



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

MISC. NO. 03-X-71722

v.

SEALED MATTER,

Defendant(s).

ORDER TO UNSEAL SEARCH
WARRANT AND AFFIDAVIT

IT IS HEREBY ORDERED, upon motion of the government, that the search warrant and affidavit previously filed in this case be unsealed.

R. Steven Whalen

R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

DATED: APR 15 2006

A TRUE COPY
CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
DEBRA S. CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

In the Matter of the Search of
(Name, address or brief description of person or property to be searched)

**APPLICATION AND
AFFIDAVIT FOR
SEARCH WARRANT**

Second floor unit of two-family residence
located at 6050 Argyle Street, Dearborn, Michigan.

CASE NUMBER **08X1722**
GERALD ROSEN

Timothy Waters being duly sworn depose and say:

I am a Special Agent of the FBI and have reason to believe that

on the person of or on the property or premises known as (name, description and/or location):

Second floor unit of two-family residence located at 6050 Argyle Street, Dearborn, Michigan, which is located on the east side of the street between Ford Road and Warren Avenue, and which is described as a two-story yellow brick house with a door on the right side of the front of the house when viewed from Argyle Street, two satellite dishes on the north side of the roof, a balcony on the rear of the second floor and a side door on the south side of the house adjacent to the driveway.

In the Eastern District of Michigan, Southern Division, there is now concealed a certain person or property, namely (describe the person or property to be seized)

SEE ATTACHMENT "A"

which is (state one or more bases for search and seizure set fourth under Rule 41(b) of the Federal Rules of Criminal Procedure)

A TRUE COPY
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
BY: Michael C. Lane
DEPUTY CLERK

evidence of the commission of a federal crime

concerning a violation of Title 18 United States Code, Section(s) 2339(B) and 1344

The facts to support a finding of Probable Cause are as follows:

See attached affidavit - continued on the attached sheet and made a part hereof.

Signature of Affiant

Sworn to before me, and subscribed in my presence

APR 02 2003

at Detroit, Michigan

Date

DONALD A. SCHEER

DONALD A. SCHEER

Honorable

United States Magistrate Judge

Signature of Judicial Officer

Attachment A

1. Bank records, including but not limited to bank statements, checks, canceled checks, deposit or withdrawal slips, ATM receipts, safe deposit records, including safe deposit box keys, loan applications, and credit card statements;

2. Any and all records of asset acquisition or disposition, including but not limited to home and vehicle acquisition, business acquisitions, dispositions and insurance claims, investments;

3. Copies or records of federal, state or local tax returns, and correspondence to or from tax preparers or accountants;

4. Social Security cards and numbers;

5. Foreign and U.S. passports, visas, entry documents, and applications for the same;

6. Foreign and U.S. birth certificates;

7. Any and all records of personal/business cash expenditures, including but not limited to receipts, statements, ledgers, books, papers and files containing financial or business records;

8. Credit cards and related records;

9. Monetary instruments, including but not limited to currency, checks and money orders;

10. Documents relating to communications with, and identities of, co-conspirators, such as address books, day planners, miscellaneous papers, and correspondence

with co-conspirators;

11. Records of international transfers of monetary instruments including, but not limited to, wire transfer records;

12. Video and audio tapes concerning Hizballah, including but not limited to celebrations, military operations, speeches and propaganda;

13. Records and information about Hizballah websites;

14. Books, pamphlets, and magazines dealing with Hizballah, martyrdom, suicide operations, bombings or other terrorist attacks, and anti-United States or anti-Israel propaganda;

15. Photographs, flags, posters, or other depictions of Hizballah leaders or symbols;

16. Military items including, but not limited to, rifles, handguns, helmets, body armor, bayonets, knives, night vision equipment etc.;

17. Documents, records and information in Arabic;

18. The records and information referred to above include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any electrical, electronic, or magnetic form (such as any information on an electronic or magnetic storage device, including floppy diskettes, hard disks, ZIP disks, CD-ROMs, optical discs, backup tapes, printer buffers, smart cards, memory calculators, pagers, personal digital assistants such as Palm Pilot computers, as well as printouts or readouts

from any magnetic storage device); any handmade form (such as writing, drawing, painting); any mechanical form (such as printing or typing); and any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies). Based upon your affiant's knowledge, training and experience, your affiant knows that searching and seizing information from computers often requires agents to seize most or all electronic storage devices (along with related peripherals) to be searched later by a qualified computer expert in a laboratory or other controlled environment. This is true because of the volume of evidence. Computer storage devices can store the equivalent of millions of pages of information. Additionally, a suspect may try to conceal criminal evidence; he or she might store it in random order with deceptive file names. This may require searching authorities to examine all the stored data to determine which particular files are evidence or instrumentalities of crime. This sorting process can take weeks or months, depending on the volume of data stored, and it would be impractical and invasive to attempt this kind of data search on-site. In addition, searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. Data search protocols are exacting scientific procedures designed to protect the integrity of the evidence and to recover even "hidden," erased, compressed, password-protected, or encrypted files. Because computer evidence is vulnerable to inadvertent or intentional modification or destruction (both from external sources or from destructive code imbedded in the system as a "booby trap"), a controlled environment may be necessary to complete an accurate analysis. Further, such searches often require the seizure of most or all of a computer system's input/output peripheral devices, related software, documentation, and data security

