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FOR THE NORTHERN DISTRICT 0 TEXAS

DALLAS DIVISION

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UNITED STATES OF AMERICA §

VS.

CRIMINAL NO. 3:02-CR-052-R
(Supersedes Indictment filed on
December 17, 2002)

BAYAN ELASHI (1)
GHASSAN ELASHI (2)
BASMAN ELASHI (3)
HAZIM ELASHI (4)
IHSAN ELASHYI (5)
a/k/a "Sammy Elashyi"
MOUSA ABU MARZOOK (6)
a/k/a "Abu Omara"
NADIA ELASHI (7)
a/k/a "Nadia Marzook and "Um Omar"
INFOCOM CORPORATION (8)

The Grand Jury Charges:

INTRODUCTION

At all times material herein:

1. The defendant **Infocom Corporation** ("Infocom"), located in Richardson, Texas, was incorporated in Texas in 1992. The defendant **Infocom** was and is engaged in the business of selling computer systems, networking, telecommunications and Internet services. The defendant **Infocom** also exported computers and computer components to customers primarily located in the Middle East.

2. The defendant **Bayan Elashi** was and is the chief executive officer for the defendant **Infocom.**

3. The defendant **Ghassan Elashi** was and is the vice-president of marketing for the defendant **Infocom.**

4. The defendant **Basman Elashi** was and is the logistics manager and credit manager for the defendant **Infocom.**

5. The defendant **Hazim Elashi** was the manager of personal computer systems for the defendant **Infocom.**

6. The defendant **Ihsan** Elashyi, also known as Sammy Elashyi, was a systems consultant and sales representative for the defendant **Infocom.**

7. The defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi** and **Ihsan Elashyi** are brothers.

8. Under the International Emergency Economic Powers Act (Title 50, United States Code, Sections 1701 through 1706) (IEEPA), the President of the United States has the authority to deal with unusual or extraordinary threats to the national security and foreign policy of the United States. The President deals with unusual or extraordinary threats through Executive Orders which have the force and effect of law. A violation of an Executive Order is a criminal act.

Shipping Restrictions to State Sponsors of Terrorism

9. On August 19, 1994, under the authority of IEEPA, the President issued

Executive Order 12924, which extended the Export Administration Act of 1979, and authorized the promulgation of the Export Administration Regulations, which are detailed at Title 15, Code of Federal Regulations, Parts 768 through 799. These regulations authorize the Secretary of Commerce to prohibit or curtail the export of technology, goods or software to countries listed as state sponsors of terrorism as designated by the Secretary of State, in order to protect the national security, foreign policy, non-proliferation and short supply interests of the United States. In accordance with the Export Administration Regulations, a United States person or entity needs authorization from the United States Department of Commerce to legally export certain products to state sponsors of terrorism. In 1979, Libya and Syria were designated by the Secretary of State as state sponsors of terrorism.

Syria

10. Pursuant to the Export Administration Regulations, and as continued by IEEPA, it became unlawful to export certain United States origin technology, goods and commodities, including, but not limited to, computers and computer components, from the United States to Syria without a license from the United States Department of Commerce.

Libya

11. In addition to the Export Administration Regulations as applied to Libya, on January 7, 1986, under the authority of IEEPA, and in response to Libya's repeated use

and support of terrorism against the United States and others, the President issued Executive Order 12543, which states that the policies and actions of the government of Libya constitute an unusual and extraordinary threat to the national security and foreign policy of the United States.

12. To implement Executive Order 12543, the United States Department of the Treasury, through the Office of Foreign Assets Control, promulgated the Libyan Sanctions Regulations, which are detailed at Title 31, Code of Federal Regulations, Part 550. Executive Order 12543 and the Libyan Sanctions Regulations prohibit, among other things: (a) the unauthorized export of goods, technology or services from the United States to Libya, with the exception of publications and donated articles intended to relieve human suffering, such as food, clothing and medicine; (b) the unauthorized export of goods from the United States to a third country that are intended for further shipment to Libya; and (c) any transaction for the purpose of, or having the effect of, evading or avoiding the Libyan Sanctions Regulations.

13. More specifically, pursuant to the Libyan Sanctions Regulations and the Export Administration Regulations, it became unlawful to export any United States origin services, technology (including technical data and other information), computers, computer components and software from the United States to Libya without a license from either the United States Department of Commerce or the United States Department of Treasury, Office of Foreign Assets Control. It is also unlawful to export or re-export

United States origin services, technology, computers, computer components and software from any country outside the United States to Libya without authorization from the United States Government.

