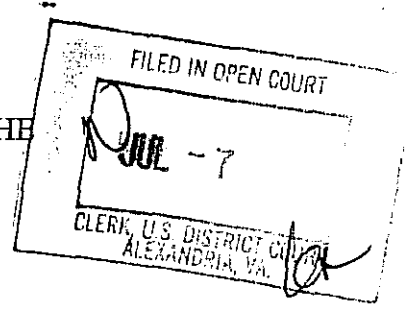




IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA



Alexandria Division

UNITED STATES OF AMERICA)	CRIMINAL NO. 04-201-A
)	
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)	

SUPERSEDING INDICTMENT

July 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 (IJ). 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 IJ, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of HAMAS or IJ.

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 IJ 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 IJ 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 IJ or HAMAS became subject to the criminal penalties set forth in 18 U.S.C. § 2339B.

14. In or about February 2003, a federal indictment of Al-Arian was unsealed in the Middle District of Florida. The indictment charged Al-Arian, among other things, with



conspiracy to provide material support to a designated foreign terrorist organization, to wit, PIJ. The indictment also 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, and the Internal



Revenue Service, agencies within the executive branch of the Government of the United States, said offense constituting a felony that involved, and was intended to promote, a federal crime of terrorism; to wit, on or about the above date, BIHEIRI falsely stated to agents of the Bureau of Immigration and Customs Enforcement and the Internal Revenue Service 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, thereby obstructing an investigation of a federal crime of terrorism.

(In violation of Title 18, United States Code, Section 1001(a); U.S.S.G. § 3A1.4.)



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, and the Internal Revenue Service, agencies within the executive branch of the Government of the United States, said offense constituting a felony that involved, and was intended to promote, a federal crime of terrorism; to wit, on or about the above date, BIHEIRI falsely stated to agents of the Bureau of Immigration and Customs Enforcement and the Internal Revenue Service that he had never had a personal or business relationship with Sami Al-Arian, thereby obstructing an investigation of a federal crime of terrorism.

(In violation of Title 18, United States Code, Section 1001(a); U.S.S.G. § 3A1.4.)



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:

Matthew M. Holms
FOREPERSON OF THE GRAND JURY

Paul J. McNulty
United States Attorney

By:

Neil Hammerstrom

Neil Hammerstrom
Assistant United States Attorney
Chief, Terrorism and National Security Unit
Criminal Division

David H. Laufman

David H. Laufman
Ronald L. Walutes, Jr.
Assistant United States Attorneys



No.

UNITED STATES DISTRICT COURT

Eastern District of Virginia

Alexandria Division

THE UNITED STATES OF AMERICA

vs.

SOLIMAN S. BIHEIRI

a/k/a Soliman J. Biheiri
Soliman S. Beheiri
Soliman J. Beheiri
Soliman Behairy
Solaiman Biheiri

SUPERSEDING INDICTMENT

- Count 1: False Official Statement; in violation of 18 U.S.C. §1001
- Count 2: False Official Statement; in violation of 18 U.S.C. §1001
- Count 3: Fraudulent Procurement of Passport; in violation of
18 U.S.C. §1546

A true bill.

Matthew M. Holm Matthew M. Holm

Foreman

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

Clerk

Bail, \$