

ORIGINALU.S. DISTRICT COURT
N.D. OF N.Y.
FILED**United States District Court**

NORTHERN

DISTRICT OF

NEW YORK

AUG 05 2004

LAWRENCE K. BAERMAN, CLERK
ALBANY**UNITED STATES OF AMERICA****CRIMINAL COMPLAINT**

v.

**YASSIN MUHIDDIN AREF and
MOHAMMED MOSHARREF HOSSAIN**Case Number: 04-m-336

DRH

(Name and Address of Defendant)

**Press Copy
Do Not Remove**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about Jan. 2004 - Aug. 2004 in Albany county, in the Northern District of New York defendant(s) did, (Track Statutory Language of Offense)

conduct and attempt to conduct financial transactions with the intent to conceal and disguise the nature, location, source, ownership, and control of property believed and represented to be the proceeds of specified unlawful activity; conspired to do the same; and attempted and conspired to conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they are to be used in preparation for, and in carrying out a violation of Title 18, United States Code, Section 2332a (which prohibits unlawful use of weapons of mass destruction).

in violation of Title 18, United States Code, Section(s) 1956(a)(3)(B), 1956 (h), 2339A, and 2

I further state that I am a(n) Special Agent of the FBI and that this complaint is based on the following facts:

Continued on the attached sheet and made a part hereof: ☒ YES ☐ NO

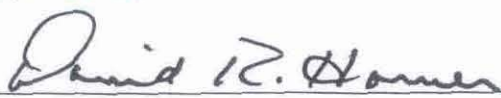

Signature of Complainant

Sworn to before me, and subscribed in my presence,

8/4/04
Date

at Albany, New York
City and State

HON. DAVID R. HOMER, U.S. MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer



TIMOTHY COLL, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation (FBI), and charges as follows:

1. I have been a Special Agent of the FBI for more than twelve years and am currently assigned to the Albany Field Division. During my employment with the FBI, I have participated in numerous criminal and money laundering investigations. I have conducted or participated in (a) surveillance; (b) reviews of financial records; (c) debriefings of informants and cooperating witnesses; and (d) reviews of taped conversations and records - all relating to the facts set forth herein. In addition, I have been the affiant in twelve court-ordered Title III Electronic Surveillance Orders. I am currently assigned to the Joint Terrorism Task Force ("JTTF") in the Albany Field Division.
2. Because this affidavit is submitted for a limited purpose, I have not included details concerning every aspect of this investigation. Where actions, conversations and statements of others are related herein, they are related only in substance and in part.
3. I make this affidavit in support of a criminal complaint charging YASSIN MUHIDDIN AREF and MOHAMMED MOSHARREF HOSSAIN with (1) conspiring and attempting to launder what were represented to be the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(h) & (a)(3)(b), and (2) conspiring and attempting to conceal the source of material support and resources, knowing that they were to be used in preparation for, and in carrying out, a violation of Title 18, United States Code, Section 2332a (prohibiting the use of a weapon of mass destruction), in violation of Title 18, United States Code, Section 2339A.
4. During the course of this investigation, which began in the summer of 2003, the FBI monitored and recorded most of the conversations occurring between a Confidential Informant (CI-1), AREF, and/or HOSSAIN. The conversations described in this affidavit are set forth in substance and in part only. The conversations described as occurring between CI-1 and HOSSAIN were, unless otherwise indicated, spoken for the most part or completely in the language of Urdu. The conversations described as occurring between CI-1 and AREF, or between CI-1, AREF, and HOSSAIN were, unless otherwise indicated, in English. All of the descriptions of the contents of the conversations contained herein are based on draft translations and/or transcriptions of audio-recorded conversations, and are subject to further revision.
5. CI-1 was previously arrested by the JTTF in Albany and has pled guilty to a felony



related to the fraudulent acquisition of documents. CI-1 has executed a cooperation agreement in the United States Attorney's Office, Northern District of New York (NDNY), and is cooperating with the hopes of receiving a reduced sentence. In addition, the government has informed CI-1 – who is an alien and non-citizen of the United States – that the government intends to make known to officials at the Bureau of Immigration and Customs Enforcement the nature and extent of CI-1's cooperation. CI-1 has participated in over 200 consensual recordings, testified in Federal Grand Jury, and provided information leading to the arrest of 12 individuals on federal mail fraud and heroin-related charges. All but one of those 12 individuals have pled guilty, and the twelfth is a fugitive from justice. Based on this and other information, CI-1 is considered to be highly reliable, and his information has been corroborated.

