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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 03-81030

-vs-

HON. ROBERT H. CLELAND

D-1 MAHMOUD YOUSSEF KOURANI

Defendant.

RECEIVED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION  
JAN 20 2004

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**GOVERNMENT'S WRITTEN PROFFER IN SUPPORT  
OF ITS REQUEST FOR DETENTION PENDING TRIAL**

The United States of America, by Kenneth R. Chadwell, Assistant U.S. Attorney, hereby proffers the following information, pursuant to 18 U.S.C. § 3142 (f), in support of its request that defendant be detained pending trial:

**The Nature of the Offense is Extremely Serious**

1. On November 19, 2003, defendant Mahmoud Youssef Kourani (hereafter "Kourani") was indicted by a federal grand jury for Conspiracy to Provide Material Support to the Foreign Terrorist Organization, Hizballah, in violation of 18 U.S.C. § 2339B. The maximum penalties for this offense are 15 years imprisonment and a \$250,000 fine. 18 U.S.C. § 2339B, 3571(b)(3). Effective October 8, 1997, the U.S. Secretary of State made findings, pursuant to 8 U.S.C. § 1189(a)(1), that Hizballah, a/k/a "Party of God," a/k/a

“Islamic Jihad,” is a foreign organization that engages in terrorist activity which “threatens the security of United States nationals or the national security of the United States.” Thus Hizballah was designated as a foreign terrorist organization. Designation of Foreign Terrorist Organizations, 62 Fed. Reg. 52,650, 52650-1 (1997).

2. As set forth in the indictment, Kourani is charged with conspiring with individuals at the highest levels of the terrorist organization, including one of his brothers who is the Hizballah Chief of Military Security for Southern Lebanon. During an interview with the FBI, Kourani admitted his brother’s status within the Hizballah hierarchy and also that another brother, Hussein, is a Hizballah member who has participated in “missions.” The government has other evidence that a third brother, Abdullah Kourani, is also a member of the terrorist organization.

3. Hizballah is a worldwide terrorist network with access, conservatively, to tens of millions of dollars in resources. Hizballah has loyalists and operatives in numerous countries, including Ontario, Canada and the Eastern District of Michigan. Were Kourani to be released on bond, Hizballah would have the full ability and tremendous incentive to assist Kourani in escaping from and eluding United States authorities, not only because of Kourani’s family connections, but also to ensure that he could not be persuaded to cooperate with the government against other Hizballah members within the United States and abroad.

4. Prior to September 11, 2001, Hizballah had murdered more Americans than any other foreign terrorist organization. For example, the United States District Court for the District of Columbia recently found that Hizballah, in cooperation with the Islamic Republic of Iran through the Iranian Ministry of Information and Security (MOIS), murdered 241 American peacekeepers in their sleep during a suicide bombing of their barracks in Beirut, Lebanon on October 23, 1983. Peterson v. Islamic Republic of Iran, 264 F. Supp. 46 (D.D.C. 2003). As stated in the indictment, moreover, Hizballah kidnaped and murdered another American, U.S. Marine Corps Lieutenant Colonel William Higgins, while he was serving as a United Nations peacekeeper in 1989. As recently as 2003, the head of Hizballah, Sheik Hassan Nasrallah, called for worldwide suicide operations against Americans in retaliation for the United States' invasion of Iraq among other things. Thus, in addition to its own resources, Hizballah enjoys the full support of the Iranian MOIS intelligence agency and it does not hesitate to commit murders to serve its own ends.

5. Were Kourani to be released on bond, he would be in a better position to help Hizballah hunt the government's witnesses for elimination not only to prevent this case from going forward, but also to prevent witnesses from leading the government to other Hizballah operatives in the United States.

### **Kourani Has No Reason to Remain in the United States**

6. Defendant Kourani was born on April 22, 1971, in Yater, Lebanon. He is married to Wafa Kdouh Kourani, who currently resides in Lebanon and has never been to the United States. Kourani's three minor children also reside in Lebanon and have never been to the United States. Defendant Kourani also has numerous siblings in Lebanon, including four brothers: Hassan Kourani, Hussein Kourani, Abdallah Kourani, and Haidar Kourani. On approximately February 4, 2001, Kourani surreptitiously entered the United States by sneaking across the U.S./Mexico border in the trunk of a car. He reached Mexico by paying \$3,000 used to bribe an official at the Mexican Consulate in Beirut, Lebanon to give him a Mexican visa. Defendant Kourani has no lawful status in the United States, no lawful employment in the United States, no bank account in his name, and no real property in his name. In May 2003, Kourani was ordered deported from the United States by a U.S. Immigration Judge.

