



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

FILED IN OPEN COURT
MAY - 6
CLERK, U.S. DISTRICT COURT
ALEXANDRIA, VA.

Alexandria Division

UNITED STATES OF AMERICA)	CRIMINAL NO. 04- 201-17
)	
v.)	Count 1: 18 U.S.C. § 1001
)	False Official Statement
SOLIMAN S. BIHEIRI,)	
)	Count 2: 18 U.S.C. § 1001
a/k/a Soliman J. Biheiri)	False Official Statement
Soliman S. Beheiri)	
Soliman J. Beheiri)	Count 3: 18 U.S.C. § 1546
Soliman Behairy,)	Fraudulent Procurement of Passport
Solaiman Biheiri,)	
)	
Defendant)	

INDICTMENT

May 2004 Term - At Alexandria

General Allegations

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. In 1985, BMI was incorporated in New Jersey. The articles of incorporation of BMI list defendant SOLIMAN S. BIHEIRI as an incorporator and as BMI's President.
2. In 1988, Mostan International Corporation (Mostan) was incorporated in New Jersey. The articles of incorporation of Mostan list BIHEIRI as an incorporator and as Mostan's registered agent and Director.



3. On or about August 24, 1988, a bank account in the name of Mostan was opened at National Community Bank of New Jersey. The application documents for that account list Mousa Abu Marzook (Marzook) as Mostan's President and BIHEIRI as Mostan's Vice President.

4. BIHEIRI maintained financial information regarding Mostan on his personal computer, including information regarding investments by Mostan in BMI and BMI projects.

5. On or about October 3, 1993, Sami Al-Arian (Al-Arian) caused a check in the amount of \$2,500 to be issued and made payable to BIHEIRI. That check subsequently was deposited into BIHEIRI's personal bank account at National Community Bank in New Jersey.

6. In or about November 1994, Al-Arian and BIHEIRI communicated with each other regarding a possible investment by BIHEIRI in a commercial shopping plaza in Tampa, Florida in which Al-Arian held an ownership interest.

7. On or about January 23, 1995, President William Jefferson Clinton, exercising his authority under the International Emergency Economic Powers Act, issued Executive Order 12947 declaring a national emergency regarding "grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process and constitute an unusual and extraordinary threat to the national security."

8. On or about January 25, 1995, the Office of Foreign Assets Control (OFAC), Department of the Treasury, issued a list of persons and groups designated by the President under Executive Order 12947 as "Specially Designated Terrorists" (SDTs) threatening the Middle East peace process or found to be owned or controlled by, or acting for or on behalf of, those terrorist organizations, including the Islamic Resistance Movement, known as HAMAS, and Palestine



Islamic Jihad (PIJ). As a result of these designations, it became illegal for any person within the United States, or any person subject to U.S. jurisdiction, to engage in any transaction or dealing in any property or interests of HAMAS or PIJ, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of HAMAS or PIJ.

9. In July 1995, news media organizations reported that Marzook was detained by the Immigration and Naturalization Service (INS) in July 1995 as he attempted to enter the United States, based on his suspected involvement in terrorist activity.

10. On or about August 29, 1995, OFAC designated Marzook as an SDT, describing Marzook as a political leader of HAMAS.

11. Since at least 1996, the U.S. Department of State has listed HAMAS and PIJ as terrorist organizations in its annual report, "Patterns of Global Terrorism."

12. In May 1997, news media organizations reported that the Immigration and Naturalization Service deported Marzook from the United States based on charges that he was an alien engaged in terrorist activity.

13. On or about October 8, 1997, the Secretary of State, pursuant to his authority under the Antiterrorism & Effective Death Penalty Act of 1996, 18 U.S.C. § 219, designated PIJ and HAMAS as Foreign Terrorist Organizations. As a result of these designations, any person within the United States, or any person subject to U.S. jurisdiction, who provided material support or resources to PIJ or HAMAS became subject to the criminal penalties set forth in 18 U.S.C. § 2339B.

14. In or about February 2003, Al-Arian was indicted in the Middle District of Florida and charged, among other things, with conspiracy to provide material support to a designated



foreign terrorist organization, to wit, PIJ. The indictment charged that Al-Arian was a member and leader of PIJ.