6. In late July 2003, CI-1 informed me of a meeting he had with MOHAMMED MOSHARREF HOSSAIN, owner of Little Italy Pizzeria, 2 Central Avenue, Albany, NY. HOSSAIN told CI-1 that he wanted CI-1 to help HOSSAIN's brother fraudulently obtain a New York State driver's permit. Following subsequent meetings and discussions about the plan – several of which were recorded by hidden audio and video recording devices – CI-1 helped HOSSAIN's brother, who could not speak English, obtain the permit by (1) serving as a translator during the brother's written permit test; and (2) providing the correct answers to the questions to the brother while rendering the translating services. HOSSAIN paid CI-1 \$75.00 for this service.
7. During multiple audio and video-recorded meetings occurring both during the process of acquiring the driver's permit through this fraudulent means, and after the fraudulent permit was acquired, CI-1 and HOSSAIN also discussed religion, politics, and different types of jihad. HOSSAIN stated, amongst other things, that there were multiple types of jihad, including an inner jihad and an outer, violent jihad, but that now was not the time for violent jihad.
8. During one such discussion, on or about October 20, 2003, CI-1 asked HOSSAIN if it was possible to make money through jihad, and HOSSAIN first opined that it was not, but then suggested it might be under certain circumstances. During the same conversation, HOSSAIN asked CI-1 for a loan.
9. On or about November 20, 2003, CI-1 met HOSSAIN inside CI-1's place of employment, where he activated concealed video and audio recording devices. During the meeting, CI-1 referenced the earlier conversation about making money through jihad. He then showed HOSSAIN a shoulder-fired, surface-to-air missile



hereinafter often referred to as "SAM") and told Hossain, amongst other things, in sum and substance, that: (1) he imports weapons and ammunition from China; (2) he ships that equipment to New York City; (3) the Mujahid brothers use the equipment to shoot down airplanes; and (4) CI-1 gets \$50,000 for the SAM importation. In response, Hossain, amongst other things, (1) smiled when he first saw the missile; (2) said that he had never seen such a weapon before, except on television; and (3) acknowledged that a lot of money can be made from such importation, although it is not legal. CI-1 responded, in sum and substance, that his conduct could be wrong in the eyes of the government or police, but he believed it was the way to paradise. CI-1 and HOSSAIN then further discussed religion.

10. On or about December 2, 2003, CI-1 – who was equipped with concealed recording and transmitting devices which were activated – again met with HOSSAIN. During the meeting, CI-1 told HOSSAIN that he was the only other person around who knew about the SAM. HOSSAIN responded by saying, amongst other things, that the walls have ears, and that Muslims are regularly stopped and searched since the events of September 11, 2001. Later in the meeting, HOSSAIN reiterated his request for a loan.
11. On or about December 3, 2003, CI-1 – who was equipped with concealed recording and transmitting devices which were activated – met with HOSSAIN inside his Little Italy Pizzeria on 2 Central Avenue, Albany, NY. During the meeting, CI-1 again explained to HOSSAIN, in sum and substance, that (1) he made a lot of cash smuggling ammunition and missiles from China for jihadists; and (2) he used to spend the proceeds of the missile importation on goods in Chinatown, but, as recently reported in the news, Chinatown was now being raided. CI-1 then proposed that HOSSAIN take the \$50,000 cash proceeds from the SAM importation, repay \$45,000 of the \$50,000 by writing CI-1 monthly \$2,000 checks, and keep \$5,000 for himself. CI-1 further stated that he would give HOSSAIN a receipt to make it appear as though CI-1 had worked for HOSSAIN. After initially indicating that he did not need that much money, HOSSAIN agreed to the proposal, telling CI-1, amongst other things and in sum and substance, that HOSSAIN could, if someone asked, make it appear that the proceeds of CI-1's missile importation had actually been generated through HOSSAIN's rental properties.
12. On or about December 5, 2003, CI-1 – who was equipped with concealed recording and transmitting devices which were activated – met with HOSSAIN inside Little Italy Pizzeria on Central Avenue. After HOSSAIN described how he



