOURTEEN through TWENTY-FOUR
(Money Laundering)

60. The allegations of paragraphs 58 and 59 of this Indictment are re-alleged and incorporated by reference as though fully set forth again.

61. On or about the dates, and in the approximate amounts, set forth below, in the Western District of Missouri, and elsewhere, the defendants **IARA, MUBARAK HAMED, ALI MOHAMED BAGEGNI** and **KHALID AL-SUDANEE**, aided and abetted by each other, did knowingly transfer and attempt to transfer funds, in the form of wire transfers,

from a place in the United States to a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, that is, knowingly and willfully transferring and attempting to transfer funds or other financial or economic resources to Iraq, by and through Amman, Jordan, in violation of Title 50, United States Code, Sections 1701 through 1706 (IEEPA), and punishable under Section 206 of IEEPA (also known as Title 50, United States Code, Section 1705(b)):

<u>COUNT</u>	<u>DATE OF WIRE TRANSFER</u>	<u>APPROXIMATE AMOUNT</u>
14	12/09/99	\$ 8,801.00
15	01/04/00	\$ 30,000.00
16	01/14/00	\$ 50,000.00
17	02/08/00	\$ 75,000.00
18	05/12/00	\$ 58,995.60
19	10/31/00	\$ 60,000.00
20	02/14/01	\$ 50,000.00
21	07/19/01	\$ 50,000.00
22	12/18/01	\$ 40,974.09
23	05/24/02	\$ 5,776.00
24	08/29/02	\$ 4,829.80

All in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2.

COUNTS TWENTY-FIVE through TWENTY-SEVEN
(Theft of Public Money)

62. The allegations of paragraphs 2 through 35, 42, 43, and 45 through 55 of this Indictment are re-alleged and incorporated by reference as though fully set forth again.

63. On or about the dates, and in the approximate amounts set forth below, the defendants **IARA, MUBARAK HAMED, ALIMOHAMED BAGEGNI** and others known and unknown to the Grand Jury, aided and abetted by each other, did knowingly and without authority, convert for their use and the use of another, money of USAID, a department or agency of the United States, that is, by providing payments derived from USAID funds to another in support of contracted efforts aimed at altering the defendant IARA's status before the United States Senate Finance Committee, and obtaining reinstatement as an approved government contractor:

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF TRANSACTION</u>
25	06/09/04	Deposit of Check No. 7095 from IARA, USA, CEWIGAP account at Nations Bank, payable to International Foundation, for approximately \$25,000.00, into Branch Bank and Trust, account number [REDACTED] 917, for credit to the sub-account of Muslim Friends, number [REDACTED]-006
26	09/02/04	Deposit of Check No. 7097 from IARA, USA, CEWIGAP account at Nations Bank, payable to National Heritage Foundation, for approximately \$12,500.00, into James Monroe Bank, account number [REDACTED] 602, for credit to the sub-account of "Ambassadors for Peace and Reconciliation", number [REDACTED] 388

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF TRANSACTION</u>
27	09/02/04	Deposit of Check No. 1204 from IARA, USA, Mali Project account at Nation's Bank (then Boatmen's Bank), payable to National Heritage Foundation, for approximately \$12,500.00, into James Monroe Bank, account number [REDACTED] 602, for credit to the sub-account "Ambassadors of Peace and Reconciliation," number [REDACTED] 388

All in violation of Title 18, United States Code, Sections 641 and 2.

COUNT TWENTY-EIGHT
(Conspiracy to Commit Money Laundering)

64. The allegations of paragraphs 62 and 63 of this Indictment are re-alleged and incorporated by reference as though fully set forth again.

65. Beginning in or about March 2004, and continuing through on or about January 16, 2008, in the Western District of Missouri, and elsewhere, the defendants **IARA, MUBARAK HAMED, ALI MOHAMED BAGEGNI, ABDEL AZIM EL-SIDDIG and MARK DELI SILJANDER** did conspire and agree with one another, and with others known and unknown to the Grand Jury, to knowingly conduct and attempt to conduct financial transactions, that is, transactions involving the use of a financial institution which is engaged in and the activities of which affect interstate and foreign commerce in any way or degree, that is, the transfer and attempted transfer of funds which involved the proceeds of specified unlawful activity, that is, theft of public money, as set forth in Counts Twenty-Five (25) through Twenty-Seven (27) of this Indictment, knowing that the transactions were

designed in whole or in part to conceal and disguise the nature, source and ownership of the proceeds, and that, while conducting such financial transactions, knew that the funds represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS TWENTY-NINE through THIRTY-ONE
(Money Laundering)

66. The allegations of paragraphs 64 and 65 of this Indictment are re-alleged and incorporated by reference as though fully set forth again.

67. In exchange for his services to IARA, the defendant MARK DELI SILJANDER was paid a total of approximately \$75,000.00. On or about May 27, 2004, Defendant SILJANDER sent an email to the International Foundation requesting a transfer of \$25,000.00 from the Muslim Friends sub-account number [REDACTED]-006 to his Global Strategies sub-account number [REDACTED]. Subsequently, a part of that amount, more fully described in Count Twenty-Nine (29), was transferred to Defendant SILJANDER's account at Merrill Lynch.

68. On or about the dates, and in the approximate amounts, set forth below, in the Western District of Missouri, and elsewhere, the defendants **IARA, MUBARAK HAMED, ALI MOHAMED BAGEGNI, ABDEL AZIM EL-SIDDIG** and **MARK DELI SILJANDER**, and others known and unknown to the Grand Jury, aided and abetted by each other, did knowingly conduct and attempt to conduct a financial transaction, that is, a transaction involving the use of a financial institution which is engaged in and the activities

of which affect interstate and foreign commerce in any way or degree, namely, the transfer and attempted transfer of funds which involved the proceeds of specified unlawful activity, that is, theft of public money, as set forth in Counts Twenty-Five (25) through Twenty-Seven (27) of this Indictment, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, source and ownership of the proceeds, and that, while conducting such financial transaction, knew that the funds represented the proceeds of some form of unlawful activity:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>DESCRIPTION OF TRANSACTION</u>
29	06/30/04	Deposit of automated clearing house transfer (ACH) from an International Foundation account at Branch Bank and Trust for approximately \$18,337.00 to the defendant MARK DELI SILJANDER's account with Merrill Lynch, number [REDACTED] S57
30	09/10/04	Deposit of Check No. 71631 from National Heritage Foundation, "Ambassadors of Peace and Reconciliation" sub-account, at the James Monroe Bank, payable to Global Strategies, Inc. c/o Mark Siljander for approximately \$23,000 into defendant's Branch Bank and Trust, account number [REDACTED] 128
31	11/23/04	Deposit of Check No. 75141 from National Heritage Foundation, "Ambassadors of Peace and Reconciliation" sub-account, at James Monroe Bank, payable to MARK SILJANDER for approximately \$1,350.00 into defendant's account with Merrill Lynch, account number [REDACTED] S57

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT THIRTY-TWO
(Obstruction of Justice)

General Allegations

69. The allegations of paragraphs 66 and 67 of this Indictment are re-alleged and incorporated by reference as though fully set forth again.

70. In or around March 2004, the defendant IARA hired the defendant MARK DELI SILJANDER, and another individual to whom the organization was referred by Defendant SILJANDER, to advocate for the defendant IARA's removal from "the list" and to assist in the reinstatement of the defendant IARA as an approved government contractor. Between approximately June and November 2004, as compensation for the services that Defendant SILJANDER agreed to perform, the defendant IARA transferred funds to sub-accounts at the National Heritage Foundation and the International Foundation, which sub-accounts were managed on behalf of Defendant SILJANDER.

71. On October 13, 2004, pursuant to applicable Executive Orders, the Secretary of the Treasury designated various individuals and entities related to IARA and ISRA as SDGTs, including the defendant IARA and the defendant KHALID AL-SUDANEE.

72. At all times material, a federal grand jury of the Western District of Missouri was conducting an investigation of the defendant IARA. During this investigation, the following matters, among others, were material:

- A. Whether the defendant IARA had retained the defendant MARK DELI SILJANDER or any other individuals to perform lobbying or advocacy services;
- B. Whether any individuals had performed lobbying or advocacy services on behalf of the defendant IARA;
- C. Whether the defendant IARA had used funds it had received from charitable donations or USAID funds to pay for lobbying or advocacy services;
- D. Whether the defendant IARA or any other individuals had engaged in monetary or financial transactions involving charitable donations or USAID funds and, if so, the nature and purpose of said transactions; and
- E. What discussions had taken place between the defendant IARA and other individuals regarding lobbying and advocacy services, and monetary and financial transactions, and who had been involved in any such discussions.

Statutory Allegations

73. Beginning on or about December 13, 2005, and continuing until at least April 26, 2007, in the Western District of Missouri, and elsewhere, the defendant **MARK DELI SILJANDER** did corruptly endeavor to obstruct and impede the due administration of justice in an investigation conducted by a federal grand jury of the Western District of Missouri by:

A. On or about December 13, 2005, in Arlington, Virginia, the defendant MARK DELI SILJANDER did knowingly and willfully make materially false, fictitious and fraudulent statements and representations to agents of the Federal Bureau of Investigation acting on behalf of the grand jury, to wit:

(1) he had not been hired to do any lobbying or advocacy for the defendant IARA;

(2) he had not performed any lobbying or advocacy for the defendant IARA; and

(3) the payments he had received from the defendant IARA were charitable donations intended to assist him in writing a book about bridging the gap between Islam and Christianity.

B. On or about April 26, 2007, in Kansas City, Missouri, the defendant MARK DELI SILJANDER did knowingly and willfully make materially false, fictitious and fraudulent statements and representations to Assistant United States Attorneys and agents of the Federal Bureau of Investigation, acting on behalf of the grand jury, to wit:

(1) he had performed no services in exchange for the money he received from the defendant IARA;

(2) the payments he had received from the defendant IARA were charitable donations intended to assist him in writing a book about bridging the gap between Islam and Christianity; and

(3) he had not spoken to anyone from the defendant IARA on the telephone about performing services for the organization, or for any reason other than to thank the organization for its “donation.”

C. When the defendant MARK DELI SILJANDER made each of the statements identified in the sub-paragraphs above, he then well knew and believed that each statement was false, in that:

(1) the defendant MARK DELI SILJANDER had been hired by the defendant IARA to perform services;

(2) the defendant MARK DELI SILJANDER had performed services for the defendant IARA;

(3) the payments the defendant MARK DELI SILJANDER had received from the defendant IARA were compensation for the services he had been hired to perform; and

performing services for the defendant IARA, and routing payment for those services through non-profit foundations on the telephone with representatives of the defendant IARA.

All in violation of Title 18, United States Code, Sections 1503(a) and 1512(i).

COUNT THIRTY-THREE

(Corrupt Endeavor to Obstruct or Impede the Due Administration
of the Internal Revenue Laws)

General Allegations

74. The allegations of paragraphs 2 through 73 are re-alleged, and paragraphs 79 through 89 are alleged and incorporated by reference as though fully set forth in this Count.

75. The Internal Revenue Service (IRS) was the federal agency whose mission it was to oversee the operation of organizations exempt from income tax under Section 501(c)(3) of the Internal Revenue Code. In accomplishing this mission, the IRS primarily relied upon information reported annually by each tax-exempt organization on IRS Forms 990, Return of Organization Exempt from Income Tax, detailing the organization's income, expenses and activities during the calendar year. Additionally, in determining an organization's entitlement to tax-exempt status, the IRS utilized information provided by tax-exempt organizations in response to specific IRS inquiries, information provided by other federal and state agencies, and members of the public.

Statutory Allegations

76. Beginning on or about January 1, 1997, and continuing until on or about October 13, 2004, in the Western District of Missouri, and elsewhere, the defendants **IARA** and **MUBARAK HAMED** did corruptly endeavor to impair and impede the due administration of the Internal Revenue laws by using the defendant IARA's tax-exempt status to solicit funds, representing that they were legitimate charitable contributions, and to misuse part of those funds by transferring those funds to Iraq, and to Pakistan for the benefit of SDGT Gulbuddin Hekmatyar, purposes prohibited by law, and for other purposes not in furtherance of the defendant IARA's purported charitable mission. The defendants IARA and MUBARAK HAMED continued their corrupt endeavor by omitting from IARA's IRS Forms 990 their transactions with persons and entities in Iraq and Pakistan, failing to disclose relevant requested information regarding the control, history and affiliations of the defendant IARA, making false public statements, and making false statements to agents and officials of the United States Government.

77. The defendants IARA and MUBARAK HAMED, in furtherance of their corrupt endeavor to impair and impede the due administration of the Internal Revenue Code, engaged in the following acts:

A. From in or before June 1998 and continuing until on or about May 23, 2003, the defendants IARA and MUBARAK HAMED solicited donations through various

means, including pamphlets, flyers, newsletters and personal correspondence (hereinafter “solicitations”), improperly requesting contributions to pay for projects in Iraq. Most of these solicitations specifically referenced the defendant IARA’s tax-exempt status under Section 501(c)(3) of the Internal Revenue Code (Title 26, United States Code) by including the statement, “Make your tax-deductible donation to: IARA - USA,” or words to that effect. Additionally, the solicitations sometimes specifically referenced the tax identification number assigned to the defendant IARA by the IRS, which was [REDACTED] 368;

B. From in or before June 1998, and continuing until on or about May 23, 2003, the defendants IARA and MUBARAK HAMED improperly accepted monetary contributions specifically designated for projects in Iraq;

C. From in or before June 1998, and continuing until on or about May 23, 2003, the defendants IARA and MUBARAK HAMED used funds received as charitable contributions to engage in prohibited transactions involving Iraq, as alleged in Counts Two (2) through Twelve (12) and Fourteen (14) through Twenty-Four (24) of this Indictment;

D. From in or about March 2003 and continuing until in or about August 2004, the defendants IARA and MUBARAK HAMED used funds received as charitable contributions to engage in prohibited transactions involving the Shamshatu Refugee Camp in Pakistan, as alleged in Counts Thirty-Four (34) through Forty-One (41) of this Indictment;

E. On or about December 15, 2001, the defendants IARA and MUBARAK HAMED improperly diverted \$47,000.00, funded from charitable contributions, for use as a contingency fund. The defendants attempted to conceal the diversion of the \$47,000.00 through the purchase of eleven (11) cashiers checks in the names of various IARA employees, without the knowledge or permission of those employees. The defendants then improperly disbursed \$20,000.00 of this fund to pay attorney fees and post bond for an individual identified by the initials A.M., concerning immigration charges;

F. On or about the dates set forth below, the defendants IARA and MUBARAK HAMED filed IRS Forms 990, Return of Organization Exempt From Income Tax, for the tax years set forth below:

<u>DATE FORM 990 FILED</u>	<u>TAX YEAR</u>
06/29/98	1997
08/10/99	1998
07/14/00	1999
05/22/01	2000
08/16/02	2001
08/14/03	2002
08/18/04	2003

G. The defendants IARA and MUBARAK HAMED, on each of the IRS Forms 990 listed above, which required in Part III, Statement of Program Service

Accomplishments that they detail all of their exempt purpose expenses, knowingly failed to disclose the fact that they provided funds for projects and persons in Iraq;

H. The defendants IARA and MUBARAK HAMED, on the IRS Form 990 listed above for the year 2003, which required in Part III, Statement of Program Service Accomplishments that they detail all of their exempt purpose expenses, knowingly failed to disclose the fact that they provided funds to the Shamshatu Refugee Camp in Pakistan, which was under the control of Gulbuddin Hekmatyar;

I. The defendants IARA and MUBARAK HAMED, on each of the IRS Forms 990 listed above, in response to Question 76, which asked: "Did the organization engage in any activity not previously reported to the IRS? If 'Yes,' attach a detailed description of each activity," falsely answered "no," and failed to disclose the improper and illegal activities set forth in Counts One (1) through Thirty-Two (32) and Thirty-Four (34) through Forty-One (41) of the Indictment;

J. The defendants IARA and MUBARAK HAMED, on each of the IRS Forms 990 listed above, in response to Question 80a, which asked: "Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?" falsely answered "no," and failed to disclose their relationships to the Islamic Relief Agency (ISRA), also known as the Islamic African Relief Agency,

headquartered in Khartoum, Sudan, and to the ISRA branch office located in Amman, Jordan;

K. The defendants IARA and MUBARAK HAMED, on the IRS Form 990 for the year 2003 listed above, in response to Question 80a, which asked: “Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?” falsely answered “no,” and failed to disclose their relationships to Gulbuddin Hekmatyar and Hezb-e-Islami (HIG) in Pakistan;

L. The defendants IARA and MUBARAK HAMED, on the IRS Form 990 listed above for the year 1997, in response to Question 76, which asked: “Did the organization engage in any activity not previously reported to the IRS? If ‘Yes,’ attach a detailed description of each activity,” falsely answered “no,” and failed to disclose that in the year 1997, IARA paid the expenses of Ziyad Khaleel, an employee of IARA, for travel to Michigan and London, England, for purposes unrelated to IARA’s purported charitable mission;

M. On or about November 6, 2001, the defendant IARA, through an individual authorized to act on its behalf, engaged in a television interview via satellite transmission from Columbia, Missouri, to Atlanta, Georgia, wherein the defendant IARA falsely and publicly claimed that Ziyad Khaleel, a then publicly identified associate and

procurement agent of Osama Bin Laden, had never been an employee of the defendant IARA, when in fact, as the defendants IARA and MUBARAK HAMED then and there well knew and believed, he had been;

N. On or about October 13, 2004, during an interview with agents of the IRS, the defendant MUBARAK HAMED falsely stated that he had applied for a job with the defendant IARA, and did not disclose that, on or about April 18, 1990, he had been transferred by the Islamic African Relief Agency, located in Khartoum, Sudan, to the defendant IARA's office in Columbia, Missouri; and

O. On or about October 13, 2004, during an interview with agents of the IRS, the defendants IARA and MUBARAK HAMED falsely stated that they had not transferred funds to Iraq while the sanctions were still in effect, and that funds were only used for Iraqi refugees located in Jordan. However, the defendants then and there well knew and believed the statement was false, in that they had transferred funds to Iraq while the sanctions were in effect.

All in violation of Title 26, United States Code, Section 7212(a).

COUNTS THIRTY-FOUR through FORTY-ONE
(Prohibited Transactions with a Specially Designated Global Terrorist)

78. The allegations of paragraphs 2 through 28 and 36 through 43 of this Indictment are re-alleged and incorporated by reference as though fully set forth again.

79. On May 2, 2002, an individual associated with Gulbuddin Hekmatyar sent a letter to the defendants IARA and MUBARAK HAMED, seeking assistance and financing to construct an orphanage near Peshawar, Pakistan, for Afghanistan refugees.

80. On July 9, 2002, the individual referred to in paragraph 79 submitted to the defendants IARA and MUBARAK HAMED a written proposal to re-open and operate an orphanage near Peshawar, Pakistan, for Afghanistan refugees.

81. In or about September 2002, a third person not associated with IARA, herein identified as W-1, approached individuals employed by the defendant IARA, requesting financing to start an orphanage and/or private school in Pakistan.

82. On December 16, 2002, the defendants IARA and MUBARAK HAMED told W-1 that they would assist W-1 in opening an orphanage in Pakistan, but that W-1 would have to use the previously submitted written proposal, and further W-1 would have to work with Qutbuddin Hillal in Pakistan. W-1 learned that Hillal ran the al Imran Welfare Society in Pakistan, and was referred to as the “Jala,” or deputy, of Gulbuddin Hekmatyar. W-1 told the defendants IARA and MUBARAK HAMED that W-1 had further learned that Hillal and Hekmatyar had been previously kicked out of refugee camps for “mujahideen stuff” and that W-1 was uncomfortable working with them.

83. On or about January 5, 2003, W-1 spoke with the defendant MUBARAK HAMED, informing him that the buildings located within the Shamshatu refugee camp that W-1 was directed to renovate and turn into an orphanage were “Hekmatyar buildings.” W-1 also expressed discomfort with working with Hillal, who W-1 described as too “political.”

84. On January 7, 2003, the defendant MUBARAK HAMED told an IARA employee about W-1's misgivings about the people IARA had directed W-1 to work with in Pakistan, stating that "these are not the kind of people [W-1] wants to talk to because they are Hekmatyar people."

85. On February 19, 2003, pursuant to the President's authority, specifically Executive Order 13224, the Secretary of the Treasury, in consultation with the Secretaries of State and Homeland Security and the Attorney General, designated Gulbuddin Hekmatyar as an SDGT, thereby blocking, as a matter of law, all transactions and dealings with property and interests of Gulbuddin Hekmatyar.

86. On or about April 15, 2003, an opening ceremony was held in the Shamshatu refugee camp for the orphanage being funded by the defendants IARA and MUBARAK HAMED.

87. On or about July 15, 2003, a contract for the operation of the Shamshatu orphanage was signed by the defendants IARA and MUBARAK HAMED, as well as Qutbuddin Hillal and other relevant parties.

