

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - : INDICTMENT

SUSAN LINDAUER, : S2 03 Cr. 807 (MBM)

a/k/a "Symbol SUSAN,"

RAED NOMAN AL-ANBUKE, :

a/k/a "Ra'id Al Anbughe,"

a/k/a "Raed Rokan," :

a/k/a "Raed Al-Anbaki," and

WISAM NOMAN AL-ANBUKE, :

a/k/a "Wisam Al Anbughe,"

a/k/a "Wisam Noman Rokan," :

Defendants. :

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COUNT ONE

Conspiracy to Act as Unregistered Agents of a Foreign Government

The Grand Jury charges:

1. From in or about October 1999, up to and including in or about February 2004, in the Southern District of New York and elsewhere, SUSAN LINDAUER, a/k/a "Symbol SUSAN," RAED NOMAN AL-ANBUKE, a/k/a "Ra'id Al Anbughe," a/k/a "Raed Rokan," a/k/a "Raed Al-Anbaki," and WISAM NOMAN AL-ANBUKE, a/k/a "Wisam Al Anbughe," a/k/a "Wisam Noman Rokan," the defendants, and others known and unknown, unlawfully, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Section 951 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that SUSAN LINDAUER, a/k/a "Symbol SUSAN," RAED NOMAN AL-ANBUKE, a/k/a

"Ra'id Al Anbuge," a/k/a "Raed Rokan," a/k/a "Raed Al-Anbaki," and WISAM NOMAN AL-ANBUKE, a/k/a "Wisam Al Anbuge," a/k/a "Wisam Noman Rokan," the defendants, and others known and unknown, unlawfully, willfully and knowingly, would and did act in the United States as agents of a foreign government, specifically the Government of Iraq, without prior notification to the Attorney General, as required by law, in violation of Title 18, United States Code, Section 951.

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about October 14, 1999, SUSAN LINDAUER, a/k/a "Symbol SUSAN," met with an officer of the Iraqi Intelligence Service ("IIS") in Manhattan.

b. On or about September 19, 2001, SUSAN LINDAUER, a/k/a "Symbol SUSAN," met with an officer of the IIS in Manhattan.

c. In or about October 2001, SUSAN LINDAUER, a/k/a "Symbol SUSAN," accepted a task given to her in Manhattan by an officer of the IIS.

d. In or about 2001, RAED NOMAN AL-ANBUKE, a/k/a "Ra'id Al Anbuge," a/k/a "Raed Rokan," a/k/a "Raed Al-Anbaki,"

met with an officer of the IIS and provided the IIS officer with the location, employment, and family status of Iraqi expatriates in the United States.

e. In or about October or November 2001, WISAM NOMAN AL-ANBUKE, a/k/a "Wisam Al Anbuges," a/k/a "Wisam Noman Rokan," met with an IIS officer and provided the IIS officer with the location in the United States of an Iraqi expatriate, the son of a former Iraqi diplomat.

f. In or about October or November 2001, WISAM NOMAN AL-ANBUKE, a/k/a "Wisam Al Anbuges," a/k/a "Wisam Noman Rokan," met with an IIS officer and provided the IIS officer with the location and employment of an Iraqi expatriate in the United States.

g. In or about December 2001 or January 2002, RAED NOMAN AL-ANBUKE, a/k/a "Ra'id Al Anbuges," a/k/a "Raed Rokan," a/k/a "Raed Al-Anbaki," facilitated a meeting between an officer of the IIS and the family of an Iraqi dissident now living in the United States.

h. In or about January 2002, SUSAN LINDAUER, a/k/a "Symbol SUSAN," met in Manhattan with an officer of the IIS and accepted payment from the IIS for travel, lodging, and meal expenses in the amount of \$232.77.

i. On or about February 4, 2002, SUSAN LINDAUER, a/k/a "Symbol SUSAN," met in Manhattan with an officer of the IIS

and accepted payment from the IIS for travel, lodging, and meal expenses in the amount of \$311.10.