had been questioned at length by FBI agents about other individuals in the Albany area, HOSSAIN told CI-1, in sum and substance, that he would die before betraying CI-1's secret. HOSSAIN and CI-1 then further discussed having a witness for the money laundering transactions. After CI-1 said that he did not want a Pakistani, Bangladeshi, or Indian individual to serve as the witness, HOSSAIN recommended YASSIN MUHIDDIN AREF, an Imam at the Masjid As Salam, a mosque located at 278, Central Avenue, Albany, NY. In support of AREF (and apparently to assure CI-1 that Aref would not betray his confidence), HOSSAIN said, in sum and substance, that "he's not afraid of anything. He's only afraid of God." CI-1 agreed to HOSSAIN's recommendation of AREF. During a similarly-recorded December 9, 2003 meeting, HOSSAIN told CI-1 that he had spoken to AREF, and the two agreed to meet with and explain the transaction to AREF the following day.

13. On or about December 10, 2003, CI-1 – who was equipped with concealed recording and transmitting devices which were activated – met with AREF and HOSSAIN inside the Little Italy Pizzeria on Central Avenue. Also present was an individual identified as an associate of AREF and HOSSAIN. CI-1 again explained, in sum and substance, that he brings "ammunitions" from China that he provides to his "brother mujahidiin." He further described how the arms importation generated a significant amount of cash and that "[b]efore [he] used to invest all the money in the China market in New York City [but] [n]ow it is so tight I can't do it." CI-1 then described his offer to give HOSSAIN \$50,000, have HOSSAIN pay him back in monthly \$2,000 payments, and allow HOSSAIN to keep \$5,000 of the original \$50,000 in return. CI-1 also indicated, in sum and substance, that he believed that although he may be breaking American laws, he was not breaking Allah's laws. AREF agreed to witness the transactions, and advised that they make a written record of the transactions in accordance with the laws of Allah. CI-1 initially resisted, saying, in sum and substance, that nobody in government or the IRS knew "that this money comes like that and goes like that so I don't want to write on piece of paper." Ultimately, the three agreed to generate written receipts for the transactions. Near the end of the conversation, Aref said in broken English and in sum and substance, that whatever CI-1 and HOSSAIN decided, "20, 40, 50," they should write that amount down and how it would be paid back.
14. On or about January 2, 2004, CI-1, AREF, and HOSSAIN met to consummate the money laundering scheme. The meeting occurred inside CI-1's place of employment, where he activated concealed video and audio recording devices. After exchanging some small talk, CI-1 said, in sum and substance, "OK, let's do



some business." CI-1 then attempted to hand \$5,000 to HOSSAIN, who instructed CI-1 to give the money directly to AREF. As AREF counted the money, CI-1 displayed the trigger mechanism for the SAM, which he described as part of the "missile" he had shown HOSSAIN. CI-1 said that he would get the remaining \$45,000 after he sent the mechanism. CI-1 asked AREF if he wanted to write out the receipt and AREF responded that he could not write English. HOSSAIN then wrote down on a white piece of paper that HOSSAIN owed CI-1 \$5,000. AREF signed the paper next to the word witness. The parties then discussed HOSSAIN'S first payment back to CI-1. HOSSAIN asked CI-1 how he wanted the check written, and CI-1 responded that the checks should be made payable to CI-1's company. CI-1 then gave HOSSAIN a business card with the name of the company. Since HOSSAIN did not bring his checkbook to the meeting, the parties agreed that CI-1 would pick up the check from AREF later. CI-1 and HOSSAIN also discussed hiding income to avoid taxes, and HOSSAIN said that he did not report \$500-800 of daily income earned from deliveries in his pizza business. AREF confirmed HOSSAIN's opinion that it is not a sin to do so, so long as the individual continues to make payments to charities.