88. Between 2002 and 2004, the defendant IARA sent and caused to be sent, approximately \$260,000.00 to accounts in the name of, or under the control of, the Islamic Relief Agency (ISRA) in Peshawar, Pakistan.

89. On or about and between February 19, 2003, and August 6, 2004, in the Western District of Missouri, and elsewhere, the defendants IARA and MUBARAK HAMED, aided and abetted by each other, and others known and unknown to the Grand Jury, did knowingly and willfully engage and did attempt to engage in financial transactions

and otherwise deal and attempt to deal in property and interests in property of and for the benefit of Gulbuddin Hekmatyar, an SDGT, that is, on the dates, and in the amounts, set forth below, the defendants sent, and caused to be sent, approximately \$130,000.00 to ISRA bank accounts in Peshawar, Pakistan, for the stated purpose of renovating buildings located in the Shamshatu Refugee Camp, which were owned and controlled by SDGT Gulbuddin Hekmatyar, for the stated purpose of re-establishing and operating an “orphanage”:

<u>COUNT</u>	<u>DATE OF WIRE TRANSFER</u>	<u>APPROXIMATE AMOUNT</u>
34	03/24/03	\$ 9,772.00
35	04/30/03	\$ 10,883.00
36	05/28/03	\$ 22,489.00
37	08/27/03	\$ 20,360.00
38	11/24/03	\$ 5,428.54
39	12/31/03	\$ 7,167.00
40	01/27/04	\$ 25,501.00
41	08/06/04	\$ 28,501.00

All in violation of Title 50, United States Code, Sections 1701 through 1706; Title 31, Code of Federal Regulations, Section 594.204; and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION
(18 U.S.C. §§ 982(a)(1) and (b)(1))

90. A defendant who is convicted of one or more of the money laundering or monetary transaction offenses in violation of Title 18, United States Code, Section 1956, alleged in Counts Thirteen (13) through Twenty-Four (24) and Twenty-Eight (28) through

Thirty-One (31) of this Indictment, shall forfeit to the United States of America, all property, real and personal, involved in the money laundering and monetary transaction offenses, and all property traceable to such property, as well as all property used in any manner or part to commit or to facilitate the commission of those violations, including but not limited to, the following:

A. Defendants **IARA, MUBARAK HAMED, ALI MOHAMED BAGEGNI, KHALID AL-SUDANEE** and **AHMAD MUSTAFA** shall forfeit approximately \$1,375,712.00 in United States currency. That sum represents the sum of monies involved in the international financial transactions used to promote the carrying on of specified unlawful activity as set forth in Counts Thirteen (13) through Twenty-Four (24), for which the defendants are jointly and severally liable; and

B. Defendants **IARA, MUBARAK HAMED, ALI MOHAMED BAGEGNI, ABDEL AZIM EL-SIDDIG** and **MARK DELI SILJANDER** shall forfeit approximately \$46,350.00 in United States currency. That sum represents the sum of monies involved in the financial transactions used to conceal the nature, source and ownership of the proceeds of specified unlawful activity as set forth in Counts Twenty-Eight (28) through Thirty-One (31), for which the defendants are jointly and severally liable.

91. By virtue of the commission of one or more of the felony offenses charged in Counts Thirteen (13) through Twenty-Four (24) and Twenty-Eight (28) through Thirty-One

(31) of this Indictment by the defendants **IARA, MUBARAK HAMED, ALI MOHAMED BAGEGNI, AHMAD MUSTAFA, KHALID AL-SUDANEE, ABDEL AZIM EL-SIDDIG** and **MARK DELI SILJANDER**, any and all interests which the defendants have in the above-described sums are vested in the United States and are hereby forfeited to the United States pursuant to Title 18, United States Code, Section 982(a)(1).

92. In the event that any property, real or personal, involved in the offenses and described in Counts Thirteen (13) through Twenty-Four (24) and Twenty-Eight (28) through Thirty-One (31) of this Indictment, or any property traceable to such property, as a result of any act or omission of the defendants:

- A. cannot be located upon exercise of due diligence;
- B. has been transferred or sold to, or deposited with a third party;
- C. has been placed beyond the jurisdiction of the court;
- D. has been substantially diminished in value; or
- E. has been co-mingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of said defendants up to the value of the above property.

A TRUE BILL.

10/21/08

DATE

/s/John R. Lowry

FOREPERSON OF THE SPECIAL
GRAND JURY

/s/Anthony P. Gonzalez

Anthony P. Gonzalez

Assistant United States Attorney
Western District of Missouri

/s/Steven M. Mohlhenrich

Steven M. Mohlhenrich

Assistant United States Attorney
Western District of Missouri

/s/Anthony P. Gonzalez for

Corey J. Smith

Senior Litigation Counsel
Tax Division, U.S. Department of Justice

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	Criminal Action
v.	)	No. 07-CR-00087-02-W-NKL
)	
MUBARAK HAMED,)	
)	
Defendant.)	

PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, the parties described below have entered into the following plea agreement:

1. The Parties. The parties to this agreement are the United States Attorney’s Office for the Western District of Missouri (otherwise referred to as “the Government” or “the United States”), represented by Beth Phillips, United States Attorney, Assistant United States Attorney Anthony P. Gonzalez, Assistant United States Attorney Steven M. Mohlhenrich, and United States Department of Justice Trial Attorney Paul G. Casey, and Defendant MUBARAK HAMED (“Defendant”), represented by Curtis E. Woods and Charles D. Swift. Defendant understands and agrees that this plea agreement is only between him and the United States Attorney for the Western District of Missouri, and that it does not bind any other federal, state, or local prosecution authority or any other government agency, unless otherwise specified in this agreement.

2. Defendant’s Guilty Plea. Defendant agrees to and hereby does plead guilty to Counts One (1), Ten (10) and Thirty-Three (33) of the Second Superseding Indictment. Count One

DEFENDANT INITIALS: MH

charges Defendant with violation of 18 U.S.C. § 371, that is, conspiracy to violate 50 U.S.C. §§ 1701-1706 (International Emergency Economic Powers Act). Count Ten charges Defendant with violation of 50 U.S.C. §§ 1701-1706 (International Emergency Economic Powers Act). Count Thirty-Three charges Defendant with violation of 26 U.S.C. § 7212(a) (Obstructing or Impeding Administration of Internal Revenue Laws). By entering into this plea agreement, Defendant admits that he knowingly and willfully committed these offenses, and is in fact guilty of these offenses.

3. **Factual Basis for Guilty Plea.** The parties agree that the facts constituting the offenses to which Defendant is pleading guilty are as follows:

Background

A. Defendant Mubarak Hamed (Hamed), a native of Sudan, is a naturalized United States citizen. Hamed first entered the United States in 1990, and lived in Columbia, Missouri from that time until the present.

B. From 1991 onward, Hamed was the chief executive of Defendant Islamic American Relief Agency (IARA), an Islamic charitable organization incorporated under Missouri law in 1985 and based in Columbia, Missouri. Originally, IARA was incorporated under the name "Islamic African Relief Agency-USA," and also was known as the Islamic African Relief Agency-United States Affiliate and IARA-USA. On August 27, 1987, IARA applied for recognition of tax exemption under Section 501(c)(3) of the Internal Revenue Code (Title 26, United States Code). On April 21, 1989, IARA was granted tax-exempt status. On May 25, 2000, the Islamic African Relief Agency-USA legally changed its name to the Islamic American Relief Agency.

C. IARA was part of an international organization having more than 40 international offices, which was headquartered in Khartoum, Sudan. That organization was known as the Islamic African Relief Agency, the Islamic Relief Agency, IARA, and ISRA.

D. In 1991, Hamed was appointed as the Chief Executive Officer of IARA in the United States. His title was later changed to Executive Director. Hamed ran the day-to-day operations of IARA, and was responsible for implementing the projects authorized by IARA's Board of Directors or with which IARA associated itself. Hamed spoke for

DEFENDANT INITIALS: MH

-2-

IARA, negotiated and entered cooperation agreements and contracts on its behalf, and authorized spending and payment for projects, materials, and travel. As a charity, IARA took in between \$1 million and \$3 million in contributions annually from 1991 to 2003. It also received funds from the United States Agency for International Development (USAID). During Hamed's tenure, IARA employed approximately six full-time employees, and an additional 10-12 part-time employees.

IEEPA and Iraqi Sanctions Violations

E. Pursuant to authority granted in the International Emergency Economic Powers Act (IEEPA), on August 2, 1990, President George H.W. Bush issued Executive Order 12722, which declared a national emergency with respect to Iraq, and on August 9, 1990, issued Executive Order 12724, which empowered the Secretary of the Treasury to promulgate regulations to effect these Executive Orders. Pursuant in part to this authority, the Secretary of Treasury issued the Iraqi Sanctions Regulations, 31 C.F.R. § 575, which prohibited among other things a United States person from sending or transfer of money, funds and good, directly or indirectly to any person in or the government of Iraq, the unauthorized export of goods from the United States to a third country for reshipment to Iraq, any transaction which avoids or evades the Iraqi Sanctions Regulations, unauthorized travel to Iraq, and any conspiracy to violate or engage in any transaction prohibited by the Iraqi Sanctions Regulations. These sanctions continued in effect until May 23, 2003.

F. At all times while the Iraqi Sanctions were in place, Defendants Hamed and IARA were United States persons. Further, at no time while the Iraqi Sanctions were in place did Hamed or IARA have a license or any other legal authorization to send money, funds or items into Iraq.

G. As part of his duties as IARA's Executive Director, Hamed was directly responsible for implementing IARA's participation in all projects and activities, and authorizing all spending (as sole or co-signer), which included the issuing of all checks and money transfers to persons and organizations inside and outside the United States. In implementing IARA's participation in projects, it was also Hamed's responsibility to ensure that IARA had all necessary licenses and permissions to lawfully perform the business of IARA.

H. As IARA's Executive Director, Hamed was aware of and caused IARA to raise money for for transfer to persons in Iraq. In that regard, in 1996, Hamed hired Defendant Ahmed Mustafa (Mustafa) as a fund-raiser, with the understanding that Mustafa would concentrate his efforts on raising and securing funds which would ultimately be sent to Iraq. Mustafa worked at IARA until October 13, 2004.

I. Hamed explained to Mustafa and other IARA employees that the moneys collected for Iraq would be transferred via wire to Defendant Khalid Al-Sudanee

(Al-Sudanee), who was in charge of the Amman, Jordan branch office of ISRA. Al-Sudanee would either take the cash sent to him into Iraq, and/or purchase items in Jordan and transport them into Iraq. Correspondence found in the IARA offices, and at Hamed's home, confirmed that during the time Iraqi Sanctions were in effect, funds were regularly sent (wired) to Al-Sudanee in Amman, Jordan, and that Al-Sudanee took the money, funds and/or items into Iraq.

J. On March 21, 2001, Hamed was sent, and he received, a letter from the Department of the Treasury, Office of Foreign Assets Control (OFAC) which, among other things, informed Hamed that they had a report, based in part upon information on IARA's website, that IARA appeared to be providing aid to persons inside Iraq, that was a licensing requirement to send aid to Iraq, and that IARA did not possess a license to provide aid or funds to Iraq. The letter asked for an accounting of IARA's efforts in Iraq and Sudan for the preceding five (5) years, and a response within 20 days. Hamed did not respond and, on August 1, 2001, OFAC again sent him a letter, which he received, informing Hamed that OFAC had a report, based in part upon information on IARA's website, that IARA appeared to be providing aid to persons inside Iraq, that there existed a licensing requirement to send aid to Iraq, and that IARA did not possess a license to provide aid or funds to Iraq. The letter asked for an accounting of IARA's efforts in Iraq and Sudan for the preceding five (5) years. Hamed responded to this letter on August 17, 2001, and knowingly and falsely stated to OFAC that IARA did not provide aid to anyone in Iraq, only to persons outside of Iraq.

K. Prior to March 21, 2001, Hamed had authorized and approved of all transfers funds to Al-Sudanee knowing that the money, and funds would be and were transferred from Jordan to Iraq. After March 21, 2001, Hamed continued to transfer money and funds from IARA accounts in Columbia, Missouri to Iraq through Amman, Jordan, including but not limited to, on December 18, 2001, Hamed authorized the transfer of \$40,974.09 from an IARA account in Columbia Missouri, to an account controlled by Al-Sudanee in Amman, Jordan, which money was to go for and to go to persons in Iraq, as charged in Count Ten of the Second Superseding Indictment.

L. On October 13, 2004, IARA along with five individuals in the ISRA network, located overseas, was designated a Specially Designated Global Terrorist (SDGT) by OFAC. From that point, IARA could no longer receive contributions or use any of its property. Hamed was interviewed by federal agents on October 13, 2004. Hamed acknowledges that the Government could establish at trial that during that interview, he first admitted sending money to Iraq, and then denied sending it. Further, Hamed acknowledges the Government could also establish at trial that he told Mustafa to deny that the aid had been sent into Iraq. Hamed acknowledges that the Government could establish through evidence of these acts that he attempted to obstruct and impede the investigation. Later on that day, and in the following weeks, Hamed admitted to others

that IARA did send money, funds and items inside Iraq, and that he did not get the required licenses.

M. During the entire period in which the sanctions were in effect, IARA and Hamed used funds received as charitable contributions to engage in the prohibited transactions involving Iraq, as alleged in Counts Two (2) through Twelve (12) and Fourteen (14) through Twenty-Four (24) of the Second Superseding Indictment.

Efforts to Remove IARA From the Senate Finance Committee List

N. On January 14, 2004, IARA was included on a United States Senate Finance Committee list identifying charities suspected of funding terrorism. Shortly thereafter, Hamed and the Board of Directors decided that IARA should hire a person or persons to advocate for IARA's removal from the list. On or about January 24, 2004, with the assistance of Defendant Mark Deli Siljander (Siljander), Hamed, on behalf of IARA, hired a former United States Congressman and registered lobbyist, hereinafter identified by the initials "R.P.H.," to advocate for IARA's removal from the list and reinstatement as an approved government contractor, by gathering information and meeting with individuals and agencies of the United States government. On January 24, 2004, Hamed signed a \$15,000 check that was issued to R.P.H., drawn on IARA's principal bank account.

O. Between March and May, 2004, Hamed, on behalf of IARA, hired a second former United States Congressman, Siljander, who was not a registered lobbyist, to advocate for IARA's removal from the list and reinstatement as an approved government contractor, by gathering information and meeting with individuals and agencies of the United States government. Hamed's discussions with Siljander included two telephone conversations, which took place April 28, 2004, and May 6, 2004. In those conversations, Hamed and Siljander discussed the work Siljander was performing on behalf of IARA and agreed on a fee of \$75,000. Regarding the method of payment for the services, Siljander told Hamed, ". . . I think we oughta do this number one through foundations and not professionally," and advised Hamed to transfer funds from IARA to himself by funneling them through nonprofit entities.

P. On May 27, 2004, Hamed signed a \$25,000 check that was issued to Siljander, check no. 7095, drawn upon the IARA-USA, North Mali (CEWIGAP) account, which was made payable to an entity called the International Foundation. On August 26, 2004, Hamed signed two checks that were issued to Siljander, each in the amount of \$12,500; the first, check no. 7097 was drawn upon the IARA-USA, North Mali (CEWIGAP) account, and was made payable to an entity called the National Heritage Foundation, and the second, check no. 1204 was drawn upon the IARA Mali Project account, and was also made payable to National Heritage Foundation.

Q. Since the indictment of this matter, Hamed has read Siljander's account describing the payments as being for the support of Siljander's writing a book about building "bridges" between Islam and Christianity. This account is utterly false. Hamed hired Siljander to perform a service for IARA: to advocate for IARA's removal from the Senate Finance Committee List, and reinstatement as an approved recipient of United States funds. Hamed never discussed with Siljander the writing of a book, and would not have spent \$75,000 of IARA's funds for such a purpose.

Obstructing and Impeding the Administration of the Internal Revenue Laws

R. One mission of the IRS was to oversee the operation of organizations exempt from income tax under Section 501(c)(3) of the Internal Revenue Code (Title 26, United States Code). In accomplishing this mission, the IRS primarily relied upon information reported annually by each tax-exempt organization on IRS Forms 990, Return of Organization Exempt from Income Tax, detailing the organization's income, expenses and activities during the calendar year. Additionally, in determining an organization's entitlement to tax-exempt status, the IRS utilized information provided by tax exempt organizations in response to specific IRS inquiries, information provided by other federal and state agencies, and members of the public.

S. By pleading guilty to Count Thirty-Three, Hamed admits that beginning at least as early as January 1, 1997, and continuing until October 13, 2004, he corruptly endeavored to impair and impede the due administration of the Internal Revenue laws by using IARA's tax-exempt status to solicit funds, representing that they were legitimate charitable contributions, and to misuse part of those funds by transferring those funds to Iraq, a purpose prohibited by law as alleged in Counts One through Twelve, Fourteen through Twenty-Four, and in many similar uncharged transactions. In fact, during the entire period in which the Iraq sanctions were in effect, Hamed IARA solicited donations through various means, including pamphlets, flyers, newsletters and personal correspondence, requesting contributions to pay for projects in Iraq. Most of these solicitations specifically referenced the defendant IARA's tax-exempt status under Section 501(c)(3) by including the statement, "Make your tax-deductible donation to: IARA - USA," or words to that effect. Additionally, the solicitations sometimes specifically referenced the tax identification number assigned to the IARA by the Internal Revenue Service (IRS). Further, IARA accepted monetary contributions specifically designated for projects in Iraq.

T. Further, Hamed admits that he continued the corrupt endeavor by omitting from IARA's IRS Forms 990 relevant, material information regarding IARA's transactions with persons and entities in Iraq, and regarding IARA's control, history and affiliations. For each year 1997 through 2003, Hamed filed or caused to be filed IRS Forms 990, Return of Organization Exempt From Income Tax. On each such form, which required in Part III, Statement of Program Service Accomplishments that they detail all of their exempt purpose expenses, Hamed knowingly failed to disclose the fact that he and

IARA had provided funds for projects and persons in Iraq. Further, on each such form, in response to Question 80a, which asked: "Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?" falsely answered "no," and failed to disclose IARA's relationship to the Islamic Relief Agency (ISRA), also known as the Islamic African Relief Agency, headquartered in Khartoum, Sudan, and to the ISRA branch office located in Amman, Jordan.

U. Further, Hamed admits that as a part of his corrupt endeavor, on or about November 6, 2001, he instructed a spokesman for IARA to engage in a television interview to falsely claim that a certain individual had never been an employee of IARA, when in fact, Hamed personally had hired that individual as an IARA employee. Hamed admits that he instructed the spokesperson to falsely deny the association so as to avoid IARA coming under increased scrutiny from the government and public, and to avoid deterring potential donors from contributing to IARA.

V. Finally, Hamed admits that on October 13, 2004, during an interview with agents of the IRS, he falsely stated that they had not transferred funds to Iraq while the sanctions were still in effect, and that funds were only used for Iraqi refugees located in Jordan. Further, to conceal the true nature of IARA's relationship with ISRA, Hamed falsely stated that he had applied for a job with IARA in Columbia, Missouri, and did not disclose that, on or about April 18, 1990, he had been transferred by the entity located in Khartoum, Sudan, to the Columbia, Missouri branch office.

4. Use of Factual Admissions and Relevant Conduct. Defendant acknowledges, understands and agrees that the admissions contained in Paragraph 3 and other portions of this plea agreement will be used for the purpose of determining his guilt and advisory sentencing range under the United States Sentencing Guidelines ("U.S.S.G."), including the calculation of Defendant's offense level in accordance with U.S.S.G. § 1B1.3(a)(2). Defendant acknowledges, understands and agrees that the conduct charged in any dismissed counts of the indictment as well as all other uncharged related criminal activity may be considered as "relevant conduct" pursuant to U.S.S.G. § 1B1.3(a)(2) in calculating the offense level for the charges to which he is pleading guilty.

DEFENDANT INITIALS: MH

-7-

5. Statutory Penalties.

A. Defendant understands that upon his plea of guilty to Count One, charging him with 18 U.S.C. § 371, that is, Conspiracy to Violate 50 U.S.C. §§ 1701-1706 (International Emergency Economic Powers Act), the maximum penalty the Court may impose is not more than five (5) years of imprisonment, a fine of up \$250,000 or, alternatively, a fine of not more than the greater of twice the gross gain or twice the gross loss, a three (3) year term of supervised release, and a \$100 mandatory special assessment which must be paid in full at the time of sentencing. Defendant further understands that this offense is a Class D felony.

B. Defendant understands that upon his plea of guilty to Count Ten, charging him with 50 U.S.C. §§ 1701-1706 (International Emergency Economic Powers Act), the maximum penalty the Court may impose is not more than ten (10) years of imprisonment, a fine of \$50,000 or, alternatively, in an amount not greater than twice the gross gain or twice the gross loss, a three (3) year term of supervised release, and a \$100 mandatory special assessment which must be paid in full at the time of sentencing. Defendant further understands that this offense is a Class C felony.