14. A Shipper's Export Declaration form, United States Department of Commerce form number 7525-V, is signed under the penalties of perjury and is filed with, and maintained by, the United States Department of Commerce for international shipments from the United States. On the Shipper's Export Declaration form an exporter is required to provide certain information regarding an international shipment, including the value of the shipment, the fmal destination and, if applicable, if a license is required to ship a particular product to a particular country. The United States Department of Commerce uses these forms to track the United States' foreign trade for economic and trade policy purposes. A Shipper's Export Declaration form, along with a commercial invoice, is provided to the shipper of the product and the true value of the shipment is required to be reported on both forms. The commercial invoice is also provided to the customer and the custom officials of the receiving country in order for that country to assess the proper import tax or duty.

Prohibition of Transactions with Specially Designated Terrorists.

15. On January 23, 1995, under the authority of IEEPA, the President issued Executive Order 12947, which declared a national emergency regarding the grave acts of violence committed by foreign terrorists that disrupt the Middle East Peace Process. The

Executive Order prohibits transactions, including financial transactions, with organizations and individuals who threaten to disrupt the Middle East Peace Process and who are declared to be a Specially Designated Terrorist by the United States Department of Treasury. The Executive Order also blocks, or freezes, all property subject to United States jurisdiction in which there is any interest held by any organization or individual declared to be a Specially Designated Terrorist. Any United States person or entity who possesses any funds in which any interest is held by a Specially Designated Terrorist, must report such interest to the proper United States authorities. Any dealings in those funds after the designation date, or any attempt to avoid acknowledgment of the funds, is unlawful.

16. To implement Executive Order 12947, the United States Department of Treasury, through the Office of Foreign Assets Control, promulgated the Terrorism Sanctions Regulations, which are detailed at Title 31, Code of Federal Regulations, Part 595. Executive Order 12947 and the Terrorism Sanctions Regulations prohibit, among other things: (a) transferring, paying, exporting, withdrawing or otherwise dealing in property or interests in property of a Specially Designated Terrorist that are in the United States, come within the United States, or come within the possession of or control of United States persons; (b) any transaction for the purpose of, or which has the effect of evading or avoiding, or which facilitates the evasion or avoidance of the Terrorism Sanctions. Regulations; (c) any conspiracy formed for the purpose of engaging in a

prohibited transaction.

17. On January 25, 1995, pursuant to Executive Order 12947, the Department of Treasury, Office of Foreign Assets Control, designated the Islamic Resistance Movement, a.k.a. Hamas, as a Specially Designated Terrorist Organization. This designation makes it illegal for any United States person or entity to conduct any business with Hamas or its representatives.

18. The defendant **Mousa Abu Marzook,** also known as Abu Omar, is a self-admitted member of Hamas. He formerly served as the Chief of Hamas' Political Bureau. He is now publicly identified as the Deputy Chief of Hamas' Political Bureau. The Political Bureau operates as the highest ranking leadership body in the Hamas organization, setting policies and guidelines regarding Hamas' activities, including directing and coordinating terrorist acts by Hamas against soldiers and civilians in Israel and the Occupied Territories. On August 29, 1995, the defendant **Mousa Abu Marzook** was individually designated as a Specially Designated Terrorist, based upon his support of terrorist activities through his position as the leader of Hamas' Political Bureau. After the effective date of designation, any, interest in any property, direct or indirect, held by the defendant **Mousa Abu Marzook,** and subject to the jurisdiction of the United States, was blocked as a matter of law. Any United States person or entity who possessed any funds in which any interest was held by the defendant **Mousa Abu Marzook,** should have reported such interest to the proper United States authorities. Any dealings in those

funds after the defendant **Mousa Abu Marzook's** designation date, or any attempt to avoid acknowledgment of the funds, is unlawful.

