

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
District Court File No. 15-237 (MJD/BRT)

UNITED STATES OF AMERICA,

Plaintiff,

v.

(1) USAMA DARWICH HAMADE,
a/k/a "Prince Sam" Hamade,
(2) SAMIR AHMED BERRO,
a/k/a "Tony," and
(3) ISSAM HAMADE,

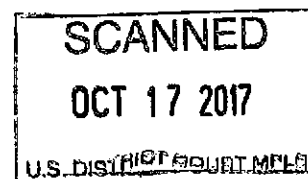
Defendants.

**MOTION FOR LIMITED
UNSEALING, TO ALLOW
DISCLOSURE TO AN EXPERT
WITNESS OF SECOND
SUPERSEDING INDICTMENT,
AND GRAND JURY MATERIAL**

UNDER SEAL

The United States of America, through its attorneys, Gregory G. Brooker, Acting United States Attorney for the District of Minnesota, and Assistant United States Attorneys John Docherty and David MacLaughlin, respectfully moves this Court for an Order, in the form attached, permitting the United States to provide to an expert witness a copy of the Second Superseding Indictment, which is currently under seal. The United States also seeks to provide grand jury material to the expert witness.

The United States has engaged the services of Ms. Katherine Bauer, a fellow at the Washington Institute for Near East Policy, to provide expert witness services in connection with this case. Ms. Bauer is an expert on illicit finance, with additional expertise in the areas of terrorism and proliferation. She is a former senior policy advisor in the U.S. Department of the Treasury's Office of Terrorist Financing and Financial Crimes. She is a graduate of Macalester College, and earned a Master's Degree in Middle Eastern Studies



and Economics from the School of Advanced International Studies at Johns Hopkins University.

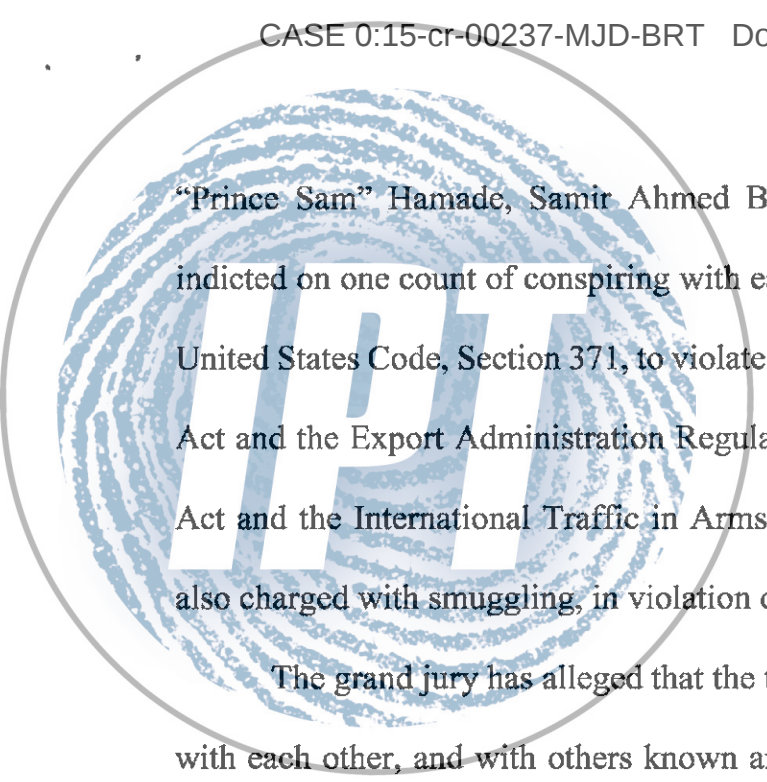
In discussions with one of the Assistant United States Attorneys assigned to this case, Ms. Bauer stated that she needs to have available to her the indictment in this case, in order to better understand the facts and the allegations being made. On July 7, 2017, the government applied for, and this Court granted, an order allowing limited unsealing of the First Superseding Indictment, so that the government could send a copy to Ms. Bauer. The government now seeks a similar order with respect to the Second Superseding Indictment, returned by the grand jury on October 11, 2017.

In addition, in connection with the efforts of the U.S. government to have defendants Usama Hamade and Issam Hamade extradited from South Africa, one of the Assistant United States Attorneys assigned to this case wrote an affidavit that sets forth, in some detail, the facts of the case in chronological order. The case agent, Federal Bureau of Investigation Special Agent Steven Warfield, also prepared an affidavit in connection with the extradition process. Both affidavits would be good resources for Ms. Bauer, and would be helpful to her in learning this case. Both affidavits contain grand jury matters covered by Federal Rule of Criminal Procedure 6(e).