C. Defendant understands that upon his plea of guilty to Count Thirty-Three, charging him with 26 U.S.C. § 7212(a) (Obstructing or Impeding Administration of Internal Revenue Laws), the maximum penalty the Court may impose is not more than three (3) years of imprisonment, a fine of \$250,000 or, alternatively, in an amount not more than the greater of twice the gross gain or twice the gross loss, a one (1) year term of supervised release, and a \$100 mandatory special assessment which must be paid in full at the time of sentencing. Defendant further understands that this offense is a Class E felony.

6. Sentencing Procedures. Defendant acknowledges, understands and agrees to the following:

A. In determining the appropriate sentence, the Court will consult and consider the United States Sentencing Guidelines promulgated by the United States Sentencing Commission; these Guidelines, however, are advisory in nature, and the Court may impose a sentence either less than or greater than Defendant's applicable Guidelines range, unless the sentence imposed is "unreasonable;"

B. The Court will determine Defendant's applicable Sentencing Guidelines range at the time of sentencing;

C. In addition to a sentence of imprisonment, the Court may impose a term of supervised release of up to three years; the Court must impose a period of

DEFENDANT INITIALS: MH

-8-

supervised release if a sentence of imprisonment of more than one year is imposed;

D. If Defendant violates a condition of his supervised release, the Court may revoke his supervised release and impose an additional period of imprisonment of up to two years without credit for time previously spent on supervised release. In addition to a new term of imprisonment, the Court also may impose a new period of supervised release, the length of which cannot exceed three years, less the term of imprisonment imposed upon revocation of Defendant's first supervised release;

E. The Court may impose any sentence authorized by law, including a sentence that is outside of, or departs from, the applicable Sentencing Guidelines range;

F. Any sentence of imprisonment imposed by the Court will not allow for parole;

G. The Court is not bound by any recommendation regarding the sentence to be imposed or by any calculation or estimation of the Sentencing Guidelines range offered by the parties or the United States Probation Office; and

H. Defendant may not withdraw his guilty plea solely because of the nature or length of the sentence imposed by the Court.

7. **Government's Agreements.** Based upon evidence in its possession at this time, the United States Attorney's Office for the Western District of Missouri, as part of this plea agreement, agrees not to bring any additional charges against defendant for any federal criminal offenses related to the conduct charged in the Second Superseding Indictment, for which it has venue and which arose out of Defendant's conduct described above. Additionally, the United States Attorney for the Western District of Missouri agrees to dismiss Counts Two through Nine (2-9), Eleven through Thirty-One (11-31), Thirty-Four through Forty-One (34-41), and the Forfeiture Allegation at sentencing.

DEFENDANT INITIALS: MH

-9-

Defendant understands that this plea agreement does not foreclose any prosecution for an act of murder or attempted murder, an act or attempted act of physical or sexual violence against the person of another, or a conspiracy to commit any such acts of violence or any criminal activity of which the United States Attorney for the Western District of Missouri has no knowledge.

Defendant recognizes that the United States' agreement to forego prosecution of all of the criminal offenses with which Defendant might be charged is based solely on the promises made by Defendant in this agreement. If Defendant breaches this plea agreement, the United States retains the right to proceed with the original charges and any other criminal violations established by the evidence. Defendant expressly waives his right to challenge the initiation of the dismissed or additional charges against him if he breaches this agreement. Defendant expressly waives his right to assert a statute of limitations defense if the dismissed or additional charges are initiated against him following a breach of this agreement. Defendant further understands and agrees that if the Government elects to file additional charges against him following his breach of this plea agreement, he will not be allowed to withdraw his guilty plea.

8. Preparation of Presentence Report. Defendant understands the United States will provide to the Court and the United States Probation Office a government version of the offense conduct. This may include information concerning the background, character, and conduct of Defendant, including the entirety of his criminal activities. Defendant understands these disclosures are not limited to the counts to which he has pleaded guilty. The United States may respond to comments made or positions taken by Defendant or Defendant's counsel and to correct any misstatements or inaccuracies. The United States further reserves its right to make

DEFENDANT INITIALS: MH

-10-

any recommendations it deems appropriate regarding the disposition of this case, subject only to any limitations set forth in this plea agreement. The United States and Defendant expressly reserve the right to speak to the Court at the time of sentencing pursuant to Rule 32(i)(4) of the Federal Rules of Criminal Procedure.

9. Withdrawal of Plea. Either party reserves the right to withdraw from this plea agreement for any or no reason at any time prior to the entry of Defendant's plea of guilty and its formal acceptance by the Court. In the event of such withdrawal, the parties will be restored to their pre-plea agreement positions to the fullest extent possible. However, after the plea has been formally accepted by the Court, Defendant may withdraw his pleas of guilty only if the Court rejects the plea agreement or if Defendant can show a fair and just reason for requesting the withdrawal. Defendant understands that if the Court accepts his plea of guilty and this plea agreement but subsequently imposes a sentence that is outside Defendant's applicable Sentencing Guidelines range, or imposes a sentence that Defendant does not expect, like or agree with, he will not be permitted to withdraw his plea of guilty.

10. Agreed Guidelines Applications. With respect to the application of the Sentencing Guidelines to this case, the parties stipulate and agree as follows:

A. The Sentencing Guidelines do not bind the Court and are advisory in nature. The Court may impose a sentence that is either above or below Defendant's applicable Guidelines range, provided the sentence imposed is not "unreasonable;"

B. For Counts One and Ten, the applicable Guidelines section is U.S.S.G. § 2M5.1(a) (1), which provides for a base offense level of 26. Further, Defendant willfully obstructed and impeded, and attempted to obstruct and impede, the administration of justice with respect to the investigation of the instant offenses, and the obstructive conduct related to Defendant's offenses of conviction, warranting a two-level increase pursuant to U.S.S.G. § 3C1.1;

DEFENDANT INITIALS: MH

-11-

C. For Count Thirty-Three, the applicable Guidelines section is U.S.S.G. § 2J1.2, which provides for a base offense level of 14. Further, the offense was extensive in scope, planning and preparation, warranting a two-level increase pursuant to U.S.S.G. § 2J1.2(b)(3)(C);

D. The parties agree that no offense levels are added by operation of the grouping rules, U.S.S.G., Part D;

E. Defendant has admitted his guilt and clearly accepted responsibility for his actions. Consequently, he is entitled to a two-level reduction pursuant to § 3E1.1(a) of the Sentencing Guidelines;

F. Defendant's criminal history category appears to be Category I. The parties agree that the Court will determine his applicable criminal history category after receipt of the presentence investigation report prepared by the United States Probation Office;

G. Defendant understands that the estimate of the parties with respect to the Guidelines computation set forth in the subsections of this paragraph does not bind the Court or the United States Probation Office with respect to the appropriate Guidelines levels. Additionally, the failure of the Court to accept these stipulations will not, as outlined in Paragraph 9 of this plea agreement, provide Defendant with a basis to withdraw his plea of guilty;

H. The United States agrees not to seek an upward departure from the Guidelines or a sentence outside the Guidelines range, and defendant agrees to not seek a downward departure from the Guidelines or a sentence outside the Guidelines range. The agreement by the parties to not seek a departure from the Guidelines is not binding upon the Court or the United States Probation Office and the Court may impose any sentence authorized by law, including any sentence outside the applicable Guidelines range that is not "unreasonable;"

I. Defendant consents to judicial fact-finding by a preponderance of the evidence for all issues pertaining to the determination of Defendant's sentence, including the determination of any mandatory minimum sentence (including the facts that support any specific offense characteristic or other enhancement or adjustment), and any legally authorized increase above the normal statutory maximum. Defendant waives any right to a jury determination beyond a reasonable doubt of all facts used to determine and enhance the sentence imposed, and waives any right to have those facts alleged in the indictment. Defendant also agrees that the Court, in finding the facts relevant to the imposition of sentence, may consider any reliable information, including hearsay; and

J. Defendant understands and agrees that the factual admissions contained in Paragraph 3 of this plea agreement, and any admissions that he will make during his plea colloquy, support the imposition of the agreed-upon Guidelines calculations contained in this agreement.

11. Effect of Non-Agreement on Guidelines Applications. The parties understand, acknowledge and agree that there are no agreements between the parties with respect to any Sentencing Guidelines issues other than those specifically listed in Paragraph 10, and its subsections. As to any other Guidelines issues, the parties are free to advocate their respective positions at the sentencing hearing.

12. Change in Guidelines Prior to Sentencing. Defendant agrees that if any applicable provision of the Guidelines changes after the execution of this plea agreement, then any request by defendant to be sentenced pursuant to the new Guidelines will make this plea agreement voidable by the United States at its option. If the Government exercises its option to void the plea agreement, the United States may charge, reinstate, or otherwise pursue any and all criminal charges that could have been brought but for this plea agreement.

13. Government's Reservation of Rights. Defendant understands that the United States expressly reserves the right in this case to:

A. Oppose or take issue with any position advanced by defendant at the sentencing hearing which might be inconsistent with the provisions of this plea agreement;

B. Comment on the evidence supporting the charge[s] in the Second Superseding Indictment;

C. Oppose any arguments and requests for relief Defendant might advance on an appeal from the sentences imposed and that the United States remains free on appeal or collateral proceedings to defend the legality and propriety of the sentence actually imposed, even if the Court chooses not to follow any recommendation made by the United States; and

DEFENDANT INITIALS: MH

-13-

D. Oppose any post-conviction motions for reduction of sentence, or other relief.

14. Waiver of Constitutional Rights. Defendant, by pleading guilty, acknowledges that he has been advised of, understands, and knowingly and voluntarily waives the following rights:

A. The right to plead not guilty and to persist in a plea of not guilty;

B. The right to be presumed innocent until his guilt has been established beyond a reasonable doubt at trial;

C. The right to a jury trial, and at that trial, the right to the effective assistance of counsel;

D. The right to confront and cross-examine the witnesses who testify against him;

E. The right to compel or subpoena witnesses to appear on his behalf; and

F. The right to remain silent at trial, in which case his silence may not be used against him.

Defendant understands that by pleading guilty, he waives or gives up those rights and that there will be no trial. Defendant further understands that if he pleads guilty, the Court may ask him questions about the offense or offenses to which he pleaded guilty, and if Defendant answers those questions under oath and in the presence of counsel, his answers may later be used against him in a prosecution for perjury or making a false statement. Defendant also understands he has pleaded guilty to a felony offense and, as a result, will lose his right to possess a firearm or ammunition and might be deprived of other rights, such as the right to vote or register to vote, hold public office, or serve on a jury.

15. Waiver of Appellate and Post-Conviction Rights.

A. Defendant acknowledges, understands and agrees that by pleading guilty pursuant to this plea agreement he waives his right to appeal or collaterally

DEFENDANT INITIALS: MH

-14-

attack a finding of guilt following the acceptance of this plea agreement, except on grounds of (1) ineffective assistance of counsel; or (2) prosecutorial misconduct.

B. Defendant expressly waives his right to appeal his sentence, directly or collaterally, on any ground except claims of (1) ineffective assistance of counsel; (2) prosecutorial misconduct; or (3) an illegal sentence. An “illegal sentence” includes a sentence imposed in excess of the statutory maximum, but does *not* include less serious sentencing errors, such as a misapplication of the Sentencing Guidelines, an abuse of discretion, or the imposition of an unreasonable sentence. However, if the United States exercises its right to appeal the sentence imposed as authorized by 18 U.S.C. § 3742(b), Defendant is released from this waiver and may, as part of the Government’s appeal, cross-appeal his sentence as authorized by 18 U.S.C. § 3742(a) with respect to any issues that have not been stipulated to or agreed upon in this agreement.

16. Financial Obligations.

By entering into this plea agreement, Defendant represents that he understands and agrees to the following financial obligations:

A. The Court may order restitution to the victims of the offense to which Defendant is pleading guilty. Defendant agrees that the Court may order restitution in connection with the conduct charged in any counts of the indictment which are to be dismissed and all other uncharged related criminal activity;

B. The United States may use the Federal Debt Collection Procedures Act and any other remedies provided by law to enforce any restitution order that may be entered as part of the sentence in this case and to collect any fine;

C. Defendant will fully and truthfully disclose all assets and property in which he has any interest, or over which Defendant exercises control directly or indirectly, including assets and property held by a spouse, nominee or other third party. Defendant’s disclosure obligations are ongoing, and are in force from the execution of this agreement until Defendant has satisfied the restitution order in full;

D. Within 10 days of the execution of this plea agreement, at the request of the USAO, Defendant agrees to execute and submit (1) a Tax Information Authorization form; (2) an Authorization to Release Information; (3) a completed financial disclosure statement; and (4) copies of financial information that Defendant submits to the U.S. Probation Office. Defendant understands that compliance with these requests will be taken into account when the United States

DEFENDANT INITIALS: MH

-15-

makes a recommendation to the Court regarding Defendant's acceptance of responsibility;

E. At the request of the USAO, Defendant agrees to undergo any polygraph examination the United States might choose to administer concerning the identification and recovery of substitute assets and restitution;

F. Defendant hereby authorizes the USAO to obtain a credit report pertaining to him to assist the USAO in evaluating Defendant's ability to satisfy any financial obligations imposed as part of the sentence;

G. Defendant understands that a Special Assessment will be imposed as part of the sentence in this case. Defendant promises to pay the Special Assessment of \$300 by submitting a satisfactory form of payment to the Clerk of the Court prior to appearing for the sentencing proceeding in this case. Defendant agrees to provide the Clerk's receipt as evidence of his fulfillment of this obligation at the time of sentencing;

H. Defendant certifies that he has made no transfer of assets or property for the purpose of (1) evading financial obligations created by this Agreement; (2) evading obligations that may be imposed by the Court; nor (3) hindering efforts of the USAO to enforce such financial obligations. Moreover, Defendant promises that he will make no such transfers in the future; and

I. In the event the United States learns of any misrepresentation in the financial disclosure statement, or of any asset in which Defendant had an interest at the time of this plea agreement that is not disclosed in the financial disclosure statement, and in the event such misrepresentation or nondisclosure changes the estimated net worth of Defendant by ten thousand dollars (\$10,000.00) or more, the United States may at its option: (1) choose to be relieved of its obligations under this plea agreement; or (2) let the plea agreement stand, collect the full forfeiture, restitution, and fines imposed by any criminal or civil judgment, and also collect 100% (one hundred percent) of the value of any previously undisclosed assets. Defendant agrees not to contest any collection of such assets. In the event the United States opts to be relieved of its obligations under this plea agreement, Defendant's previously entered pleas of guilty shall remain in effect and cannot be withdrawn.

17. Waiver of FOIA Request. Defendant waives all of his rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case including,

DEFENDANT INITIALS: MH

-16-

without limitation, any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act of 1974, 5 U.S.C. § 552a.

18. Waiver of Claim for Attorney's Fees. Defendant waives all of his claims under the Hyde Amendment, 18 U.S.C. § 3006A, for attorney's fees and other litigation expenses arising out of the investigation or prosecution of this matter.

19. Defendant's Agreement to Destruction of Biological Evidence. In accordance with 18 U.S.C. § 3600A(c)(2), Defendant knowingly and voluntarily waives his right to request DNA testing of any biological evidence which may have been obtained or seized by law enforcement in his case. Defendant agrees that all biological evidence which may have been obtained or seized may be destroyed by law enforcement authorities.

20. Defendant's Breach of Plea Agreement. If Defendant commits any crimes, violates any conditions of release, or violates any term of this plea agreement between the signing of this plea agreement and the date of sentencing, or fails to appear for sentencing, or if Defendant provides information to the Probation Office or the Court that is intentionally misleading, incomplete, or untruthful, or otherwise breaches this plea agreement, the United States will be released from its obligations under this agreement. Defendant, however, will remain bound by the terms of the agreement, and will not be allowed to withdraw his plea of guilty.

Defendant also understands and agrees that in the event he violates this plea agreement, all statements made by him to law enforcement agents subsequent to the execution of this plea agreement, any testimony given by him before a grand jury or any tribunal or any leads from such statements or testimony shall be admissible against him in any and all criminal proceedings. Defendant waives any rights that he might assert under the United States Constitution, any

DEFENDANT INITIALS: MH

-17-

statute, Rule 11(f) of the Federal Rules of Criminal Procedure, Rule 410 of the Federal Rules of Evidence, or any other federal rule that pertains to the admissibility of any statements made by him subsequent to this plea agreement.

21. Defendant's Representations. Defendant acknowledges that he has entered into this plea agreement freely and voluntarily after receiving the effective assistance, advice and approval of counsel. Defendant acknowledges that he is satisfied with the assistance of counsel, and that counsel has fully advised him of his rights and obligations in connection with this plea agreement. Defendant further acknowledges that no threats or promises, other than the promises contained in this plea agreement, have been made by the United States, the Court, his attorneys or any other party to induce him to enter his plea of guilty.

22. Immigration Consequences. Defendant understands that pleading guilty may have consequences with respect to his immigration status if he is not a citizen of the United States, or he committed certain offenses before he became a naturalized citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including the offenses to which defendant is pleading guilty. Indeed, because Defendant is pleading guilty to violation of 50 U.S.C. §§ 1701-1706 (International Emergency Economic Powers Act) and violation of 26 U.S.C. § 7212(a) (Obstructing or Impeding Administration of Internal Revenue Laws), removal is presumptively mandatory. Removal and other immigration consequences are the subject of a separate proceeding, however, and Defendant understands that no one, including his attorney or the district court, can predict to a certainty the effect of his conviction on his immigration status. Defendant nevertheless affirms that he wants to plead guilty regardless of any immigration consequences that his guilty plea may entail, even if the consequence is his

DEFENDANT INITIALS: MH

-18-

automatic removal from the United States. Further, Defendant understands that he is bound by his guilty plea regardless of any immigration consequences of the plea and regardless of any advice Defendant has received from his counsel or others regarding those consequences.

Accordingly, Defendant waives any and all challenges to his guilty plea and to his sentence based on those consequences, and agrees not to seek to withdraw his guilty plea, or to file a direct appeal or collateral attack of any kind challenging his guilty plea, conviction or sentence, based on the immigration consequences of his guilty plea, conviction and sentence.

23. No Undisclosed Terms. The United States and defendant acknowledge and agree that the above-stated terms and conditions, together with any written supplemental agreement that might be presented to the Court in camera, constitute the entire plea agreement between the parties, and that any other terms and conditions not expressly set forth in this agreement or any written supplemental agreement do not constitute any part of the parties' agreement and will not be enforceable against either party.

DEFENDANT INITIALS: MH

-19-

24. Standard of Interpretation. The parties agree that, unless the constitutional implications inherent in plea agreements require otherwise, this plea agreement should be interpreted according to general contract principles and the words employed are to be given their normal and ordinary meanings. The parties further agree that, in interpreting this agreement, any drafting errors or ambiguities are not to be automatically construed against either party, whether or not that party was involved in drafting or modifying this agreement.

BETH PHILLIPS
United States Attorney

Dated: 6/25/2010

/s/ ANTHONY P. GONZALEZ
ANTHONY P. GONZALEZ
Assistant United States Attorney

Dated: 6/25/2010

/s/ STEVEN M. MOHLHENRICH
STEVEN M. MOHLHENRICH
Assistant United States Attorney

Dated: 6/25/2010

/s/ PAUL G. CASEY
PAUL G. CASEY BY APG
Trial Attorney, Counterterrorism Section
National Security Division, U.S. Dept. of Justice

DEFENDANT INITIALS: MH

I have consulted with my attorneys and fully understand all of my rights with respect to the offenses charged in the Indictment. Further, I have consulted with my attorneys and fully understand my rights with respect to the provisions of the Sentencing Guidelines. I have read this plea agreement and carefully reviewed every part of it with my attorneys. I understand this plea agreement and I voluntarily agree to it.

Dated: 6/25/2010

/s/ MUBARAK HAMED
MUBARAK HAMED
Defendant

We are Defendant MUBARAK HAMED's attorneys. We have fully explained to him his rights with respect to the offenses charged in the Second Superseding Indictment. Further, we have reviewed with him the provisions of the Sentencing Guidelines which might apply in this case. We have carefully reviewed every part of this plea agreement with him. To our knowledge, MUBARAK HAMED's decision to enter into this plea agreement is an informed and voluntary one.

Dated: 6/25/2010

/s/ CURTIS E. WOODS
CURTIS E. WOODS
Attorney for Defendant

Dated: 6/25/2010

/s/ CHARLES D. SWIFT
CHARLES D. SWIFT
Attorney for Defendant

DEFENDANT INITIALS: MH

-21-

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,) No. 07-00087-02-CR-W-NKL
) June 25, 2010
V.) Kansas City, Missouri
) CRIMINAL
MUBARAK HAMED,)
)
Defendant.)
)

TRANSCRIPT OF CHANGE OF PLEA

BEFORE THE HONORABLE NANETTE K. LAUGHREY
UNITED STATES DISTRICT JUDGE

Proceedings recorded by electronic stenography
Transcript produced by computer

APPEARANCES

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1 JUNE 25, 2010

2 - - -

3 THE COURT: This is the matter of the United States
4 versus Mubarak Hamed, Case No. 07-87. Is the government ready
5 to proceed?