19. Defendant **Nadia Elashi,** also known as Nadia Marzook and Um Omar, is the **defendant Mousa Abu Marzook's** wife and a cousin of the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi and Ihsan Elashyi.**

COUNT ONE
Conspiracy to violate the Export Administration Regulations and the Libyan Sanctions Regulations - 18 U.S.C. §371

1. The allegations of paragraphs one (1) through nineteen (19) of the Introduction to this Superseding Indictment are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. Beginning in or around August 1994 and continuing until in or around August 2000, in the Dallas Division of the Northern District of Texas, and elsewhere, the **defendants Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi and Infocom,** and others known and unknown to the Grand Jury, knowingly and willfully conspired, confederated and agreed to violate Executive Order 12924, the Export Administration Regulations, Executive Order 12543 and the Libyan Sanctions Regulations, by participating in transactions involving the exporting and attempted exporting of technology, goods and commodities from the United States to Libya and Syria, which technology, goods and commodities were subject to Executive Order 12924, the Export Administration Regulations, Executive Order 12543 and the Libyan Sanctions

Regulations, in violation of Title 50, United States Code, Sections 1701 through 1706, Title 15, Code of Federal Regulations, Sections 768 through 799 and Title 31, Code of Federal Regulations, Section 550 et. seq.

MANNER & MEANS

3. In furtherance of the conspiracy, beginning in or around March 1997 the **defendants Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom** received purchase orders from customer A in Libya for computers and computer components.

4. In furtherance of the conspiracy, and in order to fill the orders from the Libyan based customer A, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom** contracted with shipping companies located in the United States to transship the products to a shipping company located in the country of Malta, knowing that the ultimate destination of the goods would be Libya. The Libyan based customer A instructed the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom** to use that particular Maltese shipping company.

5. In furtherance of the conspiracy, and in order to conceal the true destination of the shipments, the defendant **Basman Elashi** wrote Malta as the final destination on the Shipper's Export Declaration forms, which forms were signed under the penalties of perjury.

6. In furtherance of the conspiracy, the shipping company in Malta forwarded the shipments to customer A in Libya.

7. In furtherance of the conspiracy, beginning in or around June 1999 the **defendants Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom** received purchase orders from a customer based in the United States for computers and computer components to be transshipped through Italy to the ultimate recipient (customer B) in Libya. The defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom** knew that the ultimate recipient, customer B, resided in Libya.

8. In furtherance of the conspiracy, and in order to fill the orders from the United States based customer, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom** contracted with shipping companies located in the United States to transship the products through Italy, knowing that the ultimate destination of the goods would be Libya.

9. In furtherance of the conspiracy, beginning in or around April 1998 the **defendants Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom** received purchase orders from, and supplied price quotes to, customers located in Syria for computers and computer components.

10. In furtherance of the conspiracy, and in order to fill the orders from Syria, the **defendants Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan**

Elashyi and **Infocom** contracted with shipping companies located in the United States to ship the products directly to Syria. The defendant **Basman Elashi,** on a Shipper's Export Declaration forms dated March 19, 1999 and April 6, 1999, stated that no license or authorization was required to ship the particular computers and computer components that were exported to Syria, when in fact, the Export Administration Regulations did require a license to be issued for the computers and computer components that the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi and Infocom** shipped to Syria. Furthermore, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom** failed to file Shipper's Export Declaration forms for shipments to Syria, dated May 14, 1998 and July 31, 2000.

11. The defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom** did not receive a license or authorization from either the United States Department of Commerce or the United States Department of Treasury, Office of Foreign Assets Control, to export the products shipped to Libya and Syria as described above.

OVERT ACTS

In furtherance of the conspiracy, and in order to accomplish its purposes, on or about the dates listed below, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom** committed the following overt acts, among others, by participating in transactions or negotiations involving the exporting and

attempted exporting of technology, goods and commodities from the United States to Libya and Syria, which technology, goods and commodities were subject to Executive Order 12924, the Export Administration Regulations, Executive Order 12543 and the Libyan Sanctions Regulations, and for which shipments the defendants failed to obtain the proper licensing:

OVERT ACT	DATE	COUNTRY
1	3/5/97	Libya
2	3/7/97	Libya
3	6/6/97	Libya
4	10/6/97	Libya
5	5/14/98	Syria
6	3/19/99	Syria
7	4/6/99	Syria
8	6/25/99	Libya
9	6/30/99	Libya
10	7/2/99	Libya
11	7/31/00	Syria

In violation of Title 18, United States Code, Section 371 (Title 50, United States Code, Sections 1701 through 1706, Title 15, Code of Federal Regulations, Sections 768 through 799 and Title 31, Code of Federal Regulations, Section 550 et. seq.).

