

KAM:JB
F.#2005R01365

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

05 1303M

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(T. 18, U.S.C., §§ 1001,
1425(a) and 3551 et
seq.)

FNU LNU, also known as
"Abu Hakim,"
"Noureddine Malki,"
"Almaliki Nour" and
"Almalik Nour Eddin,"

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

ROBERT LONG, being duly sworn, deposes and says that he is a Special Agent of the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On information and belief, there is probable cause to believe that, in or about and between 2003 and 2004, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FNU LNU, also known as "Abu Hakim," "Noureddine Malki," "Almaliki Nour" and "Almalik Nour Eddin," did knowingly and willfully make materially false, fictitious and fraudulent statements and representations in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit: the Department of Defense, in that the defendant stated on Standard Form 86,



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Security Clearance Application, that (1) his true name is "Almaliki Nour," (2) he has never used or been known by a name other than "Almaliki Nour," (3) his true date of birth is "1960/12/8," (4) he was born in "Beirut, Lebanon," (5) he is not and was not a dual citizen of the United States and another country, (6) he was never married, (7) his mother's place of birth is "Lebanon," (8) his mother is a citizen of "Lebanon," (9) his father is a citizen of "Lebanon," and (10) his father is deceased, when in fact, as the defendant then and there well knew and believed, (1) his true name is not "Almaliki Nour," (2) he has used and been known by a name other than "Almaliki Nour," (3) his true date of birth is not December 8, 1960, (4) he was not born in "Beirut, Lebanon," (5) he is a dual citizen of the United States and another country, namely, Morocco, (6) he was and is married, (7) his mother's place of birth is not "Lebanon," (8) his mother is not a citizen of "Lebanon," (9) his father is not a citizen of "Lebanon," and (10) his father is not deceased.

(Title 18, United States Code, Section 1001(a)(2) and 3551 et seq.)

On information and belief, there is probable cause to believe that, on or about September 30, 2005, within the Eastern District of New York and elsewhere, the defendant FNU LNU, also known as "Abu Hakim," "Noureddine Malki," "Almaliki Nour" and "Almalik Nour Eddin," did knowingly and willfully make materially

false, fictitious and fraudulent statements and representations in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit: the Federal Bureau of Investigation and the Department of Defense, in that the defendant stated to agents of the Federal Bureau of Investigation and the Department of Defense that (1) his true name is Almaliki Nour, (2) his true date of birth is December 8, 1960, (3) he was born in Beirut, Lebanon, (4) he was never married, and (5) his parents and siblings were killed when their family house in Beirut, Lebanon was shelled, when in fact, as the defendant then and there well knew and believed, (1) his true name is not Almaliki Nour, (2) his true date of birth is not December 8, 1960, (3) he was not born in Beirut, Lebanon, (4) he was and is married, and (5) his parents and siblings were not killed due to a shelling of his family house in Beirut, Lebanon.

(Title 18, United States Code, Section 1001(a)(2) and 3551 et seq.)

In or about and between 1998 and 2000, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FNU LNU, also known as "Abu Hakim," "Noureddine Malki," "Almaliki Nour" and "Almalik Nour Eddin," knowingly procured, contrary to law, his naturalization, in that the defendant, in seeking and obtaining his United States citizenship, provided to the United States Immigration and

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Naturalization Service ("INS") a false name, false date of birth and false place of birth, and also falsely stated to the INS that the defendant had never been married and that he had never previously given false testimony for the purpose of obtaining an immigration benefit.

(Title 18, United States Code, Sections 1425(a) and 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:

1. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") for approximately seven years. Unless otherwise noted, my knowledge of the matters described herein is based upon my personal investigation of this case, including review of documents, interviews of witnesses and discussions with other law enforcement personnel involved in this investigation. Unless otherwise noted herein, statements described herein taken from documents or interviews of individuals are in part and in substance.^{1/}

^{1/} Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause, I have not described all of the relevant facts and circumstances of which I am aware.