6 MR. GONZALEZ: Yes, we are, Your Honor. Anthony
7 Gonzalez on behalf of the United States, and Mr. Mohlhenrich is
8 also here for the United States.

9 THE COURT: And is the defendant ready to proceed?

10 MR. WOODS: Yes, Your Honor. Curtis Woods, Charles
11 Swift, and Ahmed Ghappour on behalf of Mubarak Hamed.

12 THE COURT: All right. Thank you. Mr. Woods, it's
13 my understanding that Mr. Hamed is going to plead guilty to
14 Counts One, Ten, and Thirty-Three of the Second Superseding
15 Indictment. Is that correct?

16 MR. WOODS: That's correct, Your Honor.

17 THE COURT: Would you please have him take the
18 witness stand after being sworn in?

19 - - -

20 MUBARAK HAMED,

21 being first duly sworn by the courtroom deputy, testified as
22 follows:

23 THE COURT: I want to make sure you understand that
24 you have sworn to tell the truth. Is that correct?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: All right. You may take a seat.

2 - - -

3 EXAMINATION

4 By the Court:

5 Q. You may be seated.

6 A. Okay. Thank you, Your Honor.

7 Q. Are you Mubarak Hamed?

8 A. Yes, Your Honor.

9 Q. Mr. Hamed, you have been charged in the Second
10 Superseding Indictment in Count One that, beginning on or about
11 March 1991, and continuing until in or around May 2005, in the
12 Western District of Missouri and elsewhere, the defendants,
13 IARA, Mubarak Hamed, Khalid Al-Sudanee, Ali Mohamed Bagegni,
14 and Ahmad Mustafa, and others, known and unknown to the grand
15 jury, knowingly and willfully conspired, confederated and
16 agreed to violate Executive Orders 12722 and 12724 and the Iraq
17 Sanctions Regulations by transferring, attempting to transfer,
18 and causing to be transferred, funds from the United States to
19 Iraq, by and through Amman, Jordan, which transfers were
20 subject to Executive Orders 12722 and 12724 and the Iraqi
21 Sanctions Regulations, in violation of Title 50, United States
22 Code, Sections 1701 through 1706, and Title 31, Code of Federal
23 Regulations, Section 575.210.

24 Do you understand that charge against you?

25 A. Yes, Your Honor.

1 Q. In Count Ten, you have been charged that on or about
2 December 18, 2001, and in the approximate amount of \$40,974.09,
3 in the Western District of Missouri and elsewhere, the
4 Defendants IARA, Mubarak Hamed, Ali Mohamed Bagegni, and Khalid
5 Al-Sudanee, aided and abetted by each other, knowingly and
6 willfully violated Executive Orders 12722 and 12724 and the
7 Iraqi Sanctions Regulations by participating in this
8 transaction involving the transfer and attempted transfer of
9 funds, again, in the amount of \$40,974.09, from the United
10 States to Iraq, by and through Amman, Jordan, which orders were
11 subject to Executive Orders 12722 and 12724 and the Iraqi
12 Sanctions Regulations. All in violation of Title 50, United
13 States Code, Sections 1701 to 1706; Title 31, Code of Federal
14 Regulations, Section 575.210; and Title 18, United States Code,
15 Section 2.

16 Do you understand that charge against you?

17 A. Yes, Your Honor.

18 Q. And you have been charged in Count Thirty-Three that
19 beginning on or about January 1, 1997, and continuing until on
20 or about October 13, 2004, in the Western District of Missouri
21 and elsewhere, the Defendants IARA and Mubarak Hamed did
22 corruptly endeavor to impair and impede the due administration
23 of the Internal Revenue laws by using the Defendant IARA's
24 tax-exempt status to solicit funds, representing that they were
25 legitimate charitable contributions, and to misuse part of

1 those funds by transferring those funds to Iraq and to Pakistan
2 for the benefit of a Specifically Designated Global Terrorist,
3 Gulbuddin Hekmatyar -- G-U-L-B-U-D-D-I-N, Hekmatyar,
4 H-E-K-M-A-T-Y-A-R -- under purposes prohibited by law and for
5 other purposes not in furtherance of the Defendant IARA's
6 purported charitable mission.

7 The Defendants IARA and Mubarak Hamed continued
8 their corrupt endeavor by omitting from IARA's IRS Forms 990
9 their transactions with persons and entities in Iraq and
10 Pakistan, failing to disclose relevant requested information
11 regarding the control, history, and affiliations of the
12 Defendant IARA, making false public statements, and making
13 false statements to agents and officials of the United States
14 government.

15 I note that the U.S. Attorney is standing.

16 MR. GONZALEZ: Judge, I was actually standing just
17 because I think it's usually my practice to do that, but I also
18 would have stood anyway because I did want to make a correction
19 to what I believe the Court's reading to Mr. Hamed.

20 THE COURT: Okay.

21 MR. GONZALEZ: The Court had actually read a part of
22 this case regarding Gulbuddin Hekmatyar, the SDGT. That
23 actually was redacted for purposes -- due to earlier motions
24 that we had before the Court, and that was to be tried at a
25 different time. And so that's actually not a part of what this

1 plea -- while it was part of the charge legitimately, it's not
2 really a part of what he's admitting as to the tax charge.

3 THE COURT: Let me clarify the parameters of this
4 plea. Is this a plea that will resolve all matters?

5 MR. GONZALEZ: Yes, Judge.

6 THE COURT: Including this allegation that I just
7 read, but he's not admitting to it?

8 MR. WOODS: With respect to Pakistan, that's
9 correct.

10 THE COURT: Yes.

11 MR. GONZALEZ: Yes, Judge.

12 THE COURT: All right.

13 MR. GONZALEZ: Yes, Judge. And it will resolve all
14 of those. We'll be dismissing that section of the case,
15 assuming that everything --

16 THE COURT: All right. What section of this, then,
17 is he going to plead guilty to?

18 MR. GONZALEZ: Judge, everything that the Court
19 read, except that one section that you mentioned about
20 Gulbuddin Hekmatyar, the SDGT. It's just that one little
21 paragraph that deals with --

22 THE COURT: Let me review it, and then I'll --

23 MR. WOODS: Those are the counts that you had
24 severed earlier, Your Honor, and those are being disposed of by
25 the agreement with the government.

1 THE COURT: Right. But Count Thirty-Three is, he's
2 going to plead guilty to.

3 MR. GONZALEZ: Yes, Judge.

4 THE COURT: And what I just read is in Thirty-Three,
5 so I'm going to try to take that part out.

6 MR. GONZALEZ: Yes, Judge.

7 THE COURT: Hold on just a minute. Is it correct,
8 then, what he's really pleading guilty to is representing that
9 they were legitimate charitable contributions and to misuse
10 part of those funds by transferring those funds to Iraq for
11 purposes not in furtherance of the Defendant IARA's purported
12 charitable mission?

13 MR. GONZALEZ: That would be part of it. And I
14 believe there's a couple of other things that he would agree
15 were parts of that --

16 THE COURT: But I've taken out all of the reference
17 to the SDGT, and that's --

18 MR. GONZALEZ: Yes, Judge, I think that would be
19 correct.

20 THE COURT: That's what you're concerned about.

21 MR. GONZALEZ: Yes, Judge.

22 THE COURT: All right. Let's redo that.

23 MR. GONZALEZ: May I sit?

24 THE COURT: Yes, you may.

25 Q. All right. I'm going to reread this to you again.

1 This is Count Thirty-Three.

2 A. Okay, Your Honor.

3 Q. Thirty-Three charges -- of the Second Superseding
4 Indictment charges that beginning on or about January 1st of
5 1997 and continuing until on or about October 13, 2004, in the
6 Western District of Missouri and elsewhere, the Defendants IARA
7 and Mubarak Hamed did corruptly endeavor to impair and impede
8 the due administration of the Internal Revenue laws by using
9 the Defendant IARA's tax-exempt status to solicit funds,
10 representing that they were legitimate charitable
11 contributions, and to misuse part of those funds by
12 transferring those funds to Iraq for purposes not in
13 furtherance of the Defendant IARA's purported charitable
14 mission.

15 The Defendants IARA and Mubarak Hamed continued
16 their corrupt endeavor by omitting from IARA's IRS Forms 990
17 their transactions with persons and entities in Iraq, failing
18 to disclose relevant requested information regarding the
19 control, history, and affiliations of the Defendant IARA,
20 making false public statements, and making false statements to
21 agents and officials of the United States government. All in
22 violation of Title 26, United States Code, Section 71 --
23 7212(a).

24 Do you understand that charge against you?

25 A. Yes, Your Honor.

1 THE COURT: All right. I want to clarify with both
2 the government and the defendant that I have accurately stated
3 the information -- or the counts of the indictment that he's
4 intending to plead guilty to.

5 MR. GONZALEZ: It's the government's belief you
6 have, Judge.

7 THE COURT: Defendant?

8 MR. WOODS: Yes, Your Honor, that's correct. Thank
9 you.

10 Q. Mr. Hamed, I want to make sure that you understand
11 everything that we're doing today, so if at any point you don't
12 understand anything that I ask you, will you agree that you
13 will let me know that you have not understood it?

14 A. Yes, Your Honor.

15 Q. All right. And have you understood everything that we
16 have done to this point?

17 A. Yes, Your Honor.

18 Q. You understand all three of those charges that I read
19 to you?

20 A. Yes, Your Honor.

21 Q. Have you discussed them with your attorney before
22 deciding how to plead here today?

23 A. Yes, Your Honor.

24 Q. All right. And has your -- have your attorneys been
25 able to answer any questions that you had about the meaning of

1 these charges?

2 A. Yes, Your Honor.

3 Q. Do you understand that as to Count One, the conspiracy
4 to violate the International Emergency Economic Powers Act, the
5 maximum penalty that you are subject to is not more than five
6 years in prison, plus a fine of \$250,000 or, alternatively, a
7 fine of not more than the greater of twice the gross gain or
8 twice the gross loss, a three-year term of supervised release,
9 and a \$100 mandatory special assessment?

10 A. Yes, Your Honor.

11 Q. And do you understand that as to your -- as to Count
12 Ten, the maximum range of punishment is not more than ten years
13 in prison, plus a fine up to \$50,000, or alternatively, in an
14 amount not greater than twice the gross gain or twice the gross
15 loss, a three-year term of supervised release, and a \$100
16 mandatory special assessment?

17 A. Yes, Your Honor.

18 Q. And do you understand that as to Count Thirty-Three,
19 the maximum penalty the Court may impose is not more than three
20 years of imprisonment, a fine of \$250,000, or alternatively, an
21 amount not more than the greater of twice the gross gain or
22 twice the gross loss, a one-year term of supervised release,
23 and a \$100 mandatory special assessment?

24 A. Yes, Your Honor.

25 Q. And do you understand that all of those can be run

1 together for a consecutive term of up to 18 years in prison?

2 A. Yes, Your Honor.

3 Q. And all of those fines could be aggregated, as well; in
4 other words, all added together?

5 A. Yes, Your Honor.

6 Q. And if you were to violate your term of supervised
7 release as to any of these charges, you could be put back in
8 jail for the entire term of supervised release and receive no
9 credit for the time you've already received in -- you've
10 already done in jail.

11 A. Yes, Your Honor.

12 Q. And in addition, the Court could impose a new period of
13 supervised release, the length of which cannot exceed three
14 years, less the term of imprisonment imposed upon revocation of
15 your defendant's supervised release, your supervised release.

16 A. Yes, Your Honor.

17 Q. How old are you, Mr. Hamed?

18 A. Fifty-three.

19 Q. And tell me your educational background.

20 A. I have a Ph.D. -- I have a Ph.D. in agricultural
21 economics from the University of Missouri-Columbia. I have a
22 Master's Degree in economics from the University of
23 Missouri-Columbia, and I have a Master's Degree in Community
24 Development from the University of Missouri-Columbia; and I
25 have a Master's Degree in agricultural economics from the

1 University of Missouri-Columbia, and I have a Bachelor's Degree
2 in agriculture from the University of Khartoum, Sudan.

3 Q. Do you read, write, and understand the English
4 language?

5 A. Yes, Your Honor. Yes, I do read and write English
6 language, but also I have -- I'm not born here. I came in
7 1990. So sometime the thinking or reading things, maybe I do
8 it a different way.

9 Q. But you have been able to obtain these advanced degrees
10 at the University of Missouri-Columbia while you were living
11 here since 1990?

12 A. Yes, Your Honor, I did. And I had -- all of them I
13 wrote thesis and dissertations and being accepted by the
14 faculty of the University of Missouri in the English language.

15 Q. Thank you. Are you under the influence of any alcohol,
16 drugs, or medications?

17 A. No, Your Honor, I don't drink.

18 Q. Do you believe you are mentally competent today to
19 decide how to plead to this charge?

20 A. Yes, Your Honor.

21 Q. Do you have now or have you had in the past any mental
22 disease?

23 A. No, Your Honor.

24 Q. Do you understand that you have the right to plead not
25 guilty, guilty, or nolo contendere to these charges?

1 A. Yes, Your Honor.

2 Q. By pleading guilty, you're going to be giving up a
3 number of rights. I'm going to read a list of those rights,
4 and when I'm done, I'm going to ask if you understand each of
5 the rights and understand that if you plead guilty, you're
6 going to be giving these rights away.

7 A. Yes, Your Honor.

8 Q. If you had proceeded to trial, you would have the right
9 to be represented by a lawyer at that trial. As you know, we
10 have appointed a lawyer for you. You are presumed innocent.
11 You would have a jury trial. Do you understand what a jury
12 trial is?

13 A. Yes, Your Honor.

14 Q. The prosecutor would have the burden to prove you
15 guilty beyond a reasonable doubt. You would have a right to
16 call your own witnesses, as well as the right to confront and
17 cross-examine witnesses against you, to present any defenses to
18 the charges against you, and to use the subpoena power of the
19 Court to secure witnesses. The jury's verdict would have to be
20 unanimous, you would not be compelled to testify against
21 yourself, and you would have the right to appeal on the merits
22 of your case. Do you understand each of these rights?

23 A. Yes, Your Honor.

24 Q. I know you come from a different background.

25 A. Yes.

1 Q. But you are familiar with these rights that you are
2 given by our United States Constitution?

3 A. Yes, Your Honor.

4 Q. Have you talked to your attorneys about your rights?

5 A. Yes.

6 Q. Have they been able to answer any questions that you
7 had about your rights?

8 A. Yes, Your Honor.

9 Q. Do you understand that if you decide to plead guilty
10 here today and tell me under oath that you did what you're
11 charged with in Counts One, Ten, and Thirty-Three that you will
12 be giving up all of those rights?

13 A. Yes, Your Honor.

14 Q. Now, it's my understanding you have entered into a plea
15 agreement in this matter. Is that correct?

16 A. Yes, Your Honor.

17 Q. All right. Do you have a copy of that plea agreement
18 there on the rail in front of you?

19 A. Yes, Your Honor.

20 Q. If you will please pick up that plea agreement and turn
21 to the last page of the plea agreement, the very last page.
22 And tell me if that is your personal signature above the line
23 for Mubarak Hamed.

24 A. Yes, Your Honor.

25 Q. Mr. Hamed, had you read everything in this plea

1 agreement before you signed it?

2 A. Yes, Your Honor.

3 Q. And had you gone over it with your attorney?

4 A. Yes, Your Honor.

5 Q. Did you understand everything in this plea agreement
6 before you signed it?

7 A. Yes, Your Honor.

8 Q. Did you sign it voluntarily of your own free will?

9 A. Yes, Your Honor.

10 Q. Do you understand that this plea agreement is between
11 you and the United States government, the Court is not bound by
12 this plea agreement?

13 A. Yes, Your Honor.

14 Q. I'm not a party to it, and if I decide to approve it,
15 then, in fact, I'm bound to it, but otherwise I can sentence
16 you as I believe is appropriate under the law. Do you
17 understand that?

18 A. Yes, Your Honor.

19 Q. Do you understand that in sentencing you, I must
20 consider the federal sentencing guidelines, but that I may also
21 take into account other factors, as well?

22 A. Yes, Your Honor.

23 Q. Therefore, nobody, including me, can tell you what your
24 sentence is going to be in this matter. Do you understand
25 that?

1 A. Yes, Your Honor.

2 Q. In some cases I can depart upward from the guidelines,
3 and in some cases I might depart downward from the guidelines.
4 Do you understand that?

5 A. Yes, Your Honor.

6 Q. Therefore, any guideline calculation in the plea
7 agreement is not binding on the Court.

8 A. Yes, Your Honor.

9 Q. Have any promises been made to you about what I will or
10 will not do in your case?

11 A. I don't think so. No. No, Your Honor.

12 Q. Okay. As far as you're concerned, are there promises
13 that are being made to you --

14 A. No, Your Honor.

15 Q. -- about what I will or will not do? This is very
16 important. Do you understand -- it's all very important, but
17 this is especially important.

18 Do you understand that if you plead guilty here and
19 tell me under oath that you did what you're charged with in
20 Count One, Ten, and Thirty-Three, you won't be able to come
21 back and change your mind?

22 A. Yes, Your Honor.

23 Q. You will not have the right to withdraw your plea of
24 guilty and start over; do you understand that?

25 A. Yes, Your Honor.

1 Q. With that understanding, how do you wish to plead to
2 Counts One, the section of Count Ten which I read to you, and
3 Count Thirty-Three of the superseding indictment?

4 A. Yes, Your Honor, I was wrong and I take the
5 responsibility for Count One, Ten, and Thirty-Three.

6 Q. Okay. When you say take the responsibility, are you
7 pleading guilty?

8 A. Your Honor, I plead guilty to Count One, Count Ten, and
9 Count Thirty-Three.

10 Q. All right. And Count Ten is limited to the specific
11 instance that I read at the beginning of these proceedings.

12 A. Yes, Your Honor.

13 Q. Have you been coerced in any way or by any person to
14 plead guilty?

15 A. No, Your Honor.

16 Q. Have you had enough time to talk to your attorney
17 before deciding how to plead?

18 A. Yes, Your Honor.

19 Q. Are you satisfied with the representation you have
20 received from your attorneys?

21 A. Yes, Your Honor.

22 Q. Now, you have several attorneys; is that correct?

23 A. Yes, several attorneys, yes.

24 Q. Are you satisfied with the representation and the work
25 that has been done by all of your attorneys?

1 A. Yes, Your Honor, for this plea.

2 Q. Well, I need to know -- I don't want to hear later on
3 that if I knew something else, if my attorney had told me
4 something else, I would never have done this. I want to know
5 whether you're satisfied with your attorneys or you're not
6 satisfied with your attorneys.

7 A. Now I am satisfied, Your Honor.

8 Q. You feel that you have everything that you need to be
9 able to make an informed decision about whether to plead guilty
10 or not guilty here today to these charges; is that correct?

11 A. Yes, Your Honor.

12 Q. And that there's nothing else that your attorneys need
13 to do or needed to do for you to be able to make that decision.

14 A. No, Your Honor, I was well-informed.

15 Q. I'm sorry?

16 A. I am well-informed.

17 Q. All right.

18 THE COURT: All right. What would be the evidence
19 if this matter had proceeded to trial?

20 MR. GONZALEZ: Mr. Mohlhenrich will summarize the
21 facts, Judge.

22 THE COURT: Mr. Hamed, I want you to listen to this
23 because when I'm done, I'm going to ask you whether the facts
24 he stated are true.

25 THE DEFENDANT: Yes, Your Honor.

1 MR. MOHLHENRICH: The statement of facts in this
2 case runs for six pages from Pages 2 to Page 7 of the
3 agreement. And the defendant's read and understands and agrees
4 with all of those facts, as indicated by his initials on each
5 page of the plea agreement. I'm going to summarize the facts
6 that are pertinent to the counts that he's charged with that
7 he's pleading guilty to, rather than read the entire basis.

8 THE COURT: Is it correct, though, that he -- I
9 don't have the original copy -- he has initialled each one of
10 these factual pages?

11 MR. MOHLHENRICH: Yes, Your Honor.

12 THE COURT: All right.

13 MR. MOHLHENRICH: Mr. Hamed, those are your initials
14 on each of those pages of the plea agreement, correct?

15 THE WITNESS: Yes.

16 MR. MOHLHENRICH: The defendant is a native of Sudan
17 and a naturalized U.S. citizen. He first entered the United
18 States in 1990 and lived in Columbia, Missouri, from then until
19 the present.

20 From 1991 onward, he was the Chief Executive of the
21 IARA, the Islamic American Relief Agency, an Islamic charitable
22 organization incorporated under Missouri law in 1985.

