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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case:2:08-cr-20458
Judge: Borman, Paul D
MJ: Scheer, Donald A
Filed: 08-28-2008 At 03:55 PM
INDI USA V. SEALED MATTER (1 DFT) (TAM)

VIOLATIONS: 18 U.S.C. § 1001(a)

D-1 MOHAMAD MUSTAPHA ALI MASFAKA,
a/k/a Abu Ratib,
a/k/a Abu Rateb,

Defendant.

INDICTMENT

THE GRAND JURY CHARGES:

General Allegations

1. The Harakat al-Muqawamah al-Islamiyya is Arabic for "The Islamic Resistance Movement" and is known by the acronym HAMAS. HAMAS is a terrorist organization based in the West Bank and Gaza Strip. On January 25, 1995, HAMAS was designated as a Specially Designated Terrorist by the President in the Annex to Executive Order 12947. On October 8, 1997, by publication in the Federal Register, the United States Secretary of State designated HAMAS as a Foreign Terrorist Organization pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996.

2. In or around 1988, the Holy Land Foundation for Relief and Development ("HLF") was created. The HLF represented itself to be a non-profit, tax exempt, charitable organization

designed primarily to assist needy individuals in the West Bank and Gaza. From 1989 until 1992, the HLF was located in California and, until 1991, was known as the Occupied Land Fund. In 1992, the HLF relocated to Richardson, Texas and became incorporated in Texas. In addition to its main office in Richardson, Texas, the HLF maintained offices in other cities in the United States, including Detroit, Michigan, as well as in Jerusalem, the West Bank and Gaza.

3. On December 4, 2001, the HLF was designated as a Specially Designated Global Terrorist pursuant to Executive Order 13224 and as a Specially Designated Terrorist under Executive Order 12947 as a charity that provided millions of dollars of material and logistical support to HAMAS. The HLF's designation was accompanied by an order blocking all of the organization's assets.

4. On or about October 1, 1962, Defendant MOHAMAD MUSTAPHA ALI MASFAKA, also known as "Abu Ratib," also known as "Abu Rateb," was born in Syria. Defendant became a legal permanent resident of the United States on or about October 16, 1997.

5. From in or about 1997 to in or about 1998, defendant was employed by the HLF. During this time period, defendant operated the HLF's activities in the Detroit area from his home, serving as the Detroit HLF representative.

6. On or about November 26, 1997, the HLF drafted Bank One check # 001059 made payable to defendant in the amount of \$1,200. Defendant cashed this check on or about December 12, 1998.

7. On or about January 19, 1998, the HLF drafted Bank One check # 001205 made payable to defendant in the amount of \$300. The memo section of the check stated: "Bonus." Defendant cashed this check on or about January 27, 1998.

8. On or about January 21, 1998, the HLF drafted Bank One check # 001244 made

payable to defendant in the amount of \$2,085. Defendant cashed this check on or about January 27, 1998.

9. On or about February 23, 1998, the HLF drafted Bank One check # 001357 made payable to defendant in the amount of \$350. The memo section of the check stated: "Rent for HLF Office." Defendant cashed this check on or about March 25, 1998.

10. On or about June 9, 1999, the HLF drafted Bank One check # 002636 made payable to defendant in the amount of \$1,254.68. The memo section of the check stated: "Replacement check." Defendant cashed this check on or about June 22, 1999.

11. On or about September 3, 2003, special agents of the Federal Bureau of Investigation ("FBI") interviewed defendant in Dearborn, Michigan, regarding his employment with the HLF. Defendant told FBI agents that he worked for the HLF for eight months in 1997 and 1998. Defendant falsely told FBI agents that his employment with the HLF was solely as a singer in a band that performed in fund-raising events for the HLF. Defendant also falsely told FBI agents that he never received payment directly from the HLF.

COUNT ONE

(False Statements - 18 U.S.C. § 1001(a))

1. The allegations of paragraphs 1 through 11 of the General Allegations of this Indictment are hereby incorporated by reference.

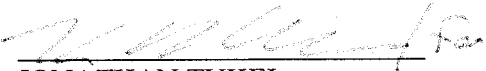
2. On or about September 3, 2003, in the Eastern District of Michigan, Southern Division, defendant knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the Federal Bureau of Investigation ("FBI"), an agency of the executive branch of the United States, as specified in Paragraph 11 of the General Allegations of this Indictment, which are incorporated herein by

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

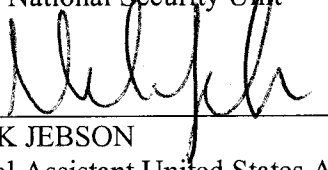
THIS IS A TRUE BILL

s/Grand Jury Foreperson

TERRENCE BERG
Acting United States Attorney



JONATHAN TUKEL
Assistant United States Attorney
Chief, National Security Unit



MARK JEBSON
Special Assistant United States Attorney
National Security Unit

Dated: 8-28-08

United States District Court
Eastern District of Michigan

Criminal Case Co

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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to com

Companion Case Information	Companion Case Number:
This may be a companion case based upon ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: MJJ MSS

Case Title: USA v. MOHAMAD MASFAKA

County where offense occurred : WAYNE

Check One: Felony Misdemeanor Petty

Indictment/___ Information --- no prior complaint.
 Indictment/___ Information --- based upon prior complaint [Case number:]
 Indictment/___ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information:

Superseding to Case No: _____ Judge: _____

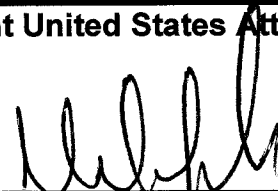
- Original case was terminated; no additional charges or defendants.
- Corrects errors; no additional charges or defendants.
- Involves, for plea purposes, different charges or adds counts.
- Embraces same subject matter but adds the additional defendants or charges below:

Defendant name Charges

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

August 28, 2008

Date



 MARK J. JEBSON
 Special Assistant United States Attorney
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 Detroit, MI 48226-3277
 Phone: (313) 568-6033
 Fax: (313) 226-4679

These are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same occurrence. Cases may be companion cases even though one of them may have already been terminated.