COUNTS TWO THROUGH SIX
Libyan Export Violations - 50 U.S.C.§§1701-1706

1. The allegations of paragraphs one (1) through nineteen (19) of the Introduction to this Superseding Indictment and paragraphs three (3) through eleven (11) of Count One are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates listed below, in the Dallas Division of the Northern District of Texas, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom,** aided and abetted by each other, knowingly and willfully violated Executive Order 12924, the Export Administration Regulations, Executive Order 12543 and the Libyan Sanctions Regulations, by participating in transactions involving the exporting and attempted exporting of technology, goods and commodities from the United States to Libya, which technology, goods and commodities were subject to Executive Order 12924, the Export Administration Regulations, Executive Order 12543 and the Libyan Sanctions Regulations:

COUNT	DATE
2	3/5/97
3	10/6/97
4	6/25/99

COUNT	DATE
5	6/30/99
6	7/2/99

In violation of Title 50, United States Code, Sections 1701-1706; Title 31, Code of Federal Regulations, Section 550 et. seq.; and Title 18, United States Code, Section 2.

COUNT SEVEN
False Statement - 18 U.S.C. §& 1001 and 2

1. The allegations of paragraphs one (1) through nineteen (19) of the Introduction to this Superseding Indictment and paragraphs three (3) through eleven (11) of Count One are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about March 5, 1997, in the Dallas Division of the Northern District of Texas, in a matter within the jurisdiction of the United States Department of Commerce, the defendant **Basman Elashi,** aided and abetted by the defendants **Ghassan Elashi, Bayan Elashi, Hazim Elashi** and **Ihsan Elashyi,** did knowingly and willfully make a false, fraudulent and fictitious material statement and representation; that is, filing and causing to be filed a false Shipper's Export Declaration form, which stated that a shipment of goods and commodities from the United States was bound for Malta, when in fact, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi** and **Ihsan Elashyi,** knew and well believed that the final destination for the shipment of goods was Libya.

In violation of Title 18, United States Code, Sections 1001(a)(3) and 2.

COUNTS EIGHT THROUGH ELEVEN
Syrian Export Violations - 50 U.S.C. && 1701-1706

1. The allegations of paragraphs one (1) through nineteen (19) of the Introduction to this Superseding Indictment and paragraphs three (3) through eleven (11) of Count One are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates listed below, in the Dallas Division of the Northern District of Texas, the defendants, **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom,** aided and abetted by each other, knowingly and willfully violated Executive Order 12924 and the Export Administration Regulations, by participating in transactions involving the exporting and attempted exporting of technology, goods and commodities from the United States to Syria, which technology, goods and commodities were subject to Executive Order 12924 and the Export Administration Regulations:

COUNT	DATE
8	5/14/98
9	3/19/99
10	4/6/99
11	7/31/00

In violation of Title 50, United States Code, Sections 1701-1706; Title 15, Code of Federal Regulations, Sections 768 through 799; and Title 18, United States Code, Section 2.

COUNTS TWELVE AND THIRTEEN
False Statement - 18 U.S.C. §§ 1001 and 2

1. The allegations of paragraphs one (1) through nineteen (19) of the Introduction to this Superseding Indictment and paragraphs three (3) through eleven (11) of Count One are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates listed below, in the Dallas Division of the Northern District of Texas, in a matter within the jurisdiction of the United States Department of Commerce, the defendant **Basman Elashi,** aided and abetted by defendants **Bayan Elashi, Ghassan Elashi, Hazim Elashi** and **Ihsan Elashyi** did knowingly and willfully make false, fraudulent and fictitious material statements and representations; that is, filing and causing to be filed false Shipper's Export Declaration forms, which stated that a shipment of goods and commodities bound for Syria from the United States did not require a license from the United States Department of Commerce, when in fact, the defendants **Basman Elashi, Ghassan Elashi, Bayan Elashi, Hazim Elashi** and **Ihsan Elashyi** knew and well believed that the goods and commodities did require such a license, and that the declared value of the shipped goods and commodities, which the defendants **Basman Elashi, Ghassan Elashi, Bayan Elashi, Hazim Elashi** and **Ihsan Elashyi** reported at the values

listed below, was significantly less than the true value as listed below:

COUNT	DATE	DECLARED VALUE	TRUE VALUE
12	3/19/99	$2,580	$7,250
13	4/6/99	$3,734	$55,703

In violation of Title 18, United States Code, Sections 1001(a)(3) and 2.