23 Originally, it was incorporated under the name Islamic African
24 Relief Agency, United States Affiliate, or USA. In 1987, IARA
25 applied for recognition of tax exemption under Section

1 501(c)(3) of the Internal Revenue Code, and on April 21, 1989,
2 it was granted.

3 IARA was part of an international organization
4 having more than 40 international offices, which was
5 headquartered in Khartoum, Sudan. That organization was known
6 as the Islamic African Relief Agency, also known as the Islamic
7 Relief Agency, and also known by the acronyms of IARA and ISRA.

8 In 1991, the defendant was appointed as Chief
9 Executive Officer of IARA in Columbia. His title was later
10 changed to Executive Director. As such, he ran the day-to-day
11 operations of IARA. He was responsible for implementing
12 projects authorized by the Board of Directors and with which
13 the organization was associated. He negotiated and entered
14 into cooperation agreements and contracts on behalf of IARA and
15 authorized spending in payment for projects, materials, and
16 travel. As a charity, IARA took in between one million and
17 three million in contributions annually from 1991 to 2003. It
18 also received funds from the United States Agency for
19 International Development. During the defendant's tenure, IARA
20 employed approximately six full-time employees and an
21 additional ten to twelve part-time employees.

22 Now, pursuant to the authority granted in the
23 Emergency -- in the International Emergency Economic Powers
24 Act, or IEEPA, on August 2nd of 1990, the president of the
25 United States issued Executive Order 12722, which declared a

1 national emergency with respect to the country of Iraq. And on
2 August 9th of 1990, he issued Executive Order 12724, which
3 empowered the Secretary of the Treasury to promulgate
4 regulations to effect the executive orders.

5 Pursuant to this authority, the Secretary of the
6 Treasury issued the Iraqi Sanctions Regulations, 31 C.F.R. 575,
7 which prohibited, among other things, a United States person
8 from sending or transferring money, funds, or goods, directly
9 or indirectly, to any person in the country of, or to the
10 government of, Iraq. It also prohibited the unauthorized
11 export of goods from the United States to a third country for
12 reshipment to Iraq, and any transaction which avoids or evades
13 the Iraqi Sanctions Regulations. These sanctions continued in
14 effect until May 23rd of 2003.

15 At all times while the Iraqi sanctions were in
16 place, the defendant and IARA were United States persons.
17 Further, at no time while the Iraqi sanctions were in place did
18 the defendant or IARA have a license or any other legal
19 authorization to send money, funds, or items into Iraq.

20 As part of his duties as IARA's Executive Director,
21 the defendant was directly responsible for implementing IARA's
22 participation in all projects and activities and authorizing
23 all spending, which included checks and monetary transfers. It
24 was also the defendant's responsibility to ensure that IARA had
25 all necessary licenses and permissions to lawfully perform its

1 business.

2 As Executive Director of IARA, the defendant was
3 aware of and caused IARA to raise money for the transfer to
4 persons in Iraq. In that regard, in 1996, he hired the
5 Defendant Ahmad Mustafa as a fund-raiser with the understanding
6 that he would concentrate his efforts on raising funds for
7 Iraq.

8 Hamed explained to Mustafa and other IARA employees
9 that the moneys collected for Iraq would be transferred via
10 wire transfer to Defendant Khalid Al-Sudanee, who was in charge
11 of the Amman, Jordan, branch of ISRA. Al-Sudanee would either
12 take the cash sent or purchase items in Jordan and transport
13 them into Iraq. Correspondence found in the IARA offices and
14 at the defendant's home confirmed that during the time the
15 Iraqi sanctions were in effect, funds were regularly sent to
16 Al-Sudanee in Amman, Jordan, and that Al-Sudanee took the
17 money, funds, and items into Iraq.

18 On March 21st of 2001, the defendant was sent and
19 received a letter from the Office of Foreign Assets Control in
20 the Department of the Treasury, or OFAC, that, among other
21 things, informed the defendant there was a report based in part
22 on information on IARA's website that IARA appeared to be
23 providing aid to persons inside Iraq and that there was a
24 licensing requirement to send aid to Iraq, and that IARA did
25 not possess a license.

1 The letter asked for an accounting of IARA's efforts
2 in Iraq and Sudan for the preceding five years and a response
3 within 20 days. The defendant did not respond, and on August
4 1st of 2001, OFAC again sent him a letter with basically the
5 same substance. Hamed responded to this letter on August 17th
6 of 2001 and knowingly and falsely stated to OFAC that IARA did
7 not provide aid to anyone in Iraq and only to persons outside
8 of Iraq.

9 Prior to March 21, 2001, the defendant had
10 authorized and approved of all transfers of funds to
11 Al-Sudanee, knowing that the money and funds would be
12 transferred from Jordan to Iraq. And after March 21, 2001, the
13 defendant continued to transfer money and funds from IARA
14 accounts in Columbia, Missouri, to Iraq through Amman, Jordan,
15 including, but not limited to, on December 18th of 2001, the
16 defendant authorized the transfer of \$40,974.09 from an IARA
17 account in Columbia, Missouri, to an account controlled by
18 Al-Sudanee in Amman, Jordan, which money was to go for and to
19 persons inside Iraq as charged in Count Ten of the Second
20 Superseding Indictment.

21 On October 13th, 2004, IARA, along with five
22 individuals in the ISRA network located overseas, was
23 designated as Specially Designated Global Terrorists by OFAC.
24 From that point on, IARA could no longer receive contributions
25 or use any of its property. The defendant was interviewed by

1 federal agents on October 13, 2004. The defendant acknowledges
2 that the government could establish at trial that, during that
3 interview, he first admitted sending money to Iraq, and then
4 denied sending it. Further, the defendant acknowledges that
5 the government could also establish at trial that he told
6 Defendant Mustafa to deny that the aid had been sent into Iraq.
7 Hamed acknowledges that the government could establish through
8 evidence of these acts that he attempted to obstruct and impede
9 the investigation. Later on in that day and in the following
10 weeks, the defendant admitted to others that IARA did send
11 money, funds, and items inside Iraq and that he did not get the
12 required licenses.

13 During the entire period in which the sanctions were
14 in effect, IARA and Hamed used the funds received as charitable
15 contributions to engage in the prohibited transactions
16 involving Iraq as alleged in Counts Two through Twelve and
17 Fourteen through Twenty-Four of the Second Superseding
18 Indictment.

19 Regarding Count Thirty-Three, one mission of the IRS
20 was to oversee the operation of organizations exempt from
21 income tax under Section 501(c)(3) of the Internal Revenue
22 Code. In accomplishing this mission, the IRS relied primarily
23 upon information reported annually by each tax-exempt
24 organization on IRS Forms 990, Returns of Organizations Exempt
25 From Income Tax, that detailed the organization's income,

1 expenses, and activities during the calendar year.

2 Additionally, in determining the organization's entitlement to
3 tax-exempt status, the IRS utilized information provided by
4 tax-exempt organizations in response to specific inquiries,
5 information provided by other federal agencies and state
6 agencies, and members of the public.

7 By pleading guilty to Count Thirty-Three, the
8 defendant admits that beginning at least as early as January
9 1st of 1997 and continuing until October 13th, 2004, he
10 corruptly endeavored to impair and impede the due
11 administration of the Internal Revenue laws by using IARA's
12 tax-exempt status to solicit funds, representing that they were
13 legitimate charitable contributions, and to misuse part of
14 those funds by transferring those funds to Iraq, a purpose
15 prohibited by law as alleged in the indictment.

16 In fact, during the entire period in which the Iraq
17 sanctions were in effect, the defendant and IARA solicited
18 donations through various means, including pamphlets, flyers,
19 newsletters and personal correspondence requesting
20 contributions for Iraq, and in many cases referencing IARA's
21 tax-exempt status. Further, IARA and the defendant accepted
22 monetary contributions specifically designated for projects in
23 Iraq.

24 Further, the defendant admits that he continued the
25 corrupt endeavor by omitting from IARA's IRS Forms 990

1 relevant, material information regarding IARA's transactions
2 with persons and entities in Iraq, and regarding IARA's
3 control, history, and affiliations. From 19 -- for each year
4 from 1997 through 2003, the defendant filed or caused to be
5 filed IRS Forms 990. On each such form, which required in Part
6 III, Statement of Program Service Accomplishments, that they
7 detail all of their exempt purpose expenses, the defendant
8 knowingly failed to disclose that he and IARA had provided
9 funds for projects and persons in Iraq.

10 Further, on each such form, in response to Question
11 80a which asked, "Is the organization related, other than by
12 association with a statewide or nationwide organization,
13 through common membership, governing bodies, trustees,
14 officers, et cetera, to any other exempt or nonexempt
15 organization," the defendant falsely answered no and failed to
16 disclose IARA's relationship to the Islamic Relief Agency,
17 ISRA, also known as the Islamic African Relief Agency,
18 headquartered in Khartoum, Sudan, and to the ISRA branch office
19 located in Amman, Jordan.

20 Further, the defendant admits that as part of his
21 corrupt endeavor, on or about November 6, 2001, he instructed a
22 spokesperson for IARA to engage in a television interview to
23 falsely claim that a certain individual had never been an
24 employee of IARA when, in fact, the defendant had personally
25 hired that individual as an IARA employee. The defendant

1 admits that he instructed the spokesperson to falsely deny the
2 association so as to avoid IARA coming under increased scrutiny
3 from the government and public and to avoid deterring potential
4 donors from contributing to IARA.

5 Finally, the defendant admits that on October 13,
6 2004, during an interview with agents of the IRS, he falsely
7 stated that they had not transferred funds to Iraq while the
8 sanctions were in effect and that the funds were only used for
9 Iraqi refugees located in Jordan. Further, to conceal the true
10 nature of IARA's relationship with ISRA, the defendant falsely
11 stated that he had applied for a job with IARA in Columbia,
12 Missouri, and did not disclose that on or about April 18th of
13 1990, he had been transferred by the entity located in
14 Khartoum, Sudan, to the Columbia, Missouri, branch office.

15 The defendant admits that the United States could
16 have established all of these facts at trial through competent
17 evidence.

18 Q. And, Mr. Hamed, are all of those facts true?

19 A. Your Honor, for Tax Form 990, I did not prepare it, but
20 I endorsed it, and I take full responsibility for it.

21 Q. But my question is are all of the facts that were just
22 read to you true?

23 A. I accept them.

24 Q. Well, they're either true or not true. If they're not
25 true, then we'll proceed.

1 A. They are true.

2 THE COURT: All right. What's the government's
3 position as to why a plea agreement was entered into in this
4 matter?

5 MR. GONZALEZ: By the government?

6 THE COURT: Uh-huh. And then I'm going to ask the
7 defendant. I want to evaluate it before I accept it.

8 MR. GONZALEZ: Judge, I believe that on behalf of
9 the United States, we thought that it was a proper disposition
10 acknowledging the defendant's illegal conduct. The particular
11 circumstances of the plea also would significantly shorten the
12 trial, and we believe that just the type of plea it is, it
13 would also be of some assistance to the United States in
14 further proceedings. We believe the plea agreement itself,
15 along with the dismissed counts, accurately describes his
16 conduct, his illegal conduct.

17 THE COURT: Okay. Could I have the parties
18 approach, please?

19 MR. GONZALEZ: Yes.

20 (Counsel approached the bench and the following
21 proceedings were had:)

22 THE COURT: I have either called the marshal's
23 office or the white noise isn't working. We'll whisper.

24 I don't know how you want me to handle the issue
25 about his -- the other people in the courtroom, some of them

1 representing the other defendants.

2 MR. WOODS: Yes.

3 MR. GONZALEZ: I think they don't care if they find
4 out about, if co-counsel does, that he's cooperating.

5 MR. SWIFT: The specifics of the agreement should be
6 under seal, but the fact of the agreement we're comfortable
7 with having it known. Especially with the defendants who are
8 left, I don't think he faces a substantial threat. The fact of
9 it, but the substance of it should be under seal.

10 MR. GONZALEZ: Judge, our concern is, of course --
11 of course, while -- and I think counsel already asked, and we
12 let them know that he's cooperating. We just didn't want to
13 publish it because of other things which he may be able to do
14 in order to assist.

15 THE COURT: Okay.

16 MR. WOODS: That's satisfactory, Your Honor. Thank
17 you.

18 (The following proceedings were had in open court:)

19 Q. And, Mr. Hamed, do you agree that the terms of your
20 written plea agreement, together with any written supplemental
21 agreement that might be presented to the Court in camera,
22 constitute the entire plea agreement between the parties and
23 that any other terms and conditions not expressly set forth
24 therein do not constitute any part of the parties' agreement
25 and will not be enforceable against either party?

1 A. Yes, Your Honor.

2 Q. And you have made all of these decisions freely?

3 A. Yes, Your Honor.

4 THE COURT: All right. Anything further for the
5 government?

6 MR. GONZALEZ: I have nothing further, Your Honor.

7 THE COURT: Anything further for the defendant?

8 MR. WOODS: No, Your Honor.

9 THE COURT: All right. Mr. Hamed, you may step
10 down.

11 The Court accepts the defendant's plea of guilty to
12 Counts One, Ten, and Thirty-Three of the Second Superseding
13 Indictment. I order a presentence investigation to be
14 completed. The Court finds that the defendant --

15 One question, Mr. Hamed. Did you understand
16 everything that we did here today?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. Thank you, sir.

19 The Court finds that the defendant understands the
20 charges against him and the consequence of his plea. The
21 defendant has been advised of his rights, understands them, and
22 voluntarily and intelligently waives those rights. The
23 defendant has been ably and competently represented by his
24 attorneys, plural. The defendant suffers from no mental
25 disease or defect now or at the time the crime was committed.

1 The defendant's decision to plead guilty has been made freely
2 and voluntarily and without coercion. The defendant's decision
3 to plead guilty has been made -- there is a factual basis for
4 the plea, and beyond a reasonable doubt the defendant is guilty
5 of the crime charged.

6 Is there any objection to the continuation of bond
7 in this matter on the same conditions previously imposed?

8 MR. GONZALEZ: No, Your Honor.

9 THE COURT: All right. The same conditions that
10 have previously been imposed, you will continue to be under the
11 supervision of our pretrial and probation office. Anything
12 further for the defendants?

13 MR. WOODS: No, Your Honor, thank you.

14 THE COURT: All right. Anything further? Have we
15 taken care of everything? I don't want to make a mistake here.

16 MR. GONZALEZ: I think we have.

17 THE COURT: Okay.

18 MR. GONZALEZ: And it obviously wasn't the marshals
19 you called, by the way.

20 THE COURT: No, because he's already here. Or
21 they're very slow.

22 MR. GONZALEZ: Yeah, hopefully not.

23 THE COURT: All right. Thank you. Thank you all
24 very much. Court's in recess.

25 (Hearing adjourned.)

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CERTIFICATE

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

March 1, 2017

/s/ _____
Kathleen M. Wirt, RDR, CRR
U.S. Court Reporter

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,) No. 07-00087-02-CR-W-NKL
) January 11, 2012
V.) Kansas City, Missouri
) CRIMINAL
MUBARAK HAMED,)
)
Defendant.)
)

TRANSCRIPT OF SENTENCING

BEFORE THE HONORABLE NANETTE K. LAUGHREY
UNITED STATES DISTRICT JUDGE

Proceedings recorded by electronic stenography
Transcript produced by computer

APPEARANCES

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1 JANUARY 11, 2012

2 - - -

3 THE COURT: Good morning, everyone. This is Case
4 No. 07-87. Is the government ready to proceed?

5 MR. GONZALEZ: We are, Your Honor.

6 THE COURT: Is counsel for Mr. Hamed ready to
7 proceed?

8 MR. WOODS: Curtis Woods for Defendant Mubarak
9 Hamed, who is present in person, Your Honor, and ready. Thank
10 you.

11 THE COURT: And Mr. Bagegni?

12 MR. AISENBREY: John Aisenbrey for Mr. Bagegni, Your
13 Honor, who is also present in the courtroom. We're ready.

14 THE COURT: And Mr. El-Siddig?

15 MR. BRADSHAW: Jean Paul Bradshaw on behalf of
16 Mr. El-Siddig, who also appears here in person. We are ready,
17 Your Honor.

18 THE COURT: Thank you. And Mr. Mustafa?

19 MR. STABENOW: Troy Stabenow from the Federal
20 Defender's Office on behalf of Mr. Mustafa. We are ready to
21 proceed.

22 THE COURT: And Mr. Siljander.

23 MS. MORENO: Thank you, Your Honor. Linda Moreno
24 and Lance Sandage on behalf of Mr. Siljander, who is present
25 before the Court.

1 THE COURT: Welcome to all of you. We have talked
2 privately about what a proper procedure would be, and I would
3 ask the government at this time to give us a general statement
4 as to the nature of the case. I'm also interested in relative
5 culpability of the parties.

6 MR. GONZALEZ: Judge, what I would do is, of course,
7 do what the Court has asked, and then at the end -- save what
8 the government's relative culpability was for the end, if that
9 would be okay.

10 THE COURT: When you say at the end, what end?

11 MR. GONZALEZ: The end of the beginning, of the
12 introduction.

13 THE COURT: All right. Thank you very much.

14 MR. GONZALEZ: At sentencing today, I think that
15 it's good to note, and I appreciate the idea that we are
16 actually talking a little bit about it, given the opportunity
17 to tell the Court and everybody what the case is about. And
18 it's changed from time to time, our -- the government's
19 perspective of it, but what does remain the same is that this
20 is an IEEPA case, which is the -- in short, it's what we call,
21 it's a terrorist financing case. And there is a great deal
22 of -- there's a great deal of litigation and, in fact, the last
23 litigation that we had in talking about terrorism, what's
24 terrorism or the use of the word terrorism, it's good or it's
25 bad.

1 Well, this case actually offers an opportunity to
2 look at terrorism and what the problem was and is with sending
3 money that's not controlled in violation of sanctions. In
4 doing that, we're suggesting that it's a very, very serious
5 case, and the most serious case that can occur without an
6 actual terrorist event being proved.

7 Here we have, again, a charity, supposed to do good
8 works, that unfortunately is controlled by an entity in Sudan
9 that is tied to terrorism. It's tied to terrorism and tied to
10 terrorist events and has so much control over the organization
11 that they can order Mubarak Hamed, the lead defendant, to this
12 country, and he remained the head at that point, or shortly
13 thereafter until it was closed, when the entity itself was --
14 IARA was designated a Specially Designated Global Terrorist.

15 It also shows -- at the bottom, it shows a lot of
16 individuals throughout the country who are giving money,
17 hard-earned money for charitable purposes, individuals who are
18 being sought after by persons on the telephone, by mailings,
19 and by individuals like Mr. Mustafa, who was one of their chief
20 fund-raisers, were going out, soliciting money, believing that
21 the money is going to do something good, and they're giving it.

22 So that is the humanitarian aspect. But it only
23 exists as to this particular organization at that level. The
24 moneys coming in -- and there's other things coming in, and I'm
25 just really speaking about a very limited part. There's

1 certainly some good act -- there's certainly good acts that
2 occurred, and I'm not suggesting that there weren't good acts
3 that occurred, but I'm talking predominantly about money that
4 went into Iraq that was raised for Iraq, and other moneys that
5 went to an individual that had no control -- that IARA had no
6 control over.

7 So what happened was these moneys were collected,
8 and then there's a board that would decide, along with Mubarak
9 Hamed, where the money would go. Ultimately, it would go to --
10 the IARA Iraq money would go to Khalid Al-Sudanee.
11 Unfortunately, this is another individual who has ties to
12 terrorism and is designated a specially global -- global
13 terrorist. And that money goes to him, and it goes in the form
14 of cash.

15 And there was some litigation that we had before
16 Your Honor, and Your Honor in one of the Court's orders
17 recognized that the problem with cash is that it could not be
18 licensed. And the problem with cash is that when you have
19 cash, it can be spent for anything that you want. It can be
20 spent given the greatest of intent, and then it can be spent
21 for something totally contrary to it or something less than
22 that. But certainly there are no controls on cash. And so
23 that's problematic. And for that reason, the United States, as
24 a matter of foreign policy and as a matter of security, had
25 decided no cash to Iraq because of state-sponsored terrorism.

1 There's also the component, and the Court did
2 recognize that, that there's the component that there was
3 something other than the more than a million dollars sent over
4 to Iraq, but in goods. And I'm just talking about something
5 like medical goods. Medical goods had to be licensed. You had
6 to apply for them, and it wasn't just licensed that we want to
7 send medical goods willy-nilly, there's an inspection process.
8 Any medical goods could actually -- or at least their ability
9 to inspect and decide what's being sent, where it's being sent,
10 and what the purposes could be used and what the duration is.
11 So that way, the government had the ability to take a look and
12 say, look, these supplies are going over, it's going to this
13 one unit, and we'll know when it's expended, they can know
14 what's going over there. But again, that control is necessary
15 just because medical supplies, while they will do good, they
16 can do good for different things. They can do good for
17 children that are starving, they can do good for enemies,
18 combatants who are actually trying to injure innocent people or
19 are trying to injure the United States.