j. On or about February 18, 2002, SUSAN LINDAUER, a/k/a "Symbol SUSAN," met in Manhattan with an officer of the IIS and accepted payment from the IIS for travel and lodging expenses in the amount of \$270.00.

k. From on or about February 23, 2002 through on or about March 7, 2002, SUSAN LINDAUER, a/k/a "Symbol SUSAN," traveled to Baghdad, Iraq, through Jordan, as a guest of the IIS.

l. From on or about February 23, 2002 through March 7, 2002, SUSAN LINDAUER, a/k/a "Symbol SUSAN," met with several IIS officers in Iraq, including at the Al-Rashid Hotel in Baghdad, and received cash payments of approximately \$5,000.00.

m. On or about March 8, 2002, SUSAN LINDAUER, a/k/a "Symbol SUSAN," met in Manhattan upon her return from Iraq with an officer of the IIS and accepted payment from the IIS for lodging and meal expenses in the amount of \$200.00.

n. On or about January 8, 2003, SUSAN LINDAUER, a/k/a "Symbol SUSAN," delivered, to the home of an United States Government official, a letter in which LINDAUER conveyed her established access to, and contacts with, members of the Saddam Hussein regime, in an unsuccessful attempt to influence United States foreign policy.

o. On or about June 23, 2003, SUSAN LINDAUER,

a/k/a "Symbol SUSAN," met in Baltimore, Maryland, with a special agent of the Federal Bureau of Investigation ("FBI") acting in an undercover capacity as a member of the Libyan intelligence service seeking to support resistance groups in post-war Iraq (the "UC"), and discussed the need for plans and foreign resources to support these groups operating within Iraq.

p. On or about July 17, 2003, SUSAN LINDAUER, a/k/a "Symbol SUSAN," met in Baltimore, Maryland, with the UC and discussed the need for plans and foreign resources to support resistance groups operating within Iraq.

q. On or about August 6, 2003, SUSAN LINDAUER, a/k/a "Symbol SUSAN," pursuant to instructions received from the UC, left documents in a designated location in Takoma Park, Maryland.

r. On or about August 21, 2003, SUSAN LINDAUER, a/k/a "Symbol SUSAN," pursuant to instructions received from the UC, left documents in a designated location in Takoma Park, Maryland.

s. From in or about June 2003, up to and including in or about February 2004, SUSAN LINDAUER, a/k/a "Symbol SUSAN," regularly communicated via email with the UC.

(Title 18, United States Code, Section 371.)

COUNT TWO

Acting as an Unregistered Agent of a Foreign Government

The Grand Jury further charges:

4. From in or about October 1999, up to and including in or about February 2004, in the Southern District of New York and elsewhere, SUSAN LINDAUER, a/k/a "Symbol SUSAN," the defendant, unlawfully and knowingly acted in the United States as an agent of a foreign government, specifically the Government of Iraq, without prior notification to the Attorney General, as required by law.

(Title 18, United States Code, Section 951.)

COUNT THREE

Acting as an Unregistered Agent of a Foreign Government

The Grand Jury further charges:

5. From in or about January 2001, up to and including in or about March 2003, in the Southern District of New York and elsewhere, RAED NOMAN AL-ANBUKE, a/k/a "Ra'id Al Anbuga," a/k/a "Raed Rokan," a/k/a "Raed Al-Anbaki," the defendant, unlawfully and knowingly acted in the United States as an agent of a foreign government, specifically the Government of Iraq, without prior notification to the Attorney General, as required by law.

(Title 18, United States Code, Section 951.)

COUNT FOUR

Acting as an Unregistered Agent of a Foreign Government

The Grand Jury further charges:

6. From in or about January 2001, up to and including in or about March 2003, in the Southern District of New York and elsewhere, WISAM NOMAN AL-ANBUKE, a/k/a "Wisam Al Anbuge," a/k/a "Wisam Noman Rokan," the defendant, unlawfully and knowingly acted in the United States as an agent of a foreign government, specifically the Government of Iraq, without prior notification to the Attorney General, as required by law.