15. Later on January 2, 2004, CI-1 placed a consensual recorded telephone call to HOSSAIN. HOSSAIN told CI-1 that he (CI-1) should pickup the written agreement and check from AREF. HOSSAIN told CI-1 to call AREF after the 7:00 p.m. service at the Masjid As Salam mosque. At 7:50 p.m. on January 2, 2004, CI-1 placed a consensual recorded telephone call to AREF. AREF told CI-1, in sum and substance, that HOSSAIN had given him one check and AREF had a copy of the written receipt for CI-1. AREF and CI-1 agreed to meet at the Dunkin Donuts, Central Avenue, Albany, NY, at 8:45 p.m. AREF told CI-1, in sum and substance, that he first had to go to the Masjid As Salam mosque because he had left everything there, referring to the check and the written receipt.
16. Later on January 2, 2004, CI-1 – who was equipped with concealed recording and transmitting devices which were activated – met with AREF. AREF provided CI-1 with a \$2,000 check signed by HOSSAIN as well as a copy of the written receipt from the transaction. During the course of the conversation, AREF indicated that he had told HOSSAIN only to take as much money as HOSSAIN needed. CI-1 reiterated that HOSSAIN had come to CI-1 looking for money, and that the transaction was helping CI-1 "to legalize the money" that CI-1 had made "on the black market."
17. On January 14, 2004, CI-1 – who was equipped with recording and transmitting devices which were activated – met with AREF. CI-1 told AREF that he was very



concerned about AREF's earlier comments about HOSSAIN only taking as much money as he needed. CI-1 also told AREF that he was the spiritual leader and that CI-1 was looking for advice. AREF stated, in sum and substance, that Muslims need to keep their commitments, and that CI-1 should try his best to fulfill his promise to HOSSAIN, although AREF said that he would tell HOSSAIN only to take from CI-1 as much money as HOSSAIN needed. CI-1 told AREF that he intended to give HOSSAIN \$10,000 next week, and AREF stated that whatever money CI-1 gave to HOSSAIN, HOSSAIN would pay back as agreed upon, in part because AREF was in the middle of the transaction, and HOSSAIN respects AREF. AREF further stated, amongst other things, that it was "not hard for me to understand what you and brother [HOSSAIN] want to do. I do understand that you are legalizing the money in form of check so that you don't want to show the people where the money came from."

18. During the January 14, 2004 meeting, CI-1 also told AREF, in sum and substance, that CI-1 was working with Jaish-e-Mohammed (hereinafter "JEM"), an Islamic extremist group based in Pakistan that is on the State Department's list of designated foreign terrorist organizations. CI-1 told AREF that Pakistani President Musharraf was helping the "mushriq" (an Arabic term that is often used in a derogatory manner to describe non-Muslims), and that the purpose of the SAM going to New York City was "to teach . . . President Musharraf, the lesson to not fight with us." CI-1 then asked AREF whether such conduct was OK in the eyes of Allah. In response, AREF stated, in sum and substance, that (1) it is the right of every Muslim to work for the Islamic state of law (and used examples of Palestinians and Kashmirians fighting for their respective lands); (2) AREF knew that JEM was on the government's list of terrorist groups; (3) AREF did not know enough about the group to tell CI-1 not to support them, but, if CI-1 knew them, trusted them, and believed they were doing right and that they "are working for Allah," then "it is wise for you to help if you can;" and (4) if CI-1 was going to continue helping JEM, he should be "very very careful" because law enforcement authorities will seek to jail any person who has a "link with those people." CI-1 and AREF then engaged in additional discussion about religious and political issues.
19. On January 21, 2004, CI-1 met with AREF and HOSSAIN (who brought his eight-year-old son) at CI-1's place of business, during a meeting that was audio and video-recorded by concealed devices. After they discussed various topics, CI-1 gave \$10,000 cash to AREF, who counted the money and then gave it to HOSSAIN. CI-1 again explained that (1) he would give HOSSAIN a total of \$50,000; (2) CI-1 would make the payments as the money came in from New York