I. The Defendant

2. The defendant was born at an unknown location outside the United States. At some unknown time, the defendant entered the United States. The defendant's true identity is unknown. The defendant has used various names.

II. The Defendant's False Political Asylum Application

3. In 1989, the defendant, using the name "Almaliki Nour," and a date of birth of December 8, 1960, sought political asylum while in the United States. The defendant submitted various documents with his political asylum application, including an affidavit. In the affidavit, the defendant claimed that he was born in Beirut, Lebanon, to a Roman Catholic mother and a Muslim father. According to the defendant, he was persecuted in Lebanon because of his parent's inter-religious marriage, and received death threats. The defendant asserted in his affidavit that his parents were dead. The defendant claimed they were killed when his family's house was shelled. The defendant asserted elsewhere in his asylum application that he had eventually come to the United States because he feared that "their fate awaits me".

4. According to the defendant's affidavit, he fled from Lebanon to Jordan after the purported bombing. There, according to the defendant, he obtained a fraudulent Jordanian passport, flew to France, then to England. The defendant stated

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that in England he obtained a photo-substituted British passport and went to Canada. According to the affidavit, in November 1978 the defendant "snuck" across the Canadian border into the United States.

5. As described in detail in Part VI below, many of the defendant's statements in support of his asylum application were false. Among other things, the defendant used a fictitious identity and fabricated the story about his alleged persecution in Lebanon and his parents' supposed demise.

6. The defendant's asylum application was pending before the INS until 1993. Between 1989 and 1993, the defendant, and others on his behalf, sent the INS various documents, originating from Brooklyn, in support of his asylum application.

7. In 1993, the defendant's asylum application was denied. However, that same year, based on the defendant's assertion in the asylum application that he had lived in the United States since 1978, the defendant was granted permanent resident status pursuant to an INS amnesty program which applied to individuals who had lived in the United States for more than ten years.

III. The Defendant's False Naturalization Application

8. In 1998, based on his permanent residence status, the defendant applied to be naturalized as a United States citizen. In the naturalization application, the defendant was

required to certify that the information he provided in the application was truthful. The certification stated:

"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."

9. In the application, the defendant stated, among other things, that (1) his name is Almaliki Nour, (2) his date of birth is "12-08-1960," (3) his country of birth is "Beirut, Lebanon," and (4) he had never been married. In addition, in response to the question in the application, "Have you ever given false testimony for the purpose of obtaining any immigration benefit?", the defendant checked "No."

10. As described in detail in Part VI below, each of those answers by the defendant was false.

11. Based on this false information, the defendant was naturalized in Brooklyn, New York on February 18, 2000 as "Almaliki Nour."^{2/}

IV. The Defendant's Fraudulent Access of Classified Information of the United States Military

12. In March 2003, the United States initiated a military campaign against the leadership of the Iraqi government. The Titan Corporation (hereinafter "Titan"), a contracting

^{2/} While in the United States, the defendant has also used the name "Almalik Nour Eddin." This name appears on an altered transcript from a Moroccan university. The defendant submitted the altered transcript to Brooklyn College as proof of his prior education in that country.

company headquartered in Virginia, has provided contracting services to the United States military in regard to the campaign. Titan's services include, among others, provision of Arabic-speaking interpreters for United States military personnel operating in Iraq.

13. In August 2003, Titan hired the defendant as a contract interpreter. That same year, and in subsequent years, Titan deployed the defendant to Iraq to provide Arabic interpreting services for the United States military. The defendant was assigned to, among other military components, an intelligence group in the 82nd Airborne Division of the United States Army.

14. Because the defendant's duties with the military involved classified information, the defendant was required to apply for a security clearance from the Department of Defense. The application process included completing a United States government Standard Form 86, Security Clearance Application ("SF-86"). The SF-86 is used by the executive branch of the United States government to assess whether an applicant is qualified to obtain a clearance to have appropriate access to classified information of the United States. The SF-86 requires the applicant to provide biographical information and to answer numerous other questions bearing on the applicant's fitness to handle classified information. The SF-86 further requires the

applicant to certify the truthfulness of his statements in the application. The certification section states as follows:

"My statements on this form, and any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both. (See section 1001 of Title 18, United States Code)."

15. While in Brooklyn, the defendant completed the SF-86, signed it, and dated it August 25, 2003. On the SF-86, the defendant, among other things, (1) stated that his true name is "Almaliki Nour," (2) in response to the question, "Have you ever used or been known by another name," stated "No," (3) stated that his true date of birth is "1960/12/8," (4) stated that he was born in "Beirut, Lebanon," (5) in response to the question, "Are you now or were you a dual citizen of the U.S. and another country," stated "No," (6) in response to the question, "What is your current marital status," stated "Never Married," (7) stated that his mother's place of birth is "Lebanon," (8) stated that his mother is a citizen of "Lebanon," (9) stated that his father is a citizen of "Lebanon," among other places, and (10) in response to the question, "Is the family/associate you listed" as a father "deceased," stated "Yes."

16. As described in detail in Part VI below, each of those answers by the defendant was false. The defendant reiterated these false statements in 2004 as part of further background checks pertaining to his security clearance. The

defendant was granted a high-level clearance to access classified information.

V. The Defendant's False Statements to the FBI and DOD in Iraq

17. In late September 2005, while deployed in Iraq, the defendant was interviewed by FBI and Department of Defense personnel stationed there. The interview was conducted, among various purposes, to determine whether the defendant should continue to have access to classified information. During the interview, the defendant stated, among other things, that (1) his true name is Almaliki Nour, (2) his true date of birth is December 8, 1960, (3) he was born in Beirut, Lebanon, (4) he was never married, and (5) his parents and siblings were killed when their family house in Beirut, Lebanon was shelled.

18. As described in detail in Part VI below, each of those answers by the defendant was false.

19. During the interview by FBI and Department of Defense personnel, the defendant also stated that some individuals he knows in Iraq refer to him as "Abu Hakim."

VI. The Defendant's Admission of His False Statements

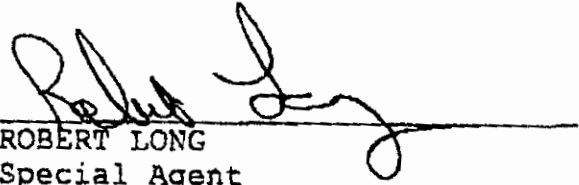
20. On October 11 and October 12, 2005, the FBI interviewed the defendant in Brooklyn, New York. Although the defendant was not in custody during the interview, the defendant was advised of his Miranda rights at the beginning of the interview, and waived those rights in writing.

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21. During the interview, the defendant admitted, among other things, that (1) his real name is not "Almaliki Nour," but Nourredine Malik, (2) his real date of birth is not December 8, 1960, but November 7, 1959, (3) he was not born in Lebanon, but in Morocco, is a Moroccan citizen and has possessed a Moroccan passport, (4) he is married to a woman who lives in Morocco, and has transferred large sums of money--essentially his entire last year's salary--to her, (5) his parents are not from Lebanon, did not live in Lebanon, and had no home in Lebanon that was shelled, and (6) his father is still alive, and is living in Morocco.

22. Other information corroborates the above admissions by the defendant. For example, during a consent search of the defendant's apartment in Brooklyn, agents discovered a Moroccan power of attorney in the name of Nouredine Malik, and also discovered wire transfer documents involving transfer of large sums of money to a female in Morocco.

WHEREFORE, your deponent respectfully requests that the defendant FNU LNU, also known as "Abu Hakim," "Noureddine Malki," "Almaliki Nour" and "Almalik Nour Eddin," be dealt with according to law.



ROBERT LONG
Special Agent
Federal Bureau of Investigation

Sworn to before me this
13th

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