15. On or about June 15, 2003, law enforcement agents posed questions to BIHEIRI at Washington Dulles Airport in Loudoun County, Virginia, as part of an investigation to determine whether violations of 18 U.S.C. § 2339A (providing material support to terrorists), 18 U.S.C. § 2339B (providing material support or resources to designated foreign terrorist organizations), or 50 U.S.C. § 1705 (sanctions imposed under the International Emergency Economic Powers Act) had been committed, and to identify the persons who had committed, caused the commission of, and/or conspired to commit such violations. In furtherance of that investigation, law enforcement agents asked BIHEIRI questions regarding his relationship with Marzook and Al-Arian.

COUNT 1

False Official Statements

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations listed above in this Indictment.
2. On or about June 15, 2003, during an interview with federal law enforcement agents at Washington Dulles Airport in Loudoun County, the Eastern District of Virginia, defendant SOLIMAN S. BIHEIRI did knowingly, willfully, and unlawfully make material false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the Bureau of Immigration and Customs Enforcement, Department of Homeland Security, an agency within the



executive branch of the Government of the United States; to wit, on or about the above date, BIHEIRI falsely stated to agents of the Bureau of Immigration and Customs Enforcement that he did not have a social or business relationship with Mousa Abu Marzook, and that he had never handled any money for, or on behalf of, Marzook.

(In violation of Title 18, United States Code, Section 1001(a).)



COUNT 2

False Official Statement

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations listed above in this Indictment.
2. On or about June 15, 2003, during an interview with federal law enforcement agents at Washington Dulles Airport in Loudoun County, the Eastern District of Virginia, defendant SOLIMAN S. BIHEIRI did knowingly and willfully make material false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the Bureau of Immigration and Customs Enforcement, Department of Homeland Security, an agency within the executive branch of the Government of the United States; to wit, on or about the above date, BIHEIRI falsely stated to agents of the Bureau of Immigration and Customs Enforcement that he had never had a personal or business relationship with Sami Al-Arian.

(In violation of Title 18, United States Code, Section 1001(a).)



COUNT 3

Fraudulent Procurement of Passport

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations listed above in this Indictment.

2. On October 9, 2003, BIHEIRI was convicted in the Eastern District of Virginia of making false statements in an Application for Naturalization submitted on March 15, 1999, sworn to by BIHEIRI before an Immigration and Naturalization Service district adjudications officer on August 21, 2000.

3. In or about June 2003, defendant SOLIMAN S. BIHEIRI did knowingly and unlawfully possess, use, and attempt to use a document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, knowing it to have been procured by means of a false claim or statement, and to have been otherwise procured by fraud or unlawfully obtained; to wit, on or about the above date, upon entry to the United States at Washington Dulles Airport in Loudoun County, Eastern District of Virginia, BIHEIRI possessed, used, and attempted to use a United States passport, knowing it to have been procured as a result of obtaining United States citizenship by making false statements in an application for naturalization.

(In violation of Title 18, United States Code, Section 1546(a); Title 8, United States Code, Section 1185(b).)



A TRUE BILL:

FOREPERSON OF THE GRAND JURY

The signature of the foreperson is written in a cursive, handwritten style. It is positioned above a solid horizontal line, which is placed above the printed title "FOREPERSON OF THE GRAND JURY".

Paul J. McNulty
United States Attorney

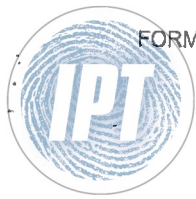
By:

Kevin V. Di Gregory
Assistant United States Attorney
Deputy Chief, Criminal Division

The signature of Kevin V. Di Gregory is written in a cursive, handwritten style. It is positioned above a solid horizontal line, which is placed above the printed name and title.

David H. Laufman
Assistant United States Attorney

The signature of David H. Laufman is written in a cursive, handwritten style. It is positioned above a solid horizontal line, which is placed above the printed name and title.



No. _____

UNITED STATES DISTRICT COURT
Eastern District of Virginia
Alexandria Division

THE UNITED STATES OF AMERICA

vs.

SOLIMAN S. BIHEIRI

INDICTMENT

Count 1 & 2: 18 U.S.C. §1001

Violation: False Official Statement

Count 3: 18 U.S.C. §1546

Violation: Fraudulent Procurement of Passport

A true bill.

Foreperson

Filed in open court this _____ day, of _____ A.D. 20__

Clerk

Bail, \$ _____