

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America

v.

MAHMOUD ABDEL-GHANI MOHAMMAD ASSAF

and

YASSER AHMAD OBEID

Case No. 8:14MJ1500 TBM

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 2014 through June 24, 2014 in the county of Hillsborough in the Middle District of Florida, the defendant(s) violated:

Table with 2 columns: Code Section and Offense Description. Includes sections 18 U.S.C. § 371, 18 U.S.C. § 554, 18 U.S.C. § 922(a)(1)(A), and 22 U.S.C. § 2778(b) regarding conspiracy to smuggle firearms.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Signature of Joseph Roberts, Special Agent, HSI. Printed name and title.

Sworn to before me and signed in my presence.

Date: 6-24-14

Signature of Thomas B. McCoun III, U.S. Magistrate Judge. Printed name and title.

City and state: Tampa, Florida. Thomas B. McCoun III, U.S. Magistrate Judge.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Joseph Roberts, after being duly sworn, depose and state the following:

1. I am a Special Agent with Department of Homeland Security ("DHS"), Homeland Security Investigations ("HSI"), and am assigned to the Tampa, Florida office. I have been a Special Agent with DHS since October of 2003. I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations and to make arrests for offenses enumerated in United States Code. I have received training in the interpretation and application of federal statutes, federal court proceedings and techniques to insure admissibility of evidence at the time of trial. While working for HSI, I have conducted and participated in investigations of violations of federal law including the unlawful export of controlled U.S.-origin arms, technology, and commodities. I am empowered by law to investigate and make arrests for violations of federal law including, but not limited to, the unlawful export of controlled U.S.-origin arms, technology, and commodities to destinations outside the U.S. as specified in the Arms Export Control Act (AECA), 22 U.S.C. § 2778 and the International Traffic in Arms Regulations (ITAR), 22 C.F.R. Parts 120 et seq; the Smuggling of Goods from the United States, 18 U.S.C § 554; and the International Emergency Economic Powers Act (IEEPA), 50 U.S.C § 1701.

2. This affidavit is submitted in support of a criminal complaint charging **Mahmoud Abdel-Ghani Mohammad Assaf and Yasser Ahmad Obeid** with conspiring to smuggle firearms from the United States and export these items, designated as defense articles on the United States Munitions List (USML), without a license or written authorization from the Department of State, in violation of 18 U.S.C. §§ 371 and 554

and 22 U.S.C § 2778; and conspiring to engage in the business of dealing in firearms without a license, and to ship and receive firearms in interstate or foreign commerce in the course of such business, in violation of 18 U.S.C. §§ 371 and 922(a).

3. The information contained in this affidavit is based on my personal knowledge and observations made during the course of this investigation, information conveyed to me by other law enforcement officials, personal review of records, documents, and other physical evidence obtained during this investigation, and information I gained through training and experience. Since this affidavit is submitted for the limited purpose of supporting a criminal complaint, I have not included every fact known to me concerning this investigation.

Relevant Statutes

4. Title 18, United States Code, Section 554, makes it a federal crime to fraudulently or knowingly export or send from the United States, or attempt to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States.

5. Pursuant to 22 U.S.C. § 2778(b)(2), no defense article, and specifically, semi-automatic pistols (including Glocks), may be exported from the United States without a license or written authorization from the Department of State, because they are designated as defense articles on the USML, Category I(a).

6. I further am advised that according to 18 U.S.C. § 922(a)(1)(A), it is unlawful for any person except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce. Moreover, pursuant to this same section, it is unlawful for any person in the course of an unlicensed firearms business to ship or receive any firearm in interstate or foreign commerce. Exporting firearms, whether legally or illegally to countries overseas for further sale or distribution overseas, constitutes shipping firearms in foreign commerce.

**Probable Cause for Violations of
18 U.S.C. §§ 371, 554, 922(a), and 22 U.S.C. § 2778(b)**

7. Mahmoud Abdel-Ghani Mohammad Assaf ("Mahmoud Assaf") is a 45-year old citizen of Jordan who is present in the United States on a B1/B2 nonimmigrant visit visa. Yasser Ahmad Obeid ("Yasser") is a 19-year old Legal Permanent Resident of the United States and a citizen of Lebanon, who resides in St. Petersburg, Florida.

8. In April 2014, a confidential source ("CS") informed HSI about a network of individuals involved in the smuggling of firearms from the United States to the Middle East, utilizing a scheme where they would purchase used vehicles in the United States, conceal firearms in these vehicles, and export these vehicles to countries located in Africa and the Middle East. I know from my training and experience that this type of activity has been identified as trade-based money laundering, as the sale of firearms in the Middle East propagates the purchase and the export of used vehicles in the United States, and these vehicles are ultimately utilized as a concealment mechanism to export firearms and magazines out of the United States.

9. The CS advised HSI that Yasser was part of a network of individuals involved in the illegal export of firearms from the United States, led by an individual named Assaf Abdel Ghani Mohd Assaf (Assaf Assaf), who at the time of the interview was located in Jordan and is a Jordanian national. [HSI has identified Assaf Assaf as a brother of **Mahmoud Assaf**]. According to the CS, Assaf Assaf, along with his brothers, travel to the United States, including to the Tampa area, on B1/B2 nonimmigrant visitor visas to purchase used vehicles from car auctions in the Central Florida area and smuggle firearms out of the United States within the vehicles. The CS advised that this network pays Yasser a commission on each firearm he locates, and these firearms are then smuggled out of the United States in the vehicles and sold for as much as \$2,000 (USD) each in the Middle East. In addition to locating firearms, Yasser is sometimes used to translate (Arabic to English) for members of this network. These network members are said to only purchase firearms utilizing cash. The CS further advised that Yasser goes to gun shows with Assaf Assaf to assist with the purchase of firearms as a translator and buyer.

10. On April 28, 2014, an inspection was conducted on a vehicle located at the Port of Houston, Texas by Customs and Border Protection (CBP), Seaport Outbound Enforcement Team (OET). They discovered two (2) Glock pistols and five (5) magazines underneath the rear passenger seat of the vehicle. This vehicle was destined for Jordan and the ultimate consignee of the vehicle was Assaf Assaf.

11. On May 28, 2014, Mahmoud Assaf arrived in the United States from Jordan. CBP conducted an interview of Mahmoud Assaf upon entry. During the interview, Mahmoud Assaf advised that he came to the United States to visit a friend in

the Tampa area. He declared approximately \$6,000 USD and advised that it was to be used at an auto auction in Sarasota, Florida. He also advised he had a debit card which was connected to an account that contained approximately \$1,000,000 USD. This money, according to Mahmoud Assaf, would be used to purchase vehicles at an auto auction in Sarasota, Florida.

12. As a result of this information, the CS was asked if he/she could introduce an HSI undercover agent acting as an arms dealer (UCA) to members of this network. The CS advised that he/she could and informed Yasser of a "friend" who could sell Mahmoud Assaf firearms if Mahmoud Assaf