20 So that control was put on there, and all of those
21 are the things which IARA ignored and sent, not just to Iraq,
22 but sent to a Specially Designated Global Terrorist.

23 THE COURT: Just a minute. Go ahead.

24 MR. GONZALEZ: It's something that, quite honestly,
25 Mubarak Hamed, who was interviewed at one point, indicated that

1 money did go and went uncontrolled. It went, and they would
2 never have any idea where it was spent. They might send back a
3 report that it was spent for right -- for the correct things,
4 but there's never any true proof of that.

5 And we know that just from our own experience that
6 if we give money to friends or if we give money to individuals,
7 you never really know what they're spending it on. You can
8 only rely on what they have been saying. Here we suggest that
9 the danger is sending it to a designated country and to a
10 specially designated terrorist.

11 Then we move on from that, and we have a board, we
12 have Mubarak Hamed, who is actually not telling individuals
13 that there's licensing. We have -- that's not being
14 accomplished. We have him telling the United States government
15 that money, quite frankly, is not going into Iraq, it's going
16 to help refugees outside Iraq, denying that money went into the
17 Sudan during a time when there were sanctions there, and
18 telling individuals at IARA that everything is okay.

19 Then we have the regular investigation that occurs
20 thereafter and it's -- not the regular. Things happen along
21 the way. There's -- IARA is tied to specific individuals who
22 are tied to terrorist acts. Things occur which bring IARA to
23 the attention of the media, including that they show up as an
24 organization, they show up at a senate subcommittee where
25 they're investigating ties to terrorism by Islamic charitable

1 organizations, and the funding for any projects are ended
2 because the United States Aid decides that the funding would no
3 longer -- would no longer be in the government's interests.

4 So they hire an individual named Mark Siljander, and
5 they hire Mark Siljander to come in, who is an ex-congressman,
6 a very religious individual, humanitarian, lots of friends, but
7 no longer a congressman, but he still has all of these ties,
8 and he gets involved eventually with the help of Mr. El-Siddig.

9 And what they do is they end up -- and Mr. El-Siddig
10 is a Sudanese, knows that IARA is controlled by Sudan, and they
11 work out a payment plan on what he -- on how he was going to
12 get paid.

13 But he does not register, Mr. Siljander -- neither
14 Mr. Siljander nor Mr. El-Siddig register as foreign agents.
15 And what they do is they go out and they start working and
16 trying to get the sanctions for a -- what is, in fact, a
17 terrorist-related organization ended. They want money to keep
18 on coming in, they want money to keep on going over. And what
19 they're trading on is Mr. Siljander's good reputation. They're
20 trading on his religiosity and the belief that everybody wants
21 to know that he's doing good -- that he's doing good works.

22 And what he does, though, is that rather than just
23 get paid for it and rather than registering it, he disguises
24 the payment. And we submit that that's a very, very serious
25 harm because what he's doing is he knows what the political

1 process is, he knows what law enforcement -- not law -- I'm
2 sorry. What government officials need. He knows that they
3 need good advice from people that are trusted, agencies know
4 that they need good advice from people that are trusted, and he
5 trades on that by not filing. He never says "I'm working and
6 I'm getting paid for doing this and, in fact, I'm working for
7 this organization" that, quite frankly, the government knows is
8 dangerous, but he's not disclosing this relationship that he
9 has with them. In fact, he's making every effort to hide it,
10 hiding it to the point that if someone said, "I am incredulous,
11 you are not getting paid for anything," he might have to say,
12 well, actually, what I did was I got them to give to a charity,
13 they went from their own charity, tax-exempt charity to another
14 tax-exempt charity. And there are two charities, quite
15 frankly, that were set up to give him his payments.

16 So it would look -- here is a guy doing great works
17 as always, great guy, and he's using this, and all he wants for
18 it is to support another charity. He does everything to hide
19 that money. So, Judge, that's another subversion of the
20 process. Everything that could have ended the money going to
21 IARA, everything that could have exposed, he's helping because
22 he's actually hiding his representation of that individual.
23 And when the FBI -- or actually, I'm sorry, the entity.

24 And when he's actually -- the FBI started
25 investigating, he ends up lying about it, concocting a story

1 that he's writing a book and that the IARA actually paid him to
2 write a book. Which, by the way, every member of IARA said we
3 would never do that, we're not concerned about ideas, we're
4 concerned with ending suffering. That book is not going to do
5 it, as high-minded as it might be and whatever individuals may
6 think about it. And so he lies to them, then, and then when he
7 comes in to try to cooperate, he lies to the government once
8 again.

9 And so we would suggest that the whole case really
10 is just about hiding things that are wrong, about not full
11 disclosure, about keeping things from people that should --
12 that should know it, and, quite frankly, creating a situation
13 that could cause the greatest of all possible dangers. Other
14 money went overseas, other money went to Sudan well in excess
15 of a million and a half, that individuals said that we think
16 that it went to Syria or it went to support Syrians, but nobody
17 knows where it went.

18 So we think it's a dangerous condition and a very,
19 very serious offense that, at least once we start getting to
20 the level of some of the board members and some of the -- and
21 Mr. Hamed, it becomes very serious, and most serious, indeed,
22 once it goes overseas where the actual terrorists and the
23 distributions would occur.

24 And again, I don't want to overstate this, and I
25 believe I had mentioned this to counsel before. If we had a

1 terrorist event, we would have charged a different offense, a
2 much more serious offense, but that doesn't mean that a serious
3 offense did not occur. It does not mean that this isn't the
4 most dangerous of all possibilities. It's just that the
5 government can't prove that. And I'm not saying that because I
6 secretly think something happened, I'm not trying to suggest
7 that. I'm just saying this is the worst of all possible things
8 and the reason why we have those regulations.

9 In my scheme -- in my evaluation of all of the
10 relative culpability, I would say Mubarak Hamed is the most
11 culpable. He also assisted -- and I want to address the
12 specifics of that. My next assessment -- and when I say mine,
13 I talked this over with all of the members of the trial team,
14 as well -- is Mr. Siljander, then Mr. El-Siddig, and then
15 Mr. Bagegni, and then Mr. Mustafa.

16 That would be all we have at this point.

17 THE COURT: All right. Now, I've given the
18 opportunity to the government to speak globally, but as I
19 understand it, as we move to the next phase where the
20 defendants are speaking, that you wish to do it individually.
21 Is that correct? And that we proceed on a case-by-case basis.

22 MR. WOODS: That's correct, Your Honor.

23 MR. STABENOW: That's correct, Your Honor.

24 THE COURT: All right. Then I'm going to begin with
25 Mr. Hamed. And as I've indicated, everyone is welcome to stay

1 as I go through each of these cases individually. If your case
2 is not being specifically addressed, I will give you a brief
3 opportunity to leave and be available outside. If you wish to
4 stay, though, you are, of course, welcome to. What I don't
5 want to have is I don't want people coming and going.

6 So we will turn to Mr. Hamed. If anybody wishes to
7 leave at this time, they may.

8 MR. WOODS: Did you want to meet in chambers first,
9 Your Honor?

10 THE COURT: No. The first thing -- I should
11 probably have gone over this. I need to talk about the
12 sentencing guidelines is the first thing that we need to do.
13 And then after we complete the sentencing guidelines, it may be
14 appropriate for us to go to chambers for an in camera review
15 and then return for the final sentencing.

16 For Mr. Hamed, the total offense level proposed by
17 the PSR is a 26 with a Criminal History Category of I and a
18 range of 63 to 78 months. Is there any objection by the
19 government to that guideline range?

20 MR. GONZALEZ: There is not, Your Honor.

21 THE COURT: And for the defendant?

22 MR. WOODS: No objection, Your Honor.

23 THE COURT: All right. Then I will adopt this. I
24 want to make clear that this is a somewhat -- this is a sui
25 generis case. I think it's a case for all of the defendants

1 where the guidelines are particularly inapplicable and, really,
2 the case has to be looked at on case-specific characteristics.
3 But since I'm required to make a guideline calculation, I have
4 done so. So the sentencing range is 63 to 78 months.

5 Is this the point at which you would wish to retire,
6 or is there anything that you would wish to make a record on?

7 MR. WOODS: Yes, Your Honor.

8 THE COURT: Okay. Could you approach for a moment?

9 (Counsel approached the bench and the following
10 proceedings were had:)

11 THE COURT: Okay. My only concern is there has to
12 be some motion publicly. Because my concern is, otherwise,
13 I'll come up with a sentence and nobody is going to have any
14 idea about what it's based on.

15 MR. GONZALEZ: I think we can say there's a motion
16 to depart and, in fact, it has been filed.

17 THE COURT: Publicly?

18 MR. GONZALEZ: No, it's sealed, but it has been
19 filed, and so I can say that. And then I totally --

20 THE COURT: Yeah. Because otherwise it won't make
21 any sense what I'm doing.

22 MR. GONZALEZ: Exactly.

23 THE COURT: Okay. All right. It may not anyway,
24 but --

25 MR. GONZALEZ: Did you want us to put that on ahead

1 of time?

2 THE COURT: Yes.

3 (The following proceedings were had in open court:)

4 MR. GONZALEZ: Judge, for purposes of the record and
5 without being more explicit, the government has filed a motion
6 to depart. We have filed it sealed, and it's the substance of
7 that in general that I think we would like to talk to the Court
8 about prior to sentencing. Is that correct?

9 MR. WOODS: That's correct.

10 THE COURT: Then we will retire to chambers for an
11 in camera review of that motion, and that will be just with
12 counsel and the defendant. Court's in recess.

13 (Proceedings had in chambers are sealed by the
14 Court. Thereafter, the parties returned to the courtroom, and
15 the following proceedings were had.)

16 THE COURT: All right. At this time I'd like any
17 argument as to what an appropriate sentence should be in this
18 case, taking into account all of the relevant matters. For the
19 government?

20 MR. GONZALEZ: Judge, I'm going to repeat some of
21 the things obviously which I -- maybe not obviously, but which
22 I had said earlier and address some of the matters which were
23 mentioned in Mr. Hamed's sentencing memorandum, with which the
24 government disagrees.

25 I did want to correct one thing in proofreading the

1 motion. On the fifth page, I had mentioned at the top -- or we
2 had mentioned at the top of that page, it says -- continuing
3 from -- beginning on Page 4, that Hamed also stated that money
4 sent through another charity was likely redirected to Syria. I
5 would add "or Syrian refugees." I didn't want to suggest there
6 were sanctions on at the time. He did not know which one, but
7 he said it could have gone to either one. He did not know.

8 But I think the government's point, even then, is
9 not that it went, but that there was the danger when you send
10 money that it could go anywhere and you don't know. So I was
11 simply trying to say it was another violation of the sanctions.

12 The offense of conviction, as I said earlier, is
13 very serious, and the government -- we have mentioned to the
14 Court that, as serious as the offenses are, sometimes we need
15 assistance in proving them. In this instance, Mr. Hamed
16 assisted us in proving certain parts of this particular case,
17 and we've made that known to the Court, and I don't think that
18 it's a secret that he did cooperate against the Defendants
19 El-Siddig and Mark Siljander, giving direct and significant and
20 truthful testimony as to those individuals. We would ask the
21 Court to consider those and anything else which we said.

22 However, the defendant, I think, and perhaps it's
23 just inartful phrasing, though, asks for certain things and
24 says certain things which I think the government just can't
25 agree. His cooperation, while helpful, was not significant in

1 order to result in a sentence which he requested.

2 We believe that he's due a sentence that's somewhat
3 less, but he also not only says that, but he also says that all
4 of the IARA's legal acts -- illegal acts were limited to those
5 within the indictment. We would suggest that that is not
6 correct. There are other acts that were illegal. The
7 redirection of funds would certainly be a fraud on donors. It
8 may, in fact, be additional sanctions violations. I'm talking
9 about specifically a few million dollars that went to
10 Al-Sudanee that was -- he believes then went to either Syria or
11 to Syrian refugees. Of course, just the redirection of money
12 at all is a violation. The sending of money to Iraq we've
13 talked about. Providing false information to government
14 agencies was not limited to just OFAC. They provided false
15 information through Hamed to INS, to the University of
16 Missouri, provided false and incomplete information regarding
17 an individual named Ziyad Khaleel regarding the Missouri
18 Department of Unemployment Security, and also provided false
19 information regarding Ziyad Khaleel to other individuals.

20 In violation of its tax-exempt status, it had people
21 on the payroll that did nothing, or very little, who travelled
22 the world at IARA's expense, unbeknownst to Hamed, we might
23 suggest doing things that were not proper for a charity to do.

24 With his knowledge, though, there was additional
25 money that was directed to Pakistan for the use of a specially

1 designated terrorist, and it very well may be that that money
2 was used for a good purpose, helping refugees or, perhaps,
3 helping children, but regardless, it was directly -- and that's
4 the hope, I guess, of everybody, that that's what the money was
5 used for, but it was provided to a specially designated
6 terrorist Gulbuddin Hekmatyar.

7 And then we -- it's not charged in the indictment,
8 but we know that he -- with Codefendants Siljander and
9 El-Siddig, he and IARA conspired to violate the Foreign Agents
10 Registration Act and committed hiding profits through the
11 existence of non, not-for-profit entities.

12 And finally, with his knowledge, they provided false
13 information to the IRS, false complete -- false information
14 regarding compensation and false information regarding the
15 conduct that IARA was doing, that it was, in fact, doing
16 something illegal and that he should have, in fact, lost its
17 501(c)(3).

18 We also disagree with the idea that the offenses
19 were purely regulatory, and we set this out at some length
20 within the government's sentencing memorandum. But I would
21 suggest that they were not regulatory. In fact, it was just
22 so -- it was just illegal, period, to send money. It was
23 absolutely a prohibition, so under no circumstances, for no
24 reason whatsoever could money go into Iraq.

25 And so every violation was an absolute violation,

1 and I won't go over it again. But every violation could have
2 been used for the worst of all possible things, and so each act
3 was the most supremely dangerous thing which could have been
4 done, sending money to Iraq, to a designated special terrorist,
5 in fact, and then hiding it.

6 So -- and the application for actually sending
7 clothes and things like that were also not necessarily just a
8 single one-time thing. It's clothing, money could not be sent.
9 It had to be approved by the government. It had to be approved
10 by the government because they needed to know what it was, what
11 its potential uses were, whether it would be used up, and who
12 would be receiving it. Again, it could have been used for bad
13 things, but the government didn't have the opportunity to even
14 see what was being sent over. It just went directly to Iraq.

15 THE COURT: Now you're talking about just goods.

16 MR. GONZALEZ: Goods, correct. And that would
17 include anything, even medicines, all the way down to books for
18 children.

19 THE COURT: But not money.

20 MR. GONZALEZ: But not money, correct. But that
21 could still have been used for a bad purpose, and that didn't
22 happen.

23 Each one of those things the government -- whether
24 you agree with them or not, as a matter of foreign policy and
25 as a matter of security, the government determined this is the

1 best way to deal with state-sponsored terrorism. So each one
2 of these acts was in direct contradiction to that governmental
3 determination, and each one was supremely dangerous. And,
4 again, as I said, it went -- it was made worse because it went
5 to Khalid Al-Sudanee.

6 The designation sets out at some length the ties to
7 terrorism. The designation itself was reviewed by the
8 district's -- the D.C. Circuit Court and was found to be that
9 there's sufficient evidence that IARA-USA did, through its
10 contacts with ISRA, which is the institution that transferred
11 Hamed to Columbia, support terrorism. It sets out at great
12 length the ties to individuals, including Osama Bin Laden,
13 including Al-Qaeda, and that IARA officials -- and again, not
14 IARA-Columbia, U.S.A., but IARA overseas, how they had dealt
15 with it and were trying to assist Osama Bin Laden in moving to
16 Mali. Our concern was, in fact, that money at that time was
17 being provided by IARA directly to Mali and could have, in
18 fact, been used to relocate a person who was believed to be a
19 supreme enemy at the time of the United States.

20 The nature of the offenses, we've talked a little
21 bit about. They weren't just -- they weren't -- the purpose,
22 charitable purpose we might concede at the end of -- from the
23 donors. It loses that charitable purpose once it's sent over
24 in violation of the sanctions. Again, I won't readdress that.

25 They mentioned that the Iraqi sanctions should be

1 considered that they're no longer in effect, and so that would
2 be a reason to lessen the sentence. In fact, I would suggest
3 it's a reason not to lessen the sentence because, in fact, they
4 were -- the government is so attuned to the sanctions and what
5 their effect were that the minute that what they perceived the
6 threat to be, that being Saddam Hussein and his state-sponsored
7 terrorism, ended the sanctions effort, and at that point there
8 wasn't a total license for things to go in, but most of them
9 were relaxed. And at that point, the aid flowed in. Again,
10 maybe it didn't flow in like everybody would like it, but the
11 sanctions were by all reason ended that way.

12 I think that shows really that ignoring the
13 sanctions were, in fact, in total contradiction to what the
14 United States, what the President of the United States, and
15 what the government had determined was best for the security of
16 the United States.

17 They mention that Hamed's claims, that is, IARA's
18 intentions were altruistic. We would contradict -- we think
19 that, perhaps, it was hopefully altruistic. I think in
20 reality -- I think we mentioned a little bit about what he had
21 said in the back. I think he was hopeful. He does not know
22 what happened to the money. Something bad could happen, and he
23 would not know. And so in that instance, the violation, while
24 it maybe was nicely motivated, it should not control what the
25 sentence is.

1 The nature of endeavor to impede the IRS is, in
2 fact, just that. They, again, were just trying to hide
3 information from the IRS that could have potentially ended its
4 tax-exempt status. That's a big deal for charities. Charities
5 actually get money, they don't have to pay taxes on what they
6 receive, and people can take deductions.

7 This is a particularly interesting charity because
8 it's religious, and a lot of very religious people -- and I
9 would say predominantly religious people donated to the --
10 donated, and they got a double benefit. They got the blessings
11 to them from Allah, and then they also got the tax benefit of
12 their new country.

13 Hamed, through his actions, would, in fact, be
14 ending that by having the IRS -- I mean, I'm sorry, the IARA do
15 illegal activities and, quite frankly, would undermine the
16 ability of not only the government to trust certain charities,
17 but individuals of a similar religion to trust the entity. I
18 think some of the fund-raisers would say that they were
19 betrayed, and they, in fact, would not trust another
20 institution like this again. So it's not just the government,
21 but it's the people they choose to serve, and in the end they
22 end up hurting the people that they hopefully would want to
23 help.

24 The full extent of the harm. I think the full
25 extent of the harm -- and I think that it's just -- I would

1 just be rehashing. The full extent of the harm is, in fact, if
2 we lose control of our foreign policy, we lose control of an
3 ability to be secure, we lose control of actions that we are --
4 we, perhaps, are helping bad actions in foreign countries, not
5 necessarily just against the United States, but also against
6 their own citizenry by allowing individuals, even charities, to
7 send over money because they think they're doing something
8 good. There's no control. And the full extent of the harm can
9 never really be known, but as the government has suggested, it
10 is, in fact, short of actually proving death, multiple deaths,
11 single deaths, it is the worst of all possible things that
12 could have occurred.

13 And an act of concealment by hiring a former
14 congressman and by the total betrayal of the individuals who
15 worked for IARA, the donors, we think suggests that it is a
16 very, very serious offense, one that he's trying to work off
17 with, in part, by cooperating, but it is very, very serious and
18 something which I think the Court should consider in fashioning
19 a particular sentence for this individual who ostensibly could
20 have controlled all of it.

21 THE COURT: And for Mr. Hamed?

22 MR. WOODS: Thank you, Your Honor. I was appointed
23 back in April of 2007 to represent Mr. Hamed in this case, and
24 in the four years and nine some odd months that have transpired
25 since then, I have come to know Mr. Hamed as a good person, a

1 good man, a loving father, a good husband who has dedicated his
2 entire adult life to helping others, to helping particularly
3 refugees in places in the world that neither you nor I would
4 ever want to venture ourselves.

5 Before he came to the United States, he was assigned
6 to work in Somalia under unbelievable conditions. And while
7 working in Somalia for the refugees and the orphans there, he
8 established 15 orphanage centers himself, he established a
9 vocational center for Somalian refugees, and in the last year
10 he was there, he personally dug 35 water wells for the
11 refugees. That's the kind of person Mr. Hamed is.

12 There's been no accusation that he had ever had any
13 connection with, any contact with any person whose purpose in
14 life is to do harm to the United States through terrorism or
15 otherwise. All that Mr. Hamed has done in his entire adult
16 life is try to help the less fortunate, particularly orphans
17 and refugees.