City; and (3) HOSSAIN could keep \$5,000, and repay the remainder of the money in monthly checks. HOSSAIN reiterated that he would give CI-1 a \$2,000 check every month, and added that if CI-1 needed to accelerate the repayment schedule, HOSSAIN would get a bank check. HOSSAIN then gave CI-1 a check made payable to CI-1's business, in the amount of \$2,000. CI-1 provided HOSSAIN with a piece of orange paper and HOSSAIN wrote down that he owed CI-1 \$10,000. CI-1, AREF, and HOSSAIN signed the receipt. AREF took the receipt and agreed to make a photocopy to give to CI-1 at a later date. CI-1, AREF, and HOSSAIN then discussed various political and religious matters, during which AREF appeared to become angry. Near the end of the conversation, AREF stood up and told CI-1 that he hoped that CI-1 was not recording their conversation. CI-1 stated that he was not.

20. On January 29, 2004, CI-1 – who was equipped with transmitting and recording devices which were activated – met with AREF. Members of the Albany JTTF conducting visual surveillance watched AREF (1) exit his residence at 44 West Street, Albany, New York; (2) meet CI-1 outside of CI-1's car on Central Avenue; (3) leave CI-1's presence to go to store called "Coughtry's" at 268, Central Avenue for a short period of time; and (4) exit the store and again meet with CI-1. CI-1 correspondingly reported that he watched AREF enter a store near his vehicle where he saw AREF making photocopies. AREF left the store and again met with CI-1 and told him that he just made photocopies of the receipt. AREF provided CI-1 with the original written receipt for the January 21, 2004 transaction. AREF told CI-1 that he would keep two copies for himself and would provide one copy to HOSSAIN.
21. On February 3, 2004, CI-1 – who was equipped with recording and transmitting devices which were activated – met with MOHAMMED HOSSAIN inside 329 Clinton Avenue, Albany, NY (a rental property owned by HOSSAIN). CI-1 told HOSSAIN that he would provide him with an additional \$10,000 next week and asked HOSSAIN if he could provide him with larger repayment amounts in cashier's checks, which HOSSAIN agreed to do.
22. During that February 3, 2004 meeting, CI-1 and HOSSAIN also explicitly discussed the SAM. CI-1 told HOSSAIN that they should use the code word "chaudhry" when referring to the SAM (a term describing a person in a position of power, such as the leader of a village or business). CI-1 further (1) told HOSSAIN, as he had earlier told AREF (on January 14, 2004), that he was affiliated with JEM; (2) described Pakistani President Musharraf a "son of a bitch" for having jailed Qadir Khan, the father of Pakistan's atomic bomb; and (3) stated,



in sum and substance, that the chaudhry was going to be used next week in New York City against the Ambassador of Pakistan in retaliation against the Pakistani government. HOSSAIN, amongst other things, referred to Musharraf as an "idiot" and "bastard." CI-1 and HOSSAIN then engaged in additional political and religious discussion.

