ORIGINAL

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
DEC 17 2002
CLERK, U.S. DISTRICT COURT
By _____ Deputy

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CR NO. 3:02-CR-052-R
	§	Supersedes indictment filed on February
BAYAN ELASHI,	§	20, 2002 except as to Ghassan Elashi,
GHASSAN ELASHI,	§	Hazim Elashi, Mousa Abu Marzook and
BASMAN ELASHI,	§	Nadia Elashi.
HAZIM ELASHI,	§	
IHSAN ELASHYI,	§	
also known as Sammy Elashyi,	§	
MOUSA ABU MARZOOK,	§	
also known as Abu Omar	§	
NADIA ELASHI,	§	
also known as Nadia Marzook and	§	
Um Omar, and	§	
INFOCOM CORPORATION.	§	

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.

Prohibition of Transactions with Specially Designated Terrorists

14. 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.

15. 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.

16. 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.

17. 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.

18. 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 eighteen (18) 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, in or around and beginning in March 1997 the

defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Ihsan Elashyi** and **Infocom** received purchase orders from a customer 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, the defendants **Bayan Elashi, Ghassan Elashi, Basman Elashi, Ihsan Elashyi** and **Infocom** contracted with shipping companies located in the United States to ship the products to a shipping company located in the country of Malta. The Libyan customer instructed the defendants **Bayan Elashi, Ghassan Elashi, Basman 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. A Shipper's Export Declaration is a form which is filed with the Department of Commerce and on which an exporter is required to provide certain information regarding a shipment, including the value of the shipment and the final destination.

6. In furtherance of the conspiracy, the shipping company in Malta forwarded the shipments to the final customer (ultimate consignee) in Libya.

7. In furtherance of the conspiracy, in or around and beginning in 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.

8. 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 form dated 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.

9. 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	4/6/99	Syria
7	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 eighteen (18) of the Introduction to this Superseding Indictment and paragraphs three (3) through nine (9) 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, as listed below for each count, 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	DEFENDANT
2	3/5/97	**Bayan Elashi, Basman Elashi, Ihsan Elashyi** and **Infocom**
3	10/6/97	**Bayan Elashi, Ghassan Elashi, Basman Elashi, Ihsan Elashyi** and **Infocom**
4	6/9/99	**Hazim Elashi**
5	6/30/99	**Hazim Elashi**

6 7/2/99 **Hazim Elashi**

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 eighteen (18) of the Introduction to this Superseding Indictment and paragraphs three (3) through nine (9) 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 **Bayan Elashi** and **Ihsan Elashyi,** did knowingly and willfully make a false, fraudulent and fictitious material statement and representation; that is, filing 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, Basman 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 TEN
Syrian Export Violations - 50 U.S.C. §§ 1701-1706

1. The allegations of paragraphs one (1) through eighteen (18) of the Introduction to this Superseding Indictment and paragraphs three (3) through nine (9) 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, as listed below for each count, 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	DEFENDANT
8	5/14/98	**Bayan Elashi, Basman Elashi, Ihsan Elashyi** and **Infocom**
9	4/6/99	**Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom**
10	7/31/00	**Bayan Elashi, Ghassan Elashi, Basman Elashi, Hazim Elashi, Ihsan Elashyi** and **Infocom**

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.

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

1. The allegations of paragraphs one (1) through eighteen (18) of the Introduction to this Superseding Indictment and paragraphs three (3) through nine (9) of Count One are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about April 6, 1999, 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 a false Shipper's Export Declaration form, 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 $3,734, was significantly less than the true value of approximately $55,703.

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

COUNT TWELVE
Money laundering - 18 U.S.C. § 1957

1. The allegations of paragraphs one (1) through eighteen (18) of the Introduction to this Superseding Indictment and paragraphs three (3) through nine (9) 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 Nine of this Superseding Indictment.

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

COUNT THIRTEEN

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 THIRTEEN
Conspiracy to deal in the property of a Specially Designated Terrorist
18 U.S.C. § 371

7. The allegations of paragraphs one (1) through eighteen (18) 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

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 FOURTEEN

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

1. The allegations of paragraphs one (1) through eighteen (18) of the Introduction to this Superseding Indictment, and paragraphs one (1) through six (6) and paragraph nine (9) of Count Thirteen 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 FIFTEEN THROUGH TWENTY-THREE
Dealing in the Property of a Specially Designated Terrorist - 50 U.S.C. §§ 1701-1706

1. The allegations of paragraphs one (1) through eighteen (18) of the Introduction to this Superseding Indictment, and paragraphs one (1) through six (6) and paragraph nine (9) of Count Thirteen 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
15	3/5/98
16	6/24/98
17	9/14/98
18	12/16/98
19	5/5/99

20	9/28/99
21	9/11/00
22	10/5/00
23	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 TWENTY-FOUR
Conspiracy to commit money laundering-18 U.S.C. § 1956(h)

1. The allegations of paragraphs one (1) through eighteen (18) of the Introduction to this Superseding Indictment, and paragraphs one (1) through six (6) and paragraph nine (9) of Count Thirteen 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 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.

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, Section1956(h).

COUNTS TWENTY-FIVE THROUGH THIRTY-THREE
Money laundering - 18 U.S.C. § 1956(a)(1)(B)(i)

1. The allegations of paragraphs one (1) through eighteen (18) of the Introduction to this Superseding Indictment, and paragraphs one (1) through six (6) and paragraph nine (9) of Count Thirteen 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
25	3/5/98
26	6/24/98
27	9/14/98
28	12/16/98
29	5/5/99
30	9/28/99
31	10/4/00
32	10/5/00
33	6/26/01

In violation of Title 18, United States Code, Sections1956(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 12 and 24-33 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 12, 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 24-33, 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 12 and 24-33 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 12 and 24-33 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.

FOREPERSON

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE UNITED STATES OF AMERICA
VS.
BAYAN ELASHI (1),
GHASSAN ELASHI (2),
BASMAN ELASHI (3),
HAZIM ELASHI (4),
IHSAN ELASHYI (5),
aka Sammy Elashyi
MOUSA ABU MARZOOK (6),
aka Abu Omar
NADIA ELASHI (7),
aka Nadia Marzook
aka Um Omar
INFOCOM CORPORATION (8),

SUPERSEDING INDICTMENT
50 USC 1701-1706 (Export Violations and Dealing in property of a Specially Designated terrorist);
18 USC 371 (Conspiracy);
18 USC 1001(False Statement);
18 USC 1956 & 1957 (Money Laundering);
18 USC 2, (Aiding & Abetting)

33 COUNTS

A true bill,

DALLAS FOREMAN

Filed in open court this _____ day of _____, A.D. 2002.

CLERK

WARRANT TO ISSUE FOR EACH DEFENDANT

UNITED STATES DISTRICT JUDGE

Criminal No. 3:02-CR-052-R