### **No Bond Condition Could Prevent Kourani's Flight to Lebanon**

7. Kourani is a citizen of Lebanon and is fluent in Arabic. Lebanon maintains a consulate at 1959 Jefferson in Detroit, Michigan. If the Court were to seize Kourani's passport as a condition of bond this would have no effect because he could obtain a new Lebanese passport through the consulate within two weeks' time. The government is aware of persons who have done this in the past. The United States does not currently have an

extradition treaty with the country of Lebanon. If given an opportunity, Kourani would certainly flee to his family in Lebanon, which would completely prevent this case from going forward against him.

**The Evidence Against Kourani is Substantial**

8. Finally, the “weight of the evidence” (see 18 U.S.C. § 3142(g)(2)) against Kourani is quite substantial. The government is unwilling to identify the full scope of its evidence at this time because some of it is unique and would endanger the lives of government witnesses if released.

More than nine separate individuals, who are in a position to know, have identified Mahmoud Kourani to the FBI as a member, fighter and/or fund raiser for Hizballah.<sup>1</sup> On May 3, 2003, the FBI executed a federal search warrant at Kourani’s residence, 6050 Argyle in Dearborn, Michigan. During the search, several audio tapes were discovered in Kourani’s possession. Excerpts of the tapes include the following:

Praise to Allah, I conquer, praise to Allah  
Your heroes, my Homeland, are victorious  
They’re Hizballah!  
May they be preserved as Knights  
with Blood (or Heart or Soul) they protect the Homeland

\* \* \*

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<sup>1</sup> Some of these witnesses may not be willing or available to testify at trial out of fear for their lives and other reasons.

One voice calling out, Hizballah! Hizballah!  
You alone are the Sun of my lands, Nasrallah! Nasrallah!  
You who raise the banners of Glory  
over your towers, my lands  
My voice does not tire of you  
your voice is nothing less than my Jihad.

\* \* \*

We offer to you Hizballah, a pledge of loyalty  
We offer to you Hizballah, a pledge of loyalty  
We offer to you Hizballah, a pledge of loyalty  
We offer to you Hizballah, a pledge of loyalty

\* \* \*

Rise for Jihad! Rise for Jihad!

\* \* \*

I offer you, Hizballah, my blood in my hand  
I offer you, Hizballah, my blood in my hand


Another item recovered during the search was a photograph of one of Kourani's minor children. The child was shown wearing a large necklace with a photograph of Sheik Hassan Nasrallah, the General Secretary of Hizballah, around his neck.

**Relief Requested**

Based upon Mahmoud Kourani's substantial ties to Lebanon and the foreign terrorist organization, Hizballah, the large amount of prison time he faces, his limited ties to the United States, and the weight of the evidence against him, among other factors, there is no condition or combination of conditions that will reasonably assure the appearance of Defendant as required, and the safety of any other person and the community. It is therefore respectfully requested that the Court order the detention of Defendant pending trial pursuant to the Bail Reform Act.

Respectfully submitted,

JEFFREY G. COLLINS  
United States Attorney



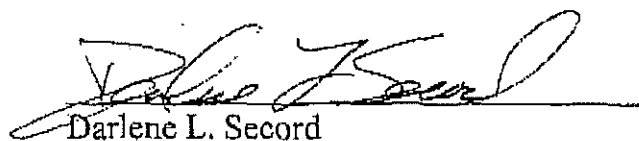
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(313) 226-9698

Dated: January 20, 2004

CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing Government's Written Proffer in Support of its Request for Detention Pending Trial has this 20th day of January, 2004 been made upon counsel for defendant via facsimile as follows:

Nabih Ayad, Esq.  
21917 Garrison Street  
Dearborn, MI 48124  
(313) 278-9701 - Fax

A handwritten signature in cursive script, appearing to read "Darlene L. Secord", written over a horizontal line.

Darlene L. Secord  
United States Attorney's Office