COUNT FOURTEEN
Money Laundering -18U.S.C. $ 1957

1. The allegations of paragraphs one (1) through nineteen (19) of the Introduction to this Superseding Indictment and paragraphs three (3) through eleven (11) of Count One are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about April 15, 1999, in the Dallas Division of the Northern District of Texas, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom** did knowingly engage and attempt to engage in a monetary transaction, by and through a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than $10,000; that is, depositing *$55,703,* such property having been derived from a specified unlawful activity, to wit; an illegal shipment of technology, goods and commodities, in violation of Title 50, United States Code, Sections 1701 through 1706 (IEEPA), and punishable under Section 206 of IEEPA (also known as Title 50, United States Code, Section 1705(b)), as set forth in Count Ten of this Superseding Indictment.

In violation of Title 18, United States Code, Sections 1957 and 2.

COUNT FIFTEEN
Conspiracy to file false Shipper's Export Declaration forms - 18 U.S.C.&371

1. The allegations of paragraphs one (1) through nineteen (19) of the Introduction to this Superseding Indictment are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. Beginning in or around August 1995 and continuing until in or around the date of this Indictment, in the Dallas Division of the Northern District of Texas, and elsewhere, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi** and **Ihsan Elashyi,** and others known and unknown to the Grand Jury, knowingly and willfully conspired, confederated and agreed to violate United States Code Sections 1001 and 2, to wit; to file false Shipper's Export Declaration forms on which the monetary value of the products shipped as declared on the founs were significantly lower than the true value.

MANNER & MEANS

3. In furtherance of the conspiracy, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi** and **Ihsan Elashyi** received purchase orders from, customers throughout the Middle East and elsewhere for computers, computer components, software and other technical merchandise.

4. In furtherance of the conspiracy, and in order to assist the customers in evading paying import taxes on the true value of the goods, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi** and **Ihsan Elashyi** reported on the Shipper's Export Declaration forms a value of the shipped goods which was substantially lower than

the true value.

5. In furtherance of the conspiracy, and in order to ensure proper payment and conceal the true value of the shipments, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi** and **Ihsan Elashyi** created and maintained a dual invoice system, reflecting both the true value of the goods and the false value declared on the Shipper's Export Declaration forms.

OVERT ACTS

In furtherance of the conspiracy, and in order to accomplish its purposes, on or about the dates listed below, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi** and **Ihsan Elashyi,** committed the following overt acts, among others, by falsely filing Shipper's Export Declaration forms on which the declared value of the shipped goods was substantially below the true value as reflected by their own inventory accounting:

OVERT ACT	DATE	DECLARED VALUE	TRUE VALUE
1	8/17/95	$3,975	$6,431
2	8/25/95	$9,020	$12,686
3	4/2/96	**$4,408**	$9,365
4	11/24/97	$14,619	$56,843
5	5/5/98	$19,893	$97,847
6	5/19/98	$7,437	$16,525

OVERT ACT	DATE	DECLARED VALUE	TRUE VALUE
7	7/11/98	$10,305	$38,750
8	7/18/98	$4,790	$13,980
9	9/22/98	$3,002	$13,526
10	10/22/98	$5,036	$11,196
11	11/14/98	$7,359	$15,330
12	2/12/99	$7,580	$27,760
13	2/26/99	$4,950	$18,648
14	3/4/99	$9,189	$20,145
15	4/17/99	$11,366	$45,424
16	4/21/99	$6,950	$26,000
17	5/26/99	$12,416	$31,780
18	9/13/99	$8,825	$16,929

In violation of Title 18, United States Code, Section 371 (Title 18, United States Code, Section 1001(a)(3) and 2).

COUNTS SIXTEEN THROUGH TWENTY-FIVE
False Statement - 18 U.S.C. §§ 1001 and 2

1. The allegations of paragraphs one (1) through nineteen (19) of the Introduction to this Superseding Indictment and paragraphs three (3) through five (5) of Count Fifteen are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates listed below, in the Dallas Division of the Northern District of Texas, in a matter within the jurisdiction of the United States Department of Commerce, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi** and **Ihsan Elashyi,** did knowingly and willfully make false, fraudulent and fictitious material statements and representations, that is; filing and causing to be filed false Shipper's Export Declaration forms, which stated the declared values of the shipped goods and commodities to be the amounts listed below, whereas the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi** and **Ihsan Elashyi** knew and well believed the declared values were significantly less than the true values as listed below:

COUNT	DATE	DECLARED VALUE	TRUE VALUE
16	9/22/98	$3,002	$13,526
17	10/22/98	$5,036	$11,196
18	11/14/98	$7,359	$15,330
19	2/12/99	$7,580	$27,760
20	2/26/99	$4,950	$18,648

COUNT	DATE	DECLARED VALUE	TRUE VALUE
21	3/4/99	$9,189	$20,145
22	4/17/99	$11,366	$45,424
23	4/21/99	$6,950	$26,000
24	5/26/99	$12,416	$31,780
25	9/13/99	$8,825	$16,929

In violation of Title 18, United States Code, Sections 1001(a)(3) and 2.