18 He came to the United States in 1990 on a student
19 visa to come work for IARA in Columbia, Missouri. He continued
20 his education at the University of Missouri, obtained Master's
21 Degrees and a Ph.D. as set out in my memorandum to the Court,
22 and he eventually became the part-time Executive Director of
23 IARA. He worked other jobs to support his family while he was
24 working as a part-time Executive Director under the auspices
25 and direction of the Board of Directors of IARA.

1 And IARA itself, notwithstanding the actions that
2 Mr. Gonzalez has outlined about the way it was managed, was a
3 bona fide charity. The vast majority of its work and the money
4 it raised and the money it contributed was to worthy causes,
5 had no relationship to Iraq. They're outlined in my memorandum
6 on Page 6, but just for the record, I want to just go over
7 them.

8 While he was Executive Director of IARA and prior to
9 its shutdown in October of 2004, IARA under his direction
10 sponsored thousands of orphans in Africa, the Middle East,
11 Asia, and southern Europe. Provided food for over 10,000
12 people in Bangladesh, Mali, Kenya, Somalia, and Lebanon.
13 Provided a health clinic in Eldere, Ethiopia. Constructed
14 schools and health centers in Timbuktu and other locations in
15 Mali. Supported refugee camps and provided attendant medical
16 clinics and medical care and schools to refugees housed in
17 Jordan who had migrated to Jordan from other countries,
18 Afghanistan, Iraq, Syria.

19 Provided daily meals for orphans of AIDS victims in
20 Nairobi, Kenya. Reconstructed Masjid in Bosnia and
21 Herzegovina. Provided medical supplies in aid of Palestinian
22 refugees in the West Bank and Gaza. Provided tuition
23 assistance to Palestinian refugee children in the West Bank and
24 Gaza. Provided aid for education in English and computer
25 skills for persons in -- refugees in Bosnia. And, with the

1 assistance of grants from USAID, had built water purification
2 plants in Mali.

3 That's just some of the things that IARA under
4 Mr. Hamed's direction and management did while he was Executive
5 Director.

6 The Iraqi program, refugee relief program was a
7 program that was already in existence and underway when he
8 became Executive Director, and he picked it up and continued it
9 and, admittedly, did not obtain the necessary license. But
10 IARA was audited every year. Its Iraqi contributions were
11 shown on its audited financial statements, and, although
12 admittedly there was poor management by Mr. Hamed in terms of
13 licensing and IRS regulations and so forth, all of the moneys
14 that were transferred to ISRA in Jordan were designated for
15 relief of refugees and orphans from Iraq and in Iraq.
16 Everything was designated for that relief.

17 Other charities throughout the world also sent money
18 to ISRA in Amman, Jordan, for its use, and Al-Sudanee of ISRA
19 would fax back to IARA an acknowledgment that the money was
20 received and what it was spent for, as directed by IARA. As
21 Mr. Gonzalez has mentioned, it was more than just money, it was
22 food, clothing, medical supplies, relief for orphans in Iraq,
23 and that was the purpose of what Mr. Hamed did. It was to help
24 others. It was to help the refugees, it was to help the
25 orphans. There was no intent on his part that the dollars or

1 the supplies would be used for anything other than assisting
2 refugees, and particularly orphans and AIDS victims. And
3 although the government contends, and I understand why, that
4 the money sent to Jordan to be redirected into Iraq could have
5 fallen into the wrong hands, there was no intent on the part of
6 Mr. Hamed that it had fallen into the wrong hands. He directed
7 its use.

8 THE COURT: So I guess what I'm trying to figure out
9 here is why did he violate the law? If his intent is to do
10 good for Iraqis in distress, of which there are many all over
11 the world, why would he violate the law? Knowingly. Knowingly
12 violate the law?

13 MR. WOODS: Well, the Iraqi program has continued
14 and had already been in existence. So on one hand, early on he
15 had the basic understanding that he was doing what was done
16 before him. But the fact of the matter is he doesn't have any
17 excuse for that. He knew there was a licensing process and, as
18 the documents show, he had sought earlier a license for
19 humanitarian aid into Sudan and had been denied. Other than
20 just avoiding that process, fearful that it would be denied and
21 wanting to get the aid in to the people that needed it.

22 And there's also -- and, again, I don't say this to
23 condone or to excuse a serious violation of the law, but there
24 is also the thinking that sending the money to a charity in
25 Jordan for its use to then support humanitarian efforts in

1 Iraq, again, that's not an excuse, but it was a justification,
2 perhaps. And, again, that's not to -- he accepts full
3 responsibility for not obtaining a license, and why he didn't,
4 it was just to accommodate and facilitate things and to get the
5 money to the people that needed it without the interference of
6 anybody else.

7 You know, the bottom line, Judge, is a man who has
8 dedicated his entire life to helping refugees and orphans
9 violated the law, and he admits that. But the goodness in his
10 heart for what he did is important to consider. And what IARA
11 accomplished in the aid it provided to various peoples all over
12 the -- Africa and the Middle East and southern Europe and Asia
13 means something, and largely under his work as Executive
14 Director. And though there's no excuse for not obtaining a
15 license, the pure purpose of what he was trying to do should be
16 thoroughly considered.

17 I've asked in my sentencing memorandum for probation
18 for the reasons I've stated. And although Mr. Gonzalez makes a
19 good point about the purpose of the sanctions and the fact that
20 the sanctions were largely lifted in 2003, which means as of
21 that date what IARA was doing in sending money into Iraq would
22 not have been illegal, and that I still think is a
23 consideration you should take into account.

24 But the bottom line is he's a man dedicated to
25 helping the less fortunate, the refugee, the orphan, and what

1 he did was with that intent and not the intent that the money
2 find its way into the wrong hands, that he was judicious in
3 directing ISRA, ISRA in Amman, Jordan, to use the money for
4 specific purposes to help the Iraqi refugees and orphans. ISRA
5 confirmed that back to IARA, and that should be taken into
6 account.

7 Thank you, Your Honor. Mr. Hamed would like to
8 speak to the Court at the appropriate time.

9 THE COURT: I would like to give him an opportunity
10 to do so.

11 THE DEFENDANT: Your Honor, I am deeply sorry for
12 breaking the law. I ask for mercy in sentencing, but I had no
13 intention to harm this country or risk its national security.
14 I have realized no benefit for what I do helping people for the
15 last 50, or over 50 years.

16 My problem with the Iraqi sanction -- I want to
17 clear this for the record. The first time when I joined IARA
18 in late 1990, the operation already existed. I came after the
19 sanction being done, and I came, and it was continued, and I
20 did an annual audit. Every year we audit the books.

21 I came to know we had a problem with the sanction in
22 the year 2000 is when I received a letter from the Department
23 of Treasury. That corrected my understanding it was only when
24 we sent it to Jordan, maybe only if you went directly, directly
25 inside Iraq. But the sanction stated directly or indirectly,

1 and that is a violation I came to know. And it's my false
2 judgment.

3 I'm supposed to seek legal advice, and because they
4 already have the operation for 12 years it was going on, and I
5 had no knowledge. And I don't want to say I'm dumb, but I take
6 the responsibility as Executive Director for the organization.
7 I'm supposed to seek legal advice from different lawyers about
8 the sanctions, and that has happened.

9 So that situation September 11 changed. And of
10 course, the situation completely changed, and I had no clue.
11 And also my problem was I was working more than one job to
12 support my family. And that also I take responsibility. So --

13 THE COURT: So to make sure I understand, you became
14 aware that it was a violation of the law but continued to
15 permit it to occur?

16 THE DEFENDANT: It was in 2001, 2002. I sent back
17 my response, but at that time it is like, what I'm saying, yes,
18 I can say that because I didn't take an action -- I respond to
19 the Department of Treasury, but I didn't take action to seek
20 legal advice to correct the situation, Your Honor.

21 So I directed the annual audit, professional audits.
22 We never asked him to do anything illegal or -- the auditor
23 found in there the problem for many years. We changed auditor
24 in early 2000s, and that is also not that good audit.

25 And also, I never fill out any IRS report, annual

1 report for IARA. That auditor did it, but I sign it. It's my
2 fault, I didn't look at it, I didn't read it, and that's why I
3 take that responsibility for it, as I said before.

4 Lastly, Your Honor, I ask the Court to take into
5 account the negative impact on my family and my school-age
6 children and wife. Thank you.

7 THE COURT: Give me one moment, please. I'd like
8 clarification on the record, and that has to do with false
9 information being provided to the University of Missouri
10 concerning employment status or otherwise, and to the INS, and
11 the false information to the Missouri Department of
12 Unemployment Security concerning Mr. Khaleel. Do you have any
13 information as to when that occurred and who provided it and
14 under what circumstances?

15 MR. GONZALEZ: The false information as to Ziyad
16 Khaleel would have been in 1997 or 1998. The information would
17 have been Mr. Khaleel was applying for various sorts of public
18 aid, including unemployment security. He indicated that he was
19 not employed at IARA and, in fact, during that period, we had
20 pay stubs, he had actually had things that were filled out
21 acknowledging his application for employment, and they just
22 said he wasn't paid there so he could, in fact, collect
23 unemployment. And he also got, I think, public housing as a
24 result.

25 THE COURT: What I'm trying to figure out is what

1 role this defendant had with any of that.

2 MR. GONZALEZ: He provided the information himself
3 in a letter.

4 THE COURT: Provided that he was not employed by --

5 MR. GONZALEZ: Correct, contrary to the truth. The
6 second question was INS, or maybe the first question was INS?

7 THE COURT: It says they, referring to IARA,
8 provided incorrect information regarding Hamed to INS and
9 University of Missouri.

10 MR. GONZALEZ: The information that was given to
11 both was -- it was when he came here, and we had the transfer
12 memorandum that he was coming here in order to be the director
13 of IARA, or at least the assistant director of IARA. It was a
14 cable, I believe, or a fax from Sudan to IARA. We actually had
15 that and retrieved it during the search of Mr. Hamed's
16 premises.

17 Contrary to that, he indicated to the University of
18 Missouri that he was coming there to, in fact, be a student,
19 and it was mentioned to INS that he was coming to be a student.
20 The actual employment -- and he actually had an employment
21 commitment initially from his organization -- from IARA, from
22 ISRA before coming, and so he withheld that information to
23 both, withheld his affiliation to both. And, in fact, when he
24 was -- had said that he would try to -- I think what he did was
25 he filled out an application saying that he would seek

1 employment later on, knowing that he was already going to be
2 employed.

3 Again, all of those -- and, again, the date, we
4 didn't come into those until 2004, but that's when we actually
5 discovered all of those because those were actually --
6 Mr. Hamed kept tons of correspondence and things.

7 THE COURT: Mr. Woods?

8 MR. WOODS: But he did come and he did matriculate
9 at the University of Missouri.

10 MR. GONZALEZ: Yes, he did, and he did get his
11 degree here.

12 MR. WOODS: Several degrees.

13 THE COURT: Mr. Hamed, I believe, had something he
14 would like to say.

15 THE DEFENDANT: Your Honor, I can ask to correct
16 information. I came here, and I joined the University of
17 Missouri in 1990s as a student, and I was a student at the
18 University of Missouri from August of 1990 until 2000.
19 Never -- when I came here, I became a student. Yes, after that
20 in 1990 or '91, I requested permission from INS, from
21 immigration to permit me to work. Yes, when I came at the
22 beginning, I had a letter to the Board of IARA here to give me
23 a job, but they turned me down, and I continued as a student.
24 Then later they came to me, and in 1990 they requested INS to
25 change my status from F-1 to H-1.

1 And in 1993, I left the country. When I came back,
2 I came on a student visa, and I never changed it to H-1 until I
3 get like, in late 1995. Then changed my status from F-1 to
4 green card, and then to the citizenship.

5 THE COURT: Okay. Well, let me start over. Are you
6 saying that you never filled out a form seeking to come to the
7 United States as a student at a time when you knew you had a
8 job here?

9 THE DEFENDANT: I did fill out -- my main intention
10 when I came here, my main intention, my main goal was to come
11 to the United States for study. This is my main goal. Never
12 like -- yes, I had a letter from IARA because I used to work
13 with them to give me a job at the office here to help me in my
14 schooling. But my main intention was to come to the United
15 States for study. That was my main intention, and all of my
16 record shows that. So for all like ten or twelve years I've
17 been at a minimum a half-time student. And that is my main
18 goal to come to the United States.

19 Yes, when I came here, I come with some money. The
20 IARA denied or declined the request. When I came here, I came
21 as a student, I was accepted at MU being a student. I worked
22 for MU for a long time as a graduate student professor
23 assistant. But that was my main goal in the United States.
24 Many students everywhere besides their schooling find jobs.

25 THE COURT: So your main goal in the United States

1 was to get a degree in what?

2 THE DEFENDANT: To get degree, yes. I have a Ph.D.
3 in agricultural economics, master's in economics, a master's in
4 community development, and a master's in agricultural
5 economics.

6 THE COURT: The purpose in doing that was to achieve
7 what?

8 THE DEFENDANT: Just to achieve Ph.D. Degree.

9 THE COURT: Just to get degrees?

10 THE DEFENDANT: To get degrees. That's my main job,
11 main purpose in the United States. Nothing because when I
12 came, I came also I had fund -- if they declined, they declined
13 in the beginning, but also can support me for some time. You
14 know what I'm saying? And when I came to work with IARA
15 because the existing director at that time, he was applying for
16 changing his status to working status, and the INS declined his
17 request. At that time they asked me to take -- to request for
18 the visa.

19 THE COURT: I understand what you said.

20 THE DEFENDANT: Thank you.

21 THE COURT: Anything further?

22 MR. GONZALEZ: No, Judge.

23 THE COURT: Anything further before the Court
24 imposes sentence in this matter?

25 MR. GONZALEZ: I have nothing further, Your Honor.

1 MR. WOODS: Nothing further, Your Honor.

2 THE COURT: Pursuant to the Sentencing Reform Act of
3 1984, it is the judgment of the Court that the defendant,
4 Mubarak Hamed, is hereby committed to the custody of the Bureau
5 of Prisons for 58 months on Count One, 58 months on Count Ten,
6 and 36 months on Count Thirty-Three, all counts to run
7 concurrently. That is a 20-month reduction for prior
8 cooperation.

9 Upon release from imprisonment, the defendant shall
10 be placed on supervised release for two years each on Counts
11 One and Ten, and one year on Count Thirty-Three, all counts to
12 run concurrently.

13 Since the court finds the defendant does not have
14 the ability to pay a fine, the fine is waived. It is further
15 ordered that the defendant shall pay to the United States a
16 special assessment of \$300, which is due immediately.

17 Mandatory drug testing is waived pursuant to the 18
18 U.S.C. 3583(d).

19 While on supervised release, the defendant shall
20 comply with the mandatory and standard conditions that have
21 been adopted by the Court. In addition, the defendant shall
22 comply with the following special conditions.

23 You shall not be involved in any capacity with any
24 business, charity, or organization or government which solicits
25 funds that are distributed outside the United States, or any

1 organization outside the United States, without prior approval
2 of the -- or any government outside of the United States,
3 without prior approval of the probation office.

4 The defendant shall submit his person, residence,
5 office, or vehicle to a search conducted by a U.S. Probation
6 Officer at a reasonable time and in a reasonable manner, based
7 upon reasonable suspicion of contraband or evidence of a
8 violation of a condition of release. Failure to submit to a
9 search may be grounds for revocation. The defendant shall warn
10 any other residents that the premises may be subject to
11 searches pursuant to this condition.

12 I need to inform you that you have the right to
13 appeal my decision. You have 14 days in which to file an
14 appeal. If you fail to file that appeal in 14 days, you
15 forever give up your right to appeal. Do you understand,
16 Mr. Hamed?

17 THE DEFENDANT: Yes, I understand.

18 THE COURT: All right. I'm not going to spend a lot
19 of time talking about why we have the Iraq sanction laws and
20 why it is important to comply with it. I think the average
21 citizen in the United States probably doesn't understand it
22 because they watch television and they think somehow in this
23 global network, financial network that we can trace all the
24 dollars, we know where the dollars go, we know who has them.
25 That's just not true, and that's why money cannot be sent in

1 violation of the law, because there's no way either for the
2 government to prove that it was used for terrorist activity or
3 for you to prove that it was not. And that is why there was a
4 judgment made by the United States government that that cannot
5 be done, no matter what the intentions of the parties are.

6 Now, as far as your personal intentions, you have
7 painted yourself here today as a man devoted to charity, that
8 that's how you have spent your life, and that you were simply
9 duped by the accountants and by prior wrongdoers because you
10 came into an organization that was already sending money in
11 violation of the law.

12 I find that not to be credible, and I find that not
13 to be credible, first of all, because when you were confronted
14 by the government about it, you lied. You didn't say, "I
15 didn't know that, it's news to me. I didn't understand. They
16 were doing it, but I just didn't realize that this was a
17 violation of the law that IARA had been involved in all of this
18 time."

19 And after you got the letter, you didn't go to them
20 with that message, you didn't try to figure out what was going
21 on. You continued to do what was in your best interests and
22 what was in the best interests of your organization, which,
23 unfortunately, is not just a charity. You conspired to hide
24 how the money was being spent by Siljander, or how the money
25 was being delivered to Siljander to prevent it from being

1 obvious that, in fact, he was working as an agent for a global
2 terrorist organization. That's not the conduct of an innocent
3 who is a man devoted to charity and good works.

4 You, with knowledge, directed money to a Pakistani
5 who has been identified as a terrorist. Not through Jordan,
6 but with knowledge to a man who had been identified as a
7 terrorist. You lied about Khaleel's status. And I won't go
8 into any detail here about Khaleel, but you lied about his
9 status to aid him in getting government support. Foreign agent
10 getting government support from the United States.

11 You didn't disclose that you had this job with IARA
12 when you applied for an INS visa into the United States. I
13 understand you had a long explanation about things that
14 happened before that; but when you had the job and when you
15 applied to become a student, you, in fact, did not notify that
16 you had employment as part of the reason that you were coming
17 to the United States.

18 And I guess the last thing is I live in an academic
19 community, I live in Columbia, and I understand the value of
20 education. But, quite frankly, you have painted yourself here
21 as a man of charity, and yet you spent a good part of your life
22 going to school, getting multiple degrees, and then not using
23 those degrees for charity. That's not consistent with the
24 picture of a charitable man who is selfless and, in fact,
25 wanting to devote his time and energy to the well-being of

1 others. In fact, it's more consistent with someone who just
2 wanted to stay in the United States and operate the IARA as he
3 saw fit.

4 So, I'm sorry, I just don't buy this picture that
5 you have painted of yourself. I have, however, taken into
6 account that you have provided useful information to the
7 government that has saved the government some money, although
8 your conduct has cost the government far, far, far, far, far
9 more money than any money that you have saved by providing
10 cooperation in this matter.

11 So it is at this point a relatively, I think, fair,
12 but certainly not generous, cooperation reduction.

13 Anything further for the government?

14 MR. GONZALEZ: I have nothing further, Judge, other
15 than part of the plea agreement was to dismiss the remaining
16 counts as to the defendant, the ones that he did not plead to,
17 and we would move that, in the early superseding indictments.

18 THE COURT: What do you want to do about voluntary
19 surrender?

20 MR. GONZALEZ: Judge, we have no opposition to
21 voluntary surrender. This is a case that has been going on for
22 a long time. And we had made those representations to counsel,
23 and I'm not exactly sure what the office policy is now, but we
24 gave our word at that particular point in time.

25 Mr. Hamed, quite frankly, has always been --

1 reported to us. He told us when he was leaving, so I could not
2 say that, other than the pending sentence, that there would be
3 a risk of flight. He has other reasons to stay around that the
4 Court may understand.

5 THE COURT: In terms of timing, I know one of the
6 issues here is to try to get this case wrapped up so that it
7 can be finalized. Is there any projection as to how long that
8 will take?

9 MR. GONZALEZ: I'm sorry. I hesitate to give a
10 projection. I would hope that it would be warm during the
11 summer by the time -- and it would be over. I wouldn't bet on
12 it.

13 MR. WOODS: We would --

14 THE COURT: Well, I can't -- Mr. Woods, is there
15 anything you would like to add?

16 MR. WOODS: I'm sorry. I didn't mean to interrupt.
17 We would request a voluntary surrender date that takes into
18 account the final defendant's -- resolution of the final
19 defendant, you know, at a date.

20 THE COURT: I'd like to do that, but I've got to
21 have some -- I think what I'll do is how about if I give --
22 what's four months out, Renea?

23 COURTROOM DEPUTY: May 11th.

24 THE COURT: Let's go ahead and give a voluntary
25 surrender date of May 11th. If, in fact, something develops so

1 that you can give me a better sense of what a more appropriate
2 date would be -- but this case has been going on a long time
3 and I need to get it resolved.

4 MR. GONZALEZ: I understand, Judge, thank you.

5 THE COURT: I'm sure it's in everybody's interests
6 to get it over with.

7 MR. WOODS: Just so I'm clear, if prior to May 11th
8 we can provide the Court with more certain --

9 THE COURT: A more concrete deadline.

10 MR. WOODS: That you would consider extending the
11 voluntary surrender date?

12 THE COURT: I would consider it.

13 MR. WOODS: I understand. Lastly, Your Honor, we
14 request that you recommend to the Bureau of Prisons designating
15 Mr. Hamed for a camp.