23. On February 12, 2004, CI-1 – who was equipped with recording and transmitting devices which were activated – met with HOSSAIN inside Little Italy Pizza on Central Avenue for the purpose of conducting an additional transaction. After placing a telephone call, HOSSAIN stated that AREF had a guest and could not come. HOSSAIN asked CI-1 if he could go to AREF'S house at 44 West Street. CI-1 agreed and once again met HOSSAIN in front of 44 West Street, where they both entered AREF's residence. As CI-1 was exiting his vehicle, the concealed recording device fell off his body and into his car. CI-1 thus participated in the meeting without a recording device, although the hidden transmitting device remained on his body, and I continued to remotely listen to the conversation during the meeting through the transmitting device. The following recitation of what was said during that meeting is based on CI-1's report to me, which is corroborated by my recollection of what I heard being said over the transmitter. Upon entering, CI-1 reported that he and HOSSAIN met with AREF, and an individual who was identified as AREF's friend. At some point, HOSSAIN asked CI-1 if he had the money because it was getting late. CI-1 then attempted to give \$10,000 to HOSSAIN, who pointed in the direction of AREF. CI-1 gave the \$10,000 to AREF who counted it and passed it to HOSSAIN. HOSSAIN then memorialized the transaction on a piece of paper and CI-1, AREF, and HOSSAIN signed the paper, a copy of which AREF gave to CI-1 a few days later. HOSSAIN then provided CI-1 with a check made payable to CI-1's business in the amount of \$2,000. CI-1 stated that this transaction occurred in front of AREF's friend.
24. Following the transaction, CI-1 asked HOSSAIN if he told AREF what the term "chaudhry" meant, and HOSSAIN responded "yeah, yeah, yeah." AREF then asked "what?" and CI-1 stated that the term "chaudhry" refers to the missile. CI-1 then said that you, my brothers, should not go to New York City next week, and both AREF and HOSSAIN asked "why" in response. CI-1 responded that something big is going to happen to teach the Pakistan Consulate a lesson on 1 and 44, referring to 44th Street and First Avenue, NY, NY, an address which fronts on the United Nations headquarters. HOSSAIN responded that he did not go there, and AREF said not to talk politics in his house since there are cameras in there. CI-1 responded, I'll give my life for Islam. CI-1 stated that KASIM was also present during the conversation but did not say anything. CI-1 stated that all four



of them left the apartment and HOSSAIN immediately walked in the direction of his own car. CI-1 said goodbye to AREF and told him to be safe. AREF then asked CI-1 where he got his information about New York City. CI-1 told AREF that AREF knows about JEM and knows that CI-1 works with them. CI-1 reiterated that he is a supplier of ammunition for them. AREF responded by asking "Are you sure?" to which CI-1 responded "you'll see." AREF then said he hoped that CI-1 was not recording this. In response, CI-1 opened his shirt, and they both started to laugh.

25. The next day, on February 13, 2004, CI-1 – who was equipped with recording and transmitting devices which were activated – met with HOSSAIN at Little Italy Pizza. CI-1 reported that during the meeting, HOSSAIN gave CI-1 a check in the amount of \$6,000 made payable to CI-1's company. During the meeting, CI-1 got angry with HOSSAIN for causing the previous day's transaction to occur in front of AREF's friend. HOSSAIN responded by, amongst other things, apologizing, and opining, in sum and substance, that "even the most illiterate people" would not "open their mouths about this." HOSSAIN and CI-1 further discussed concerns over detection, and during this discussion HOSSAIN told CI-1 that the CIA has cameras behind walls, HOSSAIN had himself been visited by the FBI twice, and AREF had been visited by the FBI five times. At one point, CI-1 and HOSSAIN tallied the money that had been moved back and forth during the scheme. In response to CI-1 talking about martyrs having spilled their blood, HOSSAIN told CI-1 that he was a member of Jamaat-e-Islami ("JEI"), a group identified by public source information as an Islamic fundamentalist political party in Pakistan, with chapters in Bangladesh.
26. On February 25, 2004, CI-1 – who was equipped with recording and transmitting devices which were activated – met with HOSSAIN at Little Italy Pizza on Central Avenue. CI-1 told HOSSAIN that the predicted terrorist attack in New York City had been postponed because the target had not shown up. CI-1 told HOSSAIN that it costs him \$10,000 to transport a missile to Kingston, NY, and that CI-1 would be willing to pay HOSSAIN if he would help transport the missile, or would find two individuals to help, with the transportation. HOSSAIN expressed reluctance, stating, amongst other things, that he feared the technology of the CIA. HOSSAIN later asked the CI-1 to give HOSSAIN additional money to invest. When a third party joined the conversation, the three discussed politics. During the conversation, HOSSAIN stated that he was a "Nazim," or administrator, for JEI.
27. On March 2, 2004, CI-1 – who was equipped with recording and transmitting