COUNT TWENTY-SIX
INTRODUCTION

1. In or around July 1992, the defendant **Mousa Abu Marzook** sent, or caused to be sent, $150,000 to the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi** and **Infocom,** which was recorded on the books and records of the defendant **Infocom** as a credit to the pre-existing investment account of the defendant **Mousa Abu Marzook.**

2. In or around March 1993, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Mousa Abu Marzook, Nadia Elashi** and **Infocom** entered into a Murabaha agreement (Islamic contract), which purported to be an agreement for an investment of $250,000 by the defendant **Nadia Elashi.** By the terms of the agreement, the contract was valid for 12 months and was renewable annually upon agreement of the parties.

3. In an effort to conceal the defendant **Mousa Abu Marzook's** investment in the defendant **Infocom,** the Murabaha agreement stated that the $250,000 ($150,000 described in paragraph one, combined with $100,000 described in paragraph four) was an investment in the Defendant **Infocom** by the defendant **Nadia Elashi.** The agreement made no mention of the defendant **Mousa Abu Marzook's** previous investment in the Defendant **Infocom.**

4. In or around and between March 1993 and April 1993, and in order to fulfill the financial terms of the Murabaha agreement, the defendant **Mousa Abu Marzook sent, or** caused to be sent, two separate payments totaling approximately $100,000 to the

defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi** and **Infocom.** This money was credited to a newly created investment account held in the name of the defendant **Nadia Elashi.** In and around October 1993, the defendant **Mousa** Abu **Marzook's** investment account, reflecting the $150,000 investment (described in paragraph one), was dropped from the defendant **Infocom's** books and records, and concurrently, the defendant **Nadia Elashi's** investment account was increased from $100,000 to $250,000.

5. The Murabaha agreement called for regular payments in amounts based upon 40% of the defendant **Infocom's** net profit/loss, to be made to the defendant **Nadia Elashi** by the defendant **Infocom.** Prior to the signing of the Murabaha agreement, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi** and **Infocom** had been making payments to the defendant **Mousa Abu Marzook,** which were recorded on the books and records of the defendant **Infocom** under interest payment account number 6360. After the Murabaha agreement had been signed, all payments were made to the defendant **Nadia Elashi** or their son, and most were recorded under the same interest payment account number 6360, with the remainder being recorded as a return of principal.

6. As previously stated, on August 29, 1995, the defendant **Mousa Abu Marzook** was designated by the President as a Specially Designated Terrorist. This designation makes it illegal for any United States person or entity to conduct any transaction with the **defendant Mousa Abu Marzook, including dealing in** property in which the defendant **Mousa Abu Marzook** had an interest.

COUNT TWENTY-SIX
Conspiracy to deal in the Property of a Specially Designated Terrorist
18 U.S.C.§371

7. The allegations of paragraphs one (1) through nineteen (19) of the Introduction to this Superseding Indictment and paragraphs one (1) through six (6) of the Introduction to this Count are hereby re-alleged and incorporated by reference as though fully set forth herein.

8. Beginning in or around August 1995 and continuing until in or around July 2001, in the Dallas Division of the Northern District of Texas, and elsewhere, the **defendants Bayan Elashi, Ghassan Elashi, Basman Elashi, Mousa Abu Marzook, Nadia Elashi** and **Infocom,** and others known and unknown to the Grand Jury, knowingly and willfully conspired, confederated and agreed to violate Executive Order 12947, by dealing in property in which a Specially Designated Terrorist had an interest, specifically, the property of the defendant **Mousa Abu Marzook,** in violation of Title 50, United States Code, Sections 1701 through 1706, and Title 31, Code of Federal Regulations, Section 595 et. seq.