(Title 18, United States Code, Section 951.)

COUNT FIVE

Prohibited Financial Transactions with the Government of Iraq

The Grand Jury further charges:

7. In or about February and March 2002, in the Southern District of New York and elsewhere, SUSAN LINDAUER, a/k/a "Symbol SUSAN," being a United States person, and knowing and having reasonable cause to know that Iraq was a country designated under section 6(j) of the Export Administration Act of 1979 as a country supporting international terrorism, did unlawfully and knowingly engage in a financial transaction with the government of that country without complying with the licensing and authorization requirements of the Iraqi Sanction Regulations, to wit, LINDAUER received United States currency in

the amount of approximately \$10,000 from the IIS, an agency of the Government of Iraq, as payment for performing various services and activities on behalf of the IIS, including traveling to Baghdad, Iraq, and transported some of those funds from Iraq to the United States.

(Title 18, United States Code, Section 2332d and 2.)

COUNT SIX

Violation of the International Emergency Economic Powers Act

The Grand Jury further charges:

8. Title 50, United States Code, Section 1701 et seq., known as the International Emergency Economic Powers Act ("IEEPA"), grants the President the authority to, among other things, "investigate, . . . prevent or prohibit, any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States . . ." 50 U.S.C. § 1702(a)(1)(B). Section 1701 grants the President the power to exercise this authority upon declaration of a national emergency.

9. In Executive Order Number 12722, signed on August 2, 1990, President George H. W. Bush declared that "the policies

and actions of the Government of Iraq constitute an unusual and extraordinary threat to the national security and foreign policy of the United States," and declared "a national emergency to deal with that threat." The Order, which was still in effect at all times relevant to this Indictment, prohibits certain trade-related activities with Iraq. In particular, Executive Order Number 12724, signed by President George H. W. Bush on August 13, 1990, prohibits activities relating to Iraq, including "any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Iraq, after the date of this order, other than transactions necessary to effect (i) such person's departure from Iraq, (ii) travel and activities for the conduct of the official business of the Federal Government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a news-gathering organization." In addition, the Order specifically prohibits "[a]ny transaction by any United States person that evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this order." The Order defines the term "United States person" as "any United States citizen, permanent resident alien, judicial person organized under the laws of the United States (including foreign branches), or any person in the United States, and vessels of U.S. registration."

10. From 1990 through all times relevant to this Indictment, the President continued, on an annual basis, the national emergency with respect to Iraq. These Executive Orders have authorized the Secretary of Treasury, in consultation with the Secretary of State, "to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes" of the Executive Orders.

11. Pursuant to this authority, the Office of Foreign Assets Control, the office within the Department of Treasury charged with the responsibility of administering sanctions against foreign entities, promulgated regulations to implement the Executive Orders. The relevant regulations are located in Section 575 of Title 31 of the Code of Federal Regulations, and state in part, "no U.S. person may engage in any transaction relating to travel by any U.S. citizen or permanent resident alien to Iraq, or to activities by any U.S. citizen or permanent resident alien within Iraq." 31 C.F.R. § 575.207.

12. From in or about February 2002, up to and including to March 2002, in the Southern District of New York and elsewhere, SUSAN LINDAUER, a/k/a "Symbol SUSAN," the defendant, being a United States person, unlawfully, willfully and knowingly violated IEEPA, and the regulations promulgated thereunder, as described above, to wit, LINDAUER attempted to and did engage in financial transactions with the Government of Iraq related to her

travel from New York to Iraq and related to her activities within Iraq.

(Title 50, United States Code, Section 1701 et seq., Executive Orders 12722 and 12724 and Title 31, C.F.R. Section 575.207 and Title 18, United States Code, Section 2.)