16 THE COURT: I don't make a specific recommendation.
17 I don't do it for anybody unless it's a very unique
18 circumstance. I think the Bureau of Prisons is in a better
19 position to do that than am I. I would think that his
20 background would be more likely to put him in a camp than it
21 would be anywhere else, but I don't have all of the
22 information, and I'm not willing to make that kind of a
23 recommendation.

24 MR. WOODS: I understand. Thank you, Your Honor. I
25 just wanted to make the request on the record.

1 THE COURT: Thank you very much.

2 MR. WOODS: We have nothing further, Your Honor.

3 THE COURT: You are excused or you can stay,
4 whichever you choose.

5 MR. WOODS: Mr. Hamed is excused? He can leave the
6 courtroom?

7 THE COURT: Absolutely.

8 (Hearing adjourned.)

9 - - -

10 - - -

11 CERTIFICATE

12 I certify that the foregoing is a correct transcript
13 from the record of proceedings in the above-entitled matter.

14

15

16 March 1, 2017

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18

/s/ _____
Kathleen M. Wirt, RDR, CRR
U.S. Court Reporter

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IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA

-vs-

Case No.: 07-00087-02-CR-W-NKL

MUBARAK HAMED

USM Number: 19704-045

Curtis Woods

JUDGMENT IN A CRIMINAL CASE

The defendant pleaded guilty to Count 1, 10, and 33 of the Second Superseding Indictment on June 25, 2010. Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. § 371, 50 U.S.C. § 1701-1706	Conspiracy to Violate International Emergency Economic Powers Act and the Iraqi Sanctions Regulations	May, 2005	1
50 U.S.C. §§ 1701-1706	Violation of the International Emergency Economic Powers Act and the Iraqi Sanctions Regulations	December 18, 2001	10
26 U.S.C. § 7212(a)	Corrupt Endeavor to Obstruct or Impede the Administration of Internal Revenue Laws	October 13, 2004	33

On motion of the government, all remaining counts and the forfeiture allegation are dismissed.

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: January 11, 2012

s/ NANETTE LAUGHREY
NANETTE LAUGHREY
UNITED STATES DISTRICT JUDGE

January 12, 2012

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 58 months on Count 1, 58 months on Count 10, and 36 months on Count 33. All counts to run concurrent.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 2:00 P.M. on May 11, 2012, as notified by the Probation or Pretrial Services Office.

Mandatory drug testing is waived, pursuant to 18 U.S.C. § 3583(d).

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of two years on Counts 1 and 10, and 1 year on Count 33. All counts to run concurrent.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

If this judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer at least ten (10) days prior to any change in residence or employment;
7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. The defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer;

12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

ADDITIONAL CONDITIONS OF SUPERVISED RELEASE

The defendant shall also comply with the following additional conditions of supervised release:

1. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
2. The defendant shall not be involved in any capacity with any business, charity or organization which solicits funds that are distributed outside the United States, or who have business associations outside of the United States without prior approval of the Probation Office.

Mandatory drug testing is waived, pursuant to 18 U.S.C. § 3583(d).

ACKNOWLEDGMENT OF CONDITIONS

I have read or have had read to me the conditions of supervision set forth in this judgment and I fully understand them. I have been provided a copy of them.

I understand that upon finding of a violation of probation or supervised release, the Court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

Defendant

Date

United States Probation Officer

Date

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments set forth in the Schedule of Payments.

<u>Total Assessment</u>	<u>Total Fine</u>	<u>Total Restitution</u>
\$300.00, due immediately	\$	\$

The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

Note: Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

Exhibit C

Form N-400 Naturalization Application

NOV 23 '99-6:30 AM 1452

START HERE - Please Type or Print

Part 1. Information about you.

① AHMED

Family Name HAMED Given Name MUBARAK Middle Initial A.

U.S. Mailing Address - Care of Mubarak A. Hamed

Street Number and Name [Redacted] Apt. # [Redacted]

City Columbia County Boone

State Missouri ZIP Code 65203

Date of Birth (month/day/year) [Redacted] - 1956 Country of Birth SUDAN

Social Security # [Redacted] A # AO [Redacted] 644

Part 2. Basis for Eligibility (check one).

- a. I have been a permanent resident for at least five (5) years.
- b. I have been a permanent resident for at least three (3) years and have been married to a United States Citizen for those three years.
- c. I am a permanent resident child of United States citizen parent(s).
- d. I am applying on the basis of qualifying military service in the Armed Forces of the U.S. and have attached completed Forms N-426 and G-325B.
- e. Other. (Please specify section of law)

Part 3. Additional information about you.

Date you became a permanent resident (month/day/year) 2/21/1995 Port admitted with an immigrant visa or INS Office where granted adjustment of status. Kansas City

Citizenship SUDANESE

Name on alien registration card (if different than in Part 1)

Other names used since you became a permanent resident (including maiden name)

Sex: Male Female Height 5' 10" Marital Status: Single Married Divorced Widowed

Can you speak, read and write English? No Yes.


Absences from the U.S.:

Have you been absent from the U.S. since becoming a permanent resident? No Yes.

If you answered "Yes", complete the following. Begin with your most recent absence. If you need more room to explain the reason for an absence or to list more trips, continue on separate paper.

Date left U.S.	Date returned	Did absence last 6 months or more?	Destination	Reason for trip
<u>6/20/99</u>	<u>6/27/99</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>Canada</u>	<u>Workshop</u>
<u>10/18/98</u>	<u>10/24/98</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>United Kingdom</u>	<u>Business</u>
<u>8/8/1996</u>	<u>8/21/1996</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>Sudan</u>	<u>Parent Visit</u>
<u>6/16/1996</u>	<u>6/20/1996</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>Canada</u>	<u>Workshop</u>
<u>7/8/1995</u>	<u>7/21/1996</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>Sudan</u>	<u>Parent Visit</u>

FOR INS USE ONLY

Returned	Receipt
Resubmitted	 11/30/99 LIN*000213314 LIN\$000195097
Reloc Sent	
Reloc Rec'd	
<input checked="" type="checkbox"/> Applicant Interviewed	

5-8-00

At interview request naturalization ceremony at court

Remarks see SPR

Action
APPROVED
 I.N.S. DISTRICT DIRECTOR
 MAY 08 2000
 Recommended By: [Signature]
KAN 1 2203

To Be Completed by Attorney or Representative, if any

Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

Part 4. Information about your residences and employment.

A. List your addresses during the last five (5) years or since you became a permanent resident, whichever is less. Begin with your current address. If you need more space, continue on separate paper:

Street Number and Name, City, State, Country, and Zip Code	Dates (month/day/year)	
	From	To
[Redacted] Columbia, Missouri 65203	11/01/1995	11/22/1999 Now
[Redacted] Columbia, Missouri 65202	12/1/1993	10/31/1995
[Redacted] Columbia, MO 65203	4-00	Present

B. List your employers during the last five (5) years. List your present or most recent employer first. If none, write "None". If you need more space, continue on separate paper.

Employer's Name	Employer's Address Street Name and Number - City, State and ZIP Code	Dates Employed (month/day/year)		Occupation/position
		From	To	
Islamic African Relief Agency	201 E. Cherry St D, P.O. Box 7084 Columbia Missouri, 65203	7/01/1991	Present 11/22/1999	Director
University of Missouri - Columbia	200 Mumford Hall Columbia Missouri, 65211	6/1/1997	7/31/1999	Graduate Research Assistant

Part 5. Information about your marital history.

A. Total number of times you have been married 3. If you are now married, complete the following regarding your husband or wife.

Family name <u>Ahmed Bani</u>	Given name <u>Mariam</u>	Middle initial <u>S.</u>
Address [Redacted], Columbia, Missouri, 65203		
Date of birth (month/day/year) [Redacted] - 1960	Country of birth <u>Somalia</u>	Citizenship <u>Yemen</u>
Social Security# [Redacted]	A# (if applicable) <u>A [Redacted] 756</u>	Immigration status (If not a U.S. citizen) <u>Permanent Resident</u>
Naturalization (If applicable) (month/day/year) _____ Place (City, State) _____		

If you have ever previously been married or if your current spouse has been previously married, please provide the following on separate paper: Name of prior spouse, date of marriage, date marriage ended, how marriage ended and immigration status of prior spouse.

Part 6. Information about your children.

B. Total Number of Children 6. Complete the following information for each of your children. If the child lives with you, state "with me" in the address column; otherwise give city/state/country of child's current residence. If deceased, write "deceased" in the address column. If you need more space, continue on separate paper.

Full name of child	Date of birth	Country of birth	Citizenship	A - Number	Address
<u>Somia M.A. Hamed</u>	[Redacted]	<u>Sudan</u>	<u>Sudan</u>	<u>none</u>	<u>Khartoum, Sudan</u>
<u>Omama M.A. Hamed</u>	[Redacted]	<u>Sudan</u>	<u>Sudan</u>	<u>none</u>	<u>Khartoum, Sudan</u>
<u>Mohammed M.A. Hamed</u>	[Redacted]	<u>U.S.</u>	<u>U.S.</u>	<u>none</u>	[Redacted]
<u>Saeed M.A. Hamed</u>	[Redacted]	<u>U.S.</u>	<u>U.S.</u>	<u>none</u>	[Redacted]
<u>Maha M.A. Hamed</u>	[Redacted]	<u>U.S.</u>	<u>U.S.</u>	<u>none</u>	[Redacted]
<u>Abdillahi M.A. Hamed</u>	[Redacted]	<u>Kenya</u>	<u>Tanzanian</u>	<u>none</u>	<u>Mbabane, Swaziland</u>

Part 7. Additional eligibility factors.

Please answer each of the following questions. If your answer is "Yes", explain on a separate paper.

HAVE YOU EVER VOTED IN A FEDERAL OR STATE ELECTION
YES NO

- 1. Are you now, or have you ever been a member of, or in any way connected or associated with the Communist Party...
2. During the period March 23, 1933 to May 8, 1945, did you serve in, or were you in any way affiliated with...
3. Have you at any time, anywhere, ever ordered, incited, assisted, or otherwise participated in the persecution of any person...
4. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces?
5. Have you ever failed to comply with Selective Service laws?
6. Did you ever apply for exemption from military service because of alienage, conscientious objections or other reasons?
7. Have you ever deserted from the military, air or naval forces of the United States?
8. Since becoming a permanent resident, have you ever failed to file a federal income tax return?
9. Since becoming a permanent resident, have you filed a federal income tax return as a nonresident or failed to file a federal return because you considered yourself to be a nonresident?
10. Are deportation proceedings pending against you, or have you ever been deported, or ordered deported, or have you ever applied for suspension of deportation?
11. Have you ever claimed in writing, or in any way, to be a United States citizen?
12. Have you ever:
a. been a habitual drunkard?
b. advocated or practiced polygamy?
c. been a prostitute or procured anyone for prostitution?
d. knowingly and for gain helped any alien to enter the U.S. illegally?
e. been an illicit trafficker in narcotic drugs or marijuana?
f. received income from illegal gambling?
g. given false testimony for the purpose of obtaining any immigration benefit?
13. Have you ever been declared legally incompetent or have you ever been confined as a patient in a mental institution?
14. Were you born with, or have you acquired in same way, any title or order of nobility in any foreign State?
15. Have you ever:
a. knowingly committed any crime for which you have not been arrested?
b. been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations?

(If you answer yes to 15, in your explanation give the following information for each incident or occurrence the city, state, and country, where the offense took place, the date and nature of the offense, and the outcome or disposition of the case).

Part 8. Allegiance to the U.S.

If your answer to any of the following questions is "NO", attach a full explanation:

- 1. Do you believe in the Constitution and form of government of the U.S.?
2. Are you willing to take the full Oath of Allegiance to the U.S.? (see instructions)
3. If the law requires it, are you willing to bear arms on behalf of the U.S.?
4. If the law requires it, are you willing to perform noncombatant services in the Armed Forces of the U.S.?
5. If the law requires it, are you willing to perform work of national importance under civilian direction?

Part 9. Memberships and organizations.

A. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place. Include any military service in this part. If none, write "none". Include the name of organization, location, dates of membership and the nature of the organization. If additional space is needed, use separate paper.

- American Agricultural Economics Association, 415 South Duff Ave, Ames, IA 50010, Professional, 1996
- International Assoc. for Impact Assessment, PO Box 5256, Fargo, N.D. 58105, Professional in Commerce, Sept 1999
- Community Development Society, 1123 North Water Street, Milwaukee, WI-53202, Community Development, Sept 1999

Part 10. Complete only if you checked block " C " in Part 2.

How many of your parents are U.S. citizens? One Both (Give the following about one U.S. citizen parent:)

Family Name	Given Name	Middle Name
-------------	------------	-------------

Address

Basis for citizenship:

- Birth
- Naturalization Cert. No.

Relationship to you (check one):

- natural parent adoptive parent
- parent of child legitimated after birth

If adopted or legitimated after birth, give date of adoption or, legitimation: (month, day, year)

Does this parent have legal custody of you? Yes No

(Attach a copy of relating evidence to establish that you are the child of this U.S. citizen and evidence of this parent's citizenship.)

Part 11. Signature. (Read the information on penalties in the instructions before completing this section).

I certify or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature

MH

Date

11/22/1999

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for naturalization and this application may be denied.

Part 12. Signature of person preparing form if other than above. (Sign below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature

Print Your Name

Date

Firm Name and Address

DO NOT COMPLETE THE FOLLOWING UNTIL INSTRUCTED TO DO SO AT THE INTERVIEW

I swear that I know the contents of this application, and supplemental pages 1 through 0, that the corrections, numbered 1 through 4, were made at my request, and that this amended application, is true to the best of my knowledge and belief.

Subscribed and sworn to before me by the applicant.

[Signature]

5-800

(Examiner's Signature)

Date

Mubarak Ahmed Hamed

(Complete and true signature of applicant)

MH

153 NO FEDERAL OR STATE ELECTION HAS 100 EARLY ADDED 11/1

Exhibit D

Form N-445 Notice of Naturalization Oath
Ceremony and Questionnaire

AR # ~~A [REDACTED] 644 LN*000213314~~

Date ~~Monday, July 3 2000~~

MUBARAK AHMED HAMED
[REDACTED]
COLUMBIA MO 65203

You are hereby notified to appear for a Naturalization Oath Ceremony on:

Friday, July 21 2000

at:

US DISTRICT COURT WESTERN DISTRICT OF MO
400 EAST 9TH STREET
KANSAS CITY, MO 64106
CHARLES EVANS WHITTAKER COURTHOUSE, LOBBY, NONE

Please report promptly at ~~8:30 AM~~ M.

You must bring the following with you:

- This letter, WITH ALL OF THE QUESTIONS ON THE OTHER SIDE ANSWERED IN INK OR ON A TYPEWRITER.
- Alien Registration Card.
- Reentry Permit, or Refugee Travel Document.
- Any Immigration documents you may have.
- If the naturalization application is on behalf of your child (children), bring your child (children).
- Other

Proper attire should be worn.



If you cannot come to this ceremony, return this notice immediately and state why you cannot appear. In such case, you will be sent another notice of ceremony at a later date. You must appear at an oath ceremony to complete the naturalization process.

(SEE OTHER SIDE)

Form N-445 (Rev. 6/30/98) Y

In connection with your application for naturalization, please answer each of the questions by checking "Yes" or "No". You should answer these questions the day you are to appear for the citizenship oath ceremony. These questions refer to actions since the date you were first interviewed on your Application for Naturalization. They do not refer to anything that happened before that interview.

After you have answered every question, sign your name and fill in the date and place of signing, and provide your current address.

You must bring this completed questionnaire with you to the oath ceremony, as well as the documents indicated on the front, and give them to the Immigration employee at the oath ceremony. You may be questioned further on your answers at that time.

AFTER the date you were first interviewed on your Application for Naturalization, Form N-400:	ANSWERS
1. Have you married, or been widowed, separated, or divorced? (If "Yes" please bring documented proof of marriage, death, separation or divorce.)	1. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Have you traveled outside the United States?	2. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Have you knowingly committed any crime or offense, for which you have not been arrested; or have you been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, including traffic violations?	3. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Have you joined any organization, including the Communist Party, or become associated or connected therewith in any way?	4. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Have you claimed exemption from military service?	5. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. Has there been any change in your willingness to bear arms on behalf of the United States; to perform non-combatant service in the armed forces of the United States; to perform work of national importance under civilian direction, if the law requires it?	6. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Have you practiced polygamy; received income from illegal gambling; been a prostitute, procured anyone for prostitution or been involved in any other unlawful commercialized vice; encouraged or helped any alien to enter the United States illegally; illicitly trafficked in drugs or marijuana; given any false testimony to obtain immigration benefits; or been a habitual drunkard?	7. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

I certify that each of the answers shown above were made by me or at my direction, and that they are true and correct.

Signed at Kansas City, Missouri, on Friday July 21, 2000
(City and State) (Date)

Mubarak Ahmed Hamed, [Redacted], Columbia, MO. 65203
(Full Signature) (Full Address and ZIP Code)

Authority for collection of the information requested on Form N-445 is contained in Sections 101(f), 316, 332, 335 and 336 of the Immigration and Nationality Act (8 U.S.C. 1101 (f), 1427, 1443, 1446 and 1447). Submission of the information is voluntary. The principal purposes for requesting the information are to enable examiners of the Immigration and Naturalization Service to determine an applicant's eligibility for naturalization. The information requested may, as a matter of routine use, be disclosed to naturalization courts and to other federal, state, local or foreign law enforcement and regulatory agencies, the Department of Defense, including any component thereof, the Selective Service System, the Department of State, the Department of the Treasury, the Department of Transportation, Central Intelligence Agency, Interpol and individuals and organizations in the processing of any application for naturalization, or during the course of investigation to elicit further information required by the Immigration and Naturalization Service to carry out its functions. Information solicited which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating, enforcing or prosecuting such violations. Failure to provide all or any of the requested information may result in a denial of the application for naturalization.

Public Reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Department of Justice, Immigration and Naturalization Service, (Room 5304), Washington, DC 20536; and to the Office of Management and Budget, Paperwork Reduction Project: OMB No. 1115-0052; Washington, DC 20503.

Exhibit E

Certificate of Naturalization

No. 25 738 418



Personal description of holder as of date of naturalization:

I.N.S. Registration No. A0 [redacted] 644

Date of birth: [redacted] 1956

I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.

Sex: MALE

Height: [redacted] feet [redacted] inches

(Complete and true signature of holder)

Marital status: MARRIED

Be it known that, pursuant to an application filed with the Attorney General

Country of former nationality: SUDAN

at: KANSAS CITY, MISSOURI

The Attorney General having found that:



MUBARAK AHMED HAMED

then residing in the United States, intends to reside in the United States when so required by the Naturalization Laws of the United States, and had in all other respects complied with the applicable provisions of such naturalization laws and was entitled to be admitted to citizenship, such person having taken the oath of allegiance in a ceremony conducted by the

US DISTRICT COURT WESTERN DISTRICT OF MO

at: KANSAS CITY, MISSOURI

on: JUL 21 2000

that such person is admitted as a citizen of the United States of America.

IT IS PUNISHABLE BY U. S. LAW TO COPY, PRINT OR PHOTOGRAPH THIS CERTIFICATE, WITHOUT LAWFUL AUTHORITY.

David Meisner
Commissioner of Immigration and Naturalization

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

CIVIL COVER SHEET

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s):

First Listed Plaintiff:

UNITED STATES OF AMERICA

County of Residence: Outside This District

Defendant(s):

First Listed Defendant:

MUBARAK AHMED HAMED

County of Residence: Boone County

County Where Claim For Relief Arose: Boone County

Plaintiff's Attorney(s):

Christopher W Hollis
U.S. Department of Justice (Civil Division)
450 5th St. NW
Washington, DC 20001
Phone: (202) 305-0899
Fax: (202) 616-8962
Email: christopher.hollis@usdoj.gov

Defendant's Attorney(s):

Sehla Ashai
Constitutional Law Center for Muslims in America
833 East Arapaho Road, Ste. 102
Richardson, Texas 75081
Phone: (972) 914-2507
Email: sashai@clcma.org

Basis of Jurisdiction: 1. U.S. Government Plaintiff

Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: N/A

Defendant: N/A

Origin: 1. Original Proceeding

Nature of Suit: 465 Other Immigration Actions

Cause of Action: 8 U.S.C. § 1451(a) seeking revocation of naturalization of U.S. citizen

Requested in Complaint

Class Action: Not filed as a Class Action

Monetary Demand (in Thousands): None

Jury Demand: No

Related Cases: Is NOT a refiled of a previously dismissed action

Signature: Christopher W. Hollis

Date: 2/7/2018

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.