devices (including passwords) so that a qualified computer expert can accurately retrieve the system's data in a laboratory or other controlled environment. In light of these concerns, your affiant hereby requests the Court's permission to seize the computer hardware (and associated peripherals) that are believed to contain some or all of the evidence described in the warrant, and to conduct an off-site search of the hardware for the evidence described, if, upon arriving at the scene, the agents executing the search conclude that it would be impractical to search the computer hardware on-site for this evidence.

AFFIDAVIT

Timothy T. Waters, being first duly sworn, hereby states:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Detroit Joint Terrorism Task Force. My duties include investigation of criminal terrorism related matters. The facts set forth herein are based upon my personal knowledge, as well as from information I have directly obtained from cooperating witnesses, documents, other law enforcement agencies, and other evidence.
2. This affidavit is being presented in support of a search warrant for the residence of Mahmoud Youssef Kourani located at 6050 Argyle Street, Dearborn, Michigan. Mahmoud Youssef Kourani resides in the second floor unit of a two family flat at that address.
3. CI-1 has been cooperating with me in the investigation of Mahmoud Youssef Kourani, whom he has known for over ten years. CI-1 has provided information to the FBI which has been independently corroborated through other FBI sources. CI-1 informed me that he met Mahmoud Youssef Kourani on April 20, 2003, at Kourani's residence as described in paragraph 2. Mahmoud Youssef Kourani told CI-1 that he is sending money to his brother Haidar Kourani. CI-1 described Haidar Kourani as the Chief of Staff for Hizballah. Mahmoud Youssef Kourani told CI-1 that shortly before Kourani came to the United States about three years ago, Mohammed Krayem sent approximately \$200,000 (Canadian) to his brother. Mahmoud Youssef Kourani told CI-1 that the money was used the money to purchase military equipment from United Nations Protection Forces stationed in

southern Lebanon including, among other things, American night vision goggles. Following this comment, Mahmoud Youssef Kourani told CI-1 that he had just sent \$40,000 (U.S.) in the form of a money order and cash to his brother in Lebanon for the support of Hizballah. Mahmoud Youssef Kourani said that he used a courier from Bint Jibal, a town in Southern Lebanon. Mahmoud Youssef Kourani stated that he sold a home and he sent the proceeds back to Lebanon. Kourani told CI-1 that he still owns three homes in the Detroit area. Mahmoud Kourani said he can send as much money back as he wanted because his friend, Sheik Hassan's brother, works at the airport and helps them. While in Lebanon, Mahmoud Kourani would actively try to raise money for Hizballah with the local populace after successful Hizballah missions. CI-1 described Kourani as a fund raiser for Hizballah.

4. During the April 20 conversation between CI-1 and Mahmoud Youssef Kourani, Kourani explained to CI-1 a criminal scheme that he had been operating which involved mortgage fraud. As reported by CI-1, Mahmoud Youssef Kourani admitted that he would buy burnt out homes in Detroit, perform superficial repairs on the outside, but not the inside, and in collaboration with an appraiser involved in the scheme would get an inflated appraisal of the house. He would seek out a criminal associate to buy the house and take out a loan against the property. The owner would then default on the loan and share the illegal proceeds with Mahmoud Youssef Kourani.
5. CI-1 and Kourani are from the village of Yater in South Lebanon. Kourani has told CI-1 on multiple occasions that he had been sent by Hizballah to receive military training in Iran. Upon his return, Kourani served as a fighter for

Hizballah, taking part in military actions against the Israelis. CI-1 believes that Mahmoud Kourani was elevated to a fund raising role for Hizballah. During CI-1's meeting with Kourani on April 20, 2003, Kourani indicated he was getting nervous that too many people in the community were aware of who his brother was and he was afraid that law enforcement authorities were becoming aware of his mortgage fraud activities. Kourani told CI-1 that his brother had called him recently to check on how he was doing and to see if he planned on returning to Lebanon soon. Kourani indicated to CI-1 that he had an idea in his mind for what he wanted to accomplish in the United States. Kourani said he was sending money to his wife and to his brother Haidar. CI-1 stated that he/she believes that if Hizballah tasked Kourani to do something in the United States, he would carry out the mission on behalf of the organization.