COUNT SEVEN

Making False Statements

The Grand Jury further charges:

13. On or about November 28, 2001, in the Southern District of New York, WISAM NOMAN AL-ANBUKE, a/k/a "Wisam Al Anbuge," a/k/a "Wisam Noman Rokan," the defendant, in a matter within the jurisdiction of the Federal Bureau of Investigation, a department and agency of the executive branch of the Government of the United States, unlawfully, willfully, and knowingly falsified, concealed, and covered up by trick, scheme and device material facts, and made materially false, fictitious, and fraudulent statements and representations, to wit, WISAM AL-ANBUKE falsely informed agents of the Federal Bureau of Investigation that he had not told IIS officers of the location in the United States of an Iraqi expatriate, the son of a former Iraqi diplomat.

(Title 18, United States Code, Section 1001.)

COUNT EIGHT

Making False Statements

The Grand Jury further charges:

14. On or about February 25, 2002, in the Southern District of New York, WISAM NOMAN AL-ANBUKE, a/k/a "Wisam Al Anbuge," a/k/a "Wisam Noman Rokan," the defendant, in a matter within the jurisdiction of the Federal Bureau of Investigation, a department and agency of the executive branch of the Government of the United States, unlawfully, willfully, and knowingly falsified, concealed, and covered up by trick, scheme and device material facts, and made materially false, fictitious, and fraudulent statements and representations, to wit, WISAM AL-ANBUKE falsely informed agents of the Federal Bureau of Investigation that he had not told IIS officers of the location in the United States of an Iraqi expatriate, the son of a former Iraqi diplomat.

(Title 18, United States Code, Section 1001.)

COUNT NINE

Making False Statements

The Grand Jury further charges:

15. On or about November 28, 2001, in the Southern District of New York, WISAM NOMAN AL-ANBUKE, a/k/a "Wisam Al Anbuge," a/k/a "Wisam Noman Rokan," the defendant, in a matter within the jurisdiction of the Federal Bureau of Investigation, a

department and agency of the executive branch of the Government of the United States, unlawfully, willfully, and knowingly falsified, concealed, and covered up by trick, scheme and device material facts, and made materially false, fictitious, and fraudulent statements and representations, to wit, WISAM AL-ANBUKE falsely informed agents of the Federal Bureau of Investigation that he had not told IIS officers of the location and employment of an Iraqi expatriate in the United States.

(Title 18, United States Code, Section 1001.)

COUNT TEN

Making False Statements

The Grand Jury further charges:

16. On or about July 3, 2002, in the Southern District of New York, WISAM NOMAN AL-ANBUKE, a/k/a "Wisam Al Anbuge," a/k/a "Wisam Noman Rokan," the defendant, in a matter within the jurisdiction of the Federal Bureau of Investigation, a department and agency of the executive branch of the Government of the United States, unlawfully, willfully, and knowingly falsified, concealed, and covered up by trick, scheme and device material facts, and made materially false, fictitious, and fraudulent statements and representations, to wit, WISAM AL-ANBUKE falsely informed agents of the Federal Bureau of Investigation that the IIS had developed a new methodology for training individuals to act in the United States as agents of the IIS.

(Title 18, United States Code, Section 1001.)

COUNT ELEVEN

Making False Statements

The Grand Jury further charges:

17. On or about March 27, 2003, in the Southern District of New York, the Eastern District of New York, and elsewhere, RAED NOMAN AL-ANBUKE, a/k/a "Ra'id Al Anbuge," a/k/a "Raed Rokan," a/k/a "Raed Al-Anbaki," the defendant, in a matter within the jurisdiction of the Federal Bureau of Investigation, a department and agency of the executive branch of the Government of the United States, unlawfully, willfully, and knowingly falsified, concealed, and covered up by trick, scheme and device material facts, and made materially false, fictitious, and fraudulent statements and representations, to wit, RAED NOMAN AL-ANBUKE falsely informed agents of the Federal Bureau of Investigation that he had not arranged any meetings between a specific IIS officer and any third parties in this country.

(Title 18, United States Code, Section 1001.)

FOREPERSON

DAVID N. KELLEY
United States Attorney