devices which were activated – met with AREF at AREF's residence at 44 West Street. CI-1 told AREF, amongst other things, that the attack did not occur in New York City, as CI-1 had warned it would, because target had not shown up. CI-1 further told AREF, in sum and substance, that he felt bad about AREF not trusting him (as evidenced by AREF's multiple queries about CI-1 recording conversations with him). AREF apologized, and told CI-1, in sum and substance, that people who do things like CI-1 was doing should not discuss it with others. AREF cited the example of a suicide bomber whose mother is unaware, on the morning of the bombing, that the young man would leave his house to become a martyr. AREF further explained that he had asked about being recorded at the end of the aforementioned February 12, 2004 meeting because he wanted to give his friend, who was present at the meeting, the impression that CI-1 was joking about the impending terrorist attack in New York City. AREF also said, in sum and substance, that he believed that his home, car, and the mosque were being electronically monitored by law enforcement.

28. Following AREF's March 2, 2004 advice that CI-1 not talk about the impending terrorist attack, CI-1 for the most part did not explicitly mention the SAM, JEM, or the attack during subsequent meetings with AREF and/or HOSSAIN. On April 15 and June 9, 2004, CI-1 met with AREF and HOSSAIN at CI-1's place of business and provided \$10,000 and \$5,000 cash, respectively. The meetings – both of which were audio and video recorded – mirrored the previous ones, with AREF counting the cash, and all three parties signing a written receipt. Similarly, CI-1 received checks payable to CI-1's business on March 31 (\$2,000), April 16 (\$5,000), May 4 (\$2,000), June 1 (\$2,000), and July 1, 2004 (\$2,000) during meetings that were audio-recorded.
29. During that time period, in early June 2004, AREF approached CI-1 about partnering with AREF to purchase HOSSAIN's pizza shop. On June 10, 2004, CI-1 met with AREF at CI-1's office to discuss the possible purchase. During the meeting – which was video and audio recorded – CI-1 told AREF, in sum and substance, that in approximately one month his ammunition importation operation would generate additional money that would allow CI-1 to give AREF \$50,000. AREF proposed that CI-1 could contribute his share of a down payment for the pizza business by allowing HOSSAIN to keep \$10,000 of the remaining money that HOSSAIN owed CI-1 from previous cash payments. CI-1 told AREF, amongst other things, that (1) he could only be a silent partner in the pizza business; and (2) the chaudhry would be used in New York City soon, requiring CI-1 to leave the country for a few months. AREF said, in some and substance, that this was not a problem.



30. Over the course of the operation, CI-1 gave defendants \$40,000 cash that was represented to be the proceeds of the missile importation, and received \$25,000 in checks payable to CI-1's business.

31. Based on the foregoing, and on my training, experience, and participation in this and other criminal investigations, I submit there is probable cause to believe that YASSIN MUHIDDIN AREF and MOHAMMED MOSHAREFF HOSSAIN have committed offenses in violation of Title 18, United States Code, Section 1956(a)(3)(B) (conducting or attempting to conduct financial transactions with the intent to conceal or disguise the nature, location, source, ownership, or control of property believed and represented to be the proceeds of specified unlawful activity); Title 18, United States Code, Section 1956(h) (conspiring to do the same); and Title 18, United States Code, Section 2339A (attempting and conspiring to conceal or disguise the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of Title 18, United States Code, Section 2332a (prohibiting the use of weapons of mass destruction)).

TIMOTHY COLL
SPECIAL AGENT, FBI

SWORN TO BEFORE ME THIS
5th DAY OF AUGUST, 2004

HONORABLE DAVID R. HOMER
U.S. MAGISTRATE JUDGE