BACKGROUND FACTS AND PROCEDURAL POSTURE

On October 11, 2017, a grand jury for the State and District of Minnesota returned a Second Superseding Indictment in this case.¹ Defendants Usama Darwich Hamade, a/k/a

¹ The original indictment in this case was returned by the grand jury on August 19, 2015, and a First Superseding Indictment was returned on June 6, 2017. Both the original and

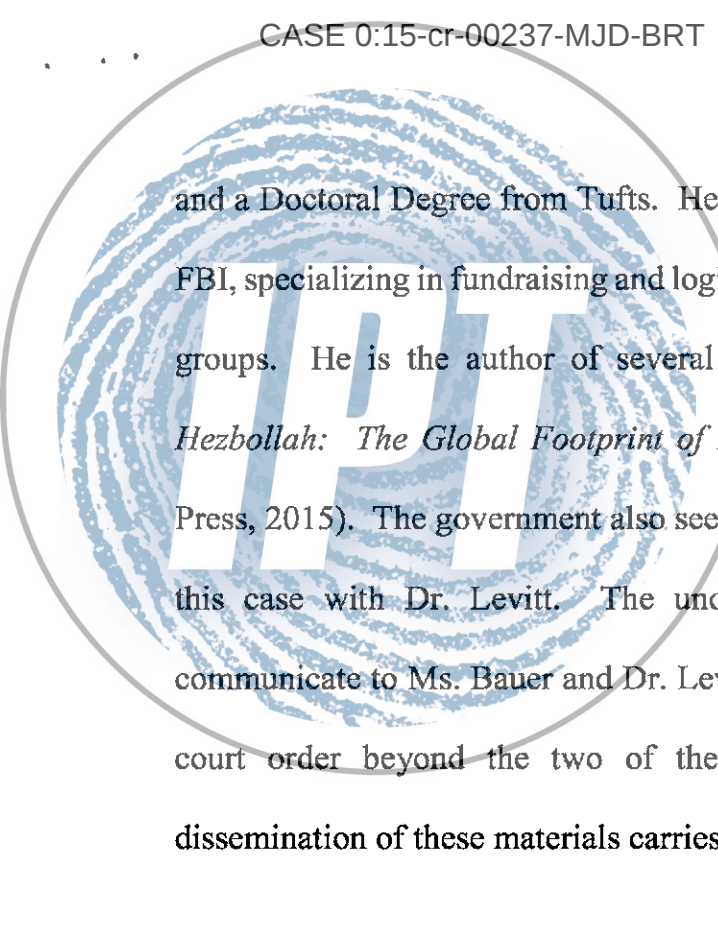
The FBI seal is a large, circular emblem in the background of the first paragraph. It features a blue and white design with the words "FEDERAL BUREAU OF INVESTIGATION" and "DEPARTMENT OF JUSTICE" around the perimeter. In the center, there is a shield with a scale of justice and a sword.

“Prince Sam” Hamade, Samir Ahmed Berro, a/k/a “Tony,” and Issam Hamade were indicted on one count of conspiring with each other, and with others, contrary to Title 18, United States Code, Section 371, to violate the International Emergency Economic Powers Act and the Export Administration Regulations, and to Violate the Arms Export Control Act and the International Traffic in Arms Regulations. Defendant Usama Hamade was also charged with smuggling, in violation of Title 18, United States Code, Section 554.

The grand jury has alleged that the three defendants, from 2009 to 2013, conspired with each other, and with others known and unknown, to buy parts for unmanned aerial vehicles (commonly called either “UAVs” or “drones”) from U.S. suppliers, and then to export those parts, in violation of U.S. law, to Hizballah, which is designated as a “foreign terrorist organization” pursuant to Title 8, United States Code, Section 1189. Defendants Usama Hamade and Berro have also obtained technology from non-U.S suppliers, and have forwarded that non-U.S. technology to Hizballah.

At the Washington Institute for Near East Policy, Ms. Bauer works with another expert on illicit finance, proliferation, and Hizballah. Dr. Matthew Levitt is a former Deputy Assistant Secretary of the Treasury for Intelligence and Analysis, in which capacity he supervised the unit within which Ms. Bauer worked. Dr. Levitt has an undergraduate degree from Yeshiva University, a Master’s Degree in Law and Diplomacy from Tufts,

the First Superseding Indictments charged defendants Berro and Usama Hamade with conspiring to violate the export control laws of the United States. The Second Superseding Indictment added a third defendant, Issam Hamade, and added a charge of smuggling, in violation of 18 U.S.C. § 554, against defendant Usama Hamade.

The FBI seal is a large, circular emblem in the background. It features a blue outer ring with the words "DEPARTMENT OF JUSTICE" and "FEDERAL BUREAU OF INVESTIGATION" in white. The center contains a shield with various symbols, including a scale of justice and a sword, surrounded by a wreath.

and a Doctoral Degree from Tufts. He has worked as a counterterrorism analyst with the FBI, specializing in fundraising and logistical support networks for Middle Eastern terrorist groups. He is the author of several books, including, most pertinently to this case, *Hezbollah: The Global Footprint of Lebanon's Party of God* (Georgetown University Press, 2015). The government also seeks to have Ms. Bauer allowed to discuss matters in this case with Dr. Levitt. The undersigned Assistant United States Attorney will communicate to Ms. Bauer and Dr. Levitt that dissemination of materials covered by this court order beyond the two of them is strictly forbidden, and that unauthorized dissemination of these materials carries very serious potential penalties.

CONCLUSION

For the foregoing reasons, the United States respectfully asks that this Court enter an Order permitting the government to share with Ms. Bauer and Dr. Levitt a copy of the Second Superseding Indictment, the affidavit in support of extradition of Assistant U.S. Attorney John Docherty, and the affidavit in support of extradition of Federal Bureau of Investigation Special Agent Steven Warfield.

Dated: October 16, 2017

Respectfully Submitted,

GREGORY G. BROOKER
Acting United States Attorney

A handwritten signature in black ink, appearing to read "John Docherty", written over the printed name.

BY: JOHN DOCHERTY

Assistant United States Attorney
Attorney Reg. No. 017516X