6. On April 30, 2003, CI-1 conducted a consensually recorded conversation with Mahmoud Youssef Kourani at Kourani's residence. Your Affiant and TFO James Keiffer observed CI-1 enter the residence at 6050 Argyle, Dearborn, Michigan. During the conversation, Kourani took CI-1 to his bedroom to talk privately. Kourani expressed concern because of recent arrests by INS and FBI of a 135 persons that were in the United States illegally. During their conversation, Mahmoud Youssef Kourani talked about their fighting during the 16 day war in Lebanon in 1996. Kourani also said that he and his brother were captured and tortured by Amal. (Amal and Hizballah were rival factions in Lebanon during this period of time.) Mahmoud Youssef Kourani talked about the military strategy that Hizballah used while fighting against Israeli forces.
7. CI-2 has reported to another S/A the following: Mahmoud Youssef Kourani has

been known to him as a member of Hizballah. CI-2 has provided information to the FBI over the last year which has proved to be reliable. Furthermore CI-2 states that Mahmoud Youssef Kourani is a Hizballah fighter trained in Iran in the early 1990s and that Kourani frequently hosts other known Hizballah members at his residence in Dearborn. CI-2 further reported the Mahmoud Youssef Kourani and Haidar Kourani were members of a Hizballah unit that claimed responsibility for the 1988 kidnaping, torture and murder of Lt. Col. W. Higgins (USMC) in southern Lebanon.

8. Under the Anti-Terrorism and Effective Death Penalty Act (AEDPA), the Secretary of State is empowered to designate groups as a "foreign terrorist organization" (FTO). 8 U.S.C. § 1189(a)(1). Entities are designated as FTOs if the Secretary finds "(A) the organization is a foreign organization; (B) the organization engages in terrorist activity; and (C) the terrorist activity of the organization threatens the security of United States nationals or the national security of the United States." *Id.* Effective October 8, 1997, then Secretary of State Madeleine Albright designated as a foreign terrorist organization Hizballah, a/k/a "Party of God," a/k/a "Islamic Jihad," a/k/a "Islamic Jihad Organization," a/k/a "Revolutionary Justice Organization," a/k/a "Organization of the Oppressed on Earth," a/k/a "Islamic Jihad for the Liberation of Palestine," a/k/a "Organization of Right Against Wrong," a/k/a "Ansar Allah," a/k/a "Followers of the Prophet Muhammad." Designation of Foreign Terrorist Organizations, 62 Fed. Reg. 52,650, 52,650-1 (1997). This worldwide terrorist organization is centered in the south of Lebanon, composed of Shiite Muslims, dominated by and allied with Iran, and headed by Hassan Nasrallah.

9. The AEDPA also extended criminal liability to those who provide "material support" to foreign terrorist organizations. 18 U.S.C. § 2339B. Material support is broadly defined as:

currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

18 U.S.C. § 2339A(b).

10. From my experience, and from the experience of other agents who have been involved in the investigation of persons who support Hizballah, supporters of this terrorist organization typically retain the following types of material
- a. Video and audio tapes about Hizballah military operations and propaganda
 - b. Books, pamphlets, and magazines dealing with martyrs and martyrdom in connection with Hizballah;
 - c. References to Hizballah web sites.
11. I know through my training and experience, and through speaking with experts on Hizballah within the FBI, that Hizballah has a distinctive emblem consisting of Arabic writing, a globe, a book, an olive branch, and an assault rifle gripped tightly in a raised arm by a clenched fist. Hizballah manufactures or has manufactured various items including flags, bandannas, posters, banners etc. which bear this emblem. Hizballah has an established propaganda capability which includes various weekly newspapers including "El Ahed," a television station known as "Al Maner," several Internet Web sites, and a central press office

which produces and distributes Hizballah videotapes, publications, books, pamphlets, photographs and other materials. These items are not commonly available outside of Lebanon and are particularly difficult to find in the United States. Possession of the items described above are not per se illegal, but would be evidence highly relevant to certain of the crimes under investigation including Providing Material Support to a Foreign Terrorist Organization in violation of 18 U.S.C. § 2339B.

12. I also know through my training and experience, as well as through speaking with Hizballah experts within the FBI, that persons who are heavily involved with Hizballah and who financially and otherwise support Hizballah, commonly possess within their residences some of the items listed above, as well as the items listed on Exhibit A hereto which is hereby incorporated herein by reference in its entirety.
13. Mahmoud Youssef Kourani and his friend speak and write Arabic as their native language. It is likely that some of the information created by the subjects will be in Arabic. It would be impractical due to the limited number of Arabic linguists available, to review and have translated each and every Arabic document at the search scene to determine if such documents constitute evidence of a crime. I therefore request authority to seize any documents written in Arabic to be translated later by a qualified Arabic linguist. Documents in Arabic having no evidentiary value will be returned.
14. Therefore, I have probable cause to believe that there is presently located in the second floor unit of two family residence located at 6050 Argyle Street, Dearborn, Michigan evidence, as detailed on Attachment A hereto, of the commission of a

federal crime, Providing Material Support to a Foreign Terrorist Organization, in violation of 18 U.S.C. §§ 2339B and Bank Fraud in violation of 18 U.S.C. §1344.

Timothy T. Waters, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before
me this day of May, 2003

MAY 07 2003

DONALD A. SCHEER

Hon. Donald A. Scheer
United States Magistrate Judge