MANNER AND MEANS

9. In furtherance of the conspiracy, in or around and between August 1995 and July 2001, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Mousa Abu Marzook, Nadia Elashi** and **Infocom** annually renewed the Murabaha agreement and made regular monetary payments to the defendant **Nadia Elashi,** at the behest and under

the direction of the defendant **Mousa Abu Marzook.**

OVERT ACTS

In furtherance of the conspiracy, and in order to accomplish its purposes, on or about the dates listed below, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Mousa Abu Marzook, Nadia Elashi** and **Infocom** committed the following overt acts, among others, by dealing in the property of a Specially Designated Terrorist, namely the defendant **Mousa Abu Marzook,** to wit, by issuing and causing to be issued the following checks and wire transfers from bank accounts of the defendant **Infocom** into bank accounts held under the name of the defendant **Nadia Elashi:**

OVERT ACT	DATE OF PAYMENT
1	11/6/95
2	12/11/97
3	4/7/98
4	8/24/98
5	10/16/98
6	3/4/99
7	9/3/99
8	10/4/00

OVERT ACT	DATE OF PAYMENT
9	1/17/01
10	4/20/01

In violation of Title 18, United States Code, Section 371 (Title 50, United States Code, Sections 1701 through 1706, and Title 31, Code of Federal Regulations, Section 595 et. seq.).

COUNT TWENTY-SEVEN
Dealing in the Property of a Specially Designated Terrorist - 50 U.S.C. §& 1701-1706

1. The allegations of paragraphs one (1) through nineteen (19) of the Introduction to this Superseding Indictment, and paragraphs one (1) through six (6) and paragraph nine (9) of Count Twenty-Six are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about and between August 1995 and July 2001, in the Dallas Division of the Northern District of Texas, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Mousa Abu Marzook, Nadia Elashi** and **Infocom,** aided and abetted by each other, and others known and unknown to the Grand Jury, knowingly and willfully dealt in the property of a Specially Designated Terrorist, namely the Defendant **Mousa Abu Marzook,** by entering into and annually renewing an investment contract (Murabaha agreement) relating to property in which the defendant **Mousa Abu Marzook** had an interest.

In violation of Title 50, United States Code, Sections 1701 through 1706; Title 31, Code of Federal Regulations, Section 595 et. seq.; and Title 18, United States Code, Section 2.

COUNTS TWENTY-EIGHT I H1(OUGH THIRTY-SIX
Dealing in the Property of a Specially Designated Terrorist - 50 U.S.C. &&1701-1706

1. The allegations of paragraphs one (1) through nineteen (19) of the Introduction to this Superseding Indictment, and paragraphs one (1) through six (6) and paragraph nine (9) of Count Twenty-Six are hereby re-alleged and incorporated by reference as though *fully* set *forth* herein.

2. On or about the dates listed below, in the Dallas Division of the Northern District of Texas, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Mousa Abu Marzook, Nadia Elashi** and **Infocom,** aided and abetted by each other, and others known and unknown to the Grand Jury, knowingly and *willfully* dealt in the property of a Specially Designated Terrorist, namely the defendant **Mousa Abu Marzook,** by issuing, and causing to be issued, the following checks and wire transfers, involving property in which the defendant **Mousa Abu Marzook** had an interest, from bank accounts of the defendant **Infocom** into bank accounts held under the name of the **defendant Nadia Elashi:**

COUNT	DATE OF PAYMENT
28	3/5/98
29	6/24/98
30	9/14/98
31	12/16/98
32	5/5/99

COUNT	DATE OF PAYMENT
33	9/28/99
34	9/11/00
35	10/5/00
36	6/26/01

In violation of Title 50, United States Code, Sections 1701 through 1706; Title 31, Code of Federal Regulations, Section 595 et. seq.; and Title 18, United States Code, Section 2.

COUNT THIRTY-SEVEN
Conspiracy to commit Money Laundering-18 U.S.C. 61956(h)

1. The allegations of paragraphs one (1) through nineteen (19) of the Introduction to this Superseding Indictment, and paragraphs one (1) through six (6) and paragraph nine (9) of Count Twenty-Six are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. In or around and between August 1995 and July 2001, in the Dallas Division of the Northern District of Texas, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Mousa Abu Marzook, Nadia Elashi** and **Infocom,** and others known and unknown to the Grand Jury, in offenses involving interstate and foreign commerce, knowing that the property involved in certain financial transactions represented the proceeds of some form of unlawful activity, knowingly conspired, confederated and agreed to conduct, attempt to conduct and cause to be conducted such financial transactions, to wit, the negotiation of checks and wire transfers which represented the proceeds of property of a Specially Designated Terrorist, namely the defendant **Mousa Abu Marzook,** and made pursuant to an investment contract (Murabaha agreement) involving property in which the defendant **Mousa Abu Marzook** had an interest, in violation of Title 50, United States Code, Sections 1701 through 1706 (IEEPA), and punishable under Section 206 of IEEPA (also known as Title 50, United States Code, Section 1705(b)), as set forth in Count Twenty-Seven of this Superseding Indictment, knowing that the transactions were designed in whole and in part to conceal the nature,

source, ownership and control of the proceeds of said specified unlawful activity.

OVERT ACTS

In furtherance of the conspiracy, and in order to accomplish its purposes, on or about the dates listed below, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Mousa Abu Marzook, Nadia Elashi** and **Infocom** committed the following overt acts, among others, by dealing in the property of a Specially Designated Terrorist, namely the defendant **Mousa** Abu **Marzook,** by issuing and causing to be issued the following checks and wire transfers from bank accounts of the defendant **Infocom** into bank accounts held under the name of the defendant **Nadia Elashi:**

OVERT ACT	DATE OF CHECK OR WIRE TRANSFER
1	11/2/95
2	6/24/98
3	9/14/98
4	12/16/98
5	5/5/99
6	9/28/99
7	9/11/00
8	10/5/00
9	6/26/01

In violation of Title 18, United States Code, Sectionl956(h).

COUNTS THIRTY-EIGHT THROUGH FORTY-SIX
Money Laundering - 18U.S.C. & 1956(a)(1)(B)(i)

1. The allegations of paragraphs one (1) through nineteen (19) of the Introduction to this Superseding Indictment, and paragraphs one (1) through six (6) and paragraph nine (9) of Count Twenty-Six are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about each of the dates set forth below, in the Dallas Division of the Northern District of Texas, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Mousa Abu Marzook, Nadia Elashi** and **Infocom,** aided and abetted by each other, in offenses involving interstate and foreign commerce, knowing that the property involved in certain financial transactions represented the proceeds of some form of unlawful activity, did knowingly conduct, attempt to conduct and cause to be conducted such financial transactions, to wit, the negotiation of the following checks and wire transfers which represented the proceeds of property of a Specially Designated' Terrorist, namely the defendant **Mousa Abu Marzook,** and made pursuant to an investment contract (Murabaha agreement) involving property in which the defendant **Mousa Abu Marzook** had an interest, in violation of Title 50, United States Code, Sections 1701 through 1706 (IEEPA), and punishable under Section 206 of IEEPA (also known as Title 50, United States Code, Section 1705(b)), as set forth in Count Fourteen of this Superseding Indictment, knowing that the transactions were designed in whole and in part to conceal the nature, source, ownership and control of the proceeds of said specified unlawful

activity:

COUNT	DATE OF CHECK OR WIRE TRANSFER
38	3/5/98
39	6/24/98
40	9/14/98
41	12/16/98
42	5/5/99
43	9/28/99
44	10/4/00
45	10/5/00
46	6/26/01

In violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

FORFEITURE

As a result of committing one or more of the money laundering or monetary transaction offenses in violation of Title 18, United States Code, Sections 1956 and 1957 alleged in Counts 14 and 37-46 of this Superseding Indictment, the defendants, as listed below, shall forfeit to the United States of America, all property, real and personal, involved in the money laundering and monetary transaction offenses, and all property traceable to such property, including but not limited to the following:

1. Defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom** shall forfeit approximately $55,703 in United States currency. That sum represents the sum of monies or value of property greater than $10,000 involved in the financial transactions using money derived from unlawful activities as set forth in Count 14, for which the defendants are jointly and severally liable;

2. Defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Mousa Abu Marzook, Nadia Elashi** and **Infocom** shall forfeit approximately $126,250 in United States currency. That sum represents the sum of monies or value of property involved in the financial transactions using money derived from unlawful activities with an intent to conceal the source or ownership of the property as set forth in Counts 37-46, for which the defendants are jointly and severally liable.

By virtue of the commission of one or more of the felony offenses charged in Counts 14 and 37-46 of this Superseding Indictment by the defendants **Bayan Elashi,**

Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi, Mousa Abu Marzook, Nadia Elashi and **Infocom,** any and all interests which the defendants have in the above described sums are vested in the United States and are hereby forfeited to the United States pursuant to Title 18, United States Code, Section 982(a)(1).

In the event that any property, real or personal, involved in the offenses and described in Counts 14 and 37-46 of this Superseding Indictment, or any property traceable to such property, as a result of any act or omission of the defendants:

(1) cannot be located upon exercise of due diligence;

(2) has been transferred or sold to, or deposited with a third party;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been co-mingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1) to seek forfeiture of any other property of said defendants up to the value of the above property.

A TRUE BILL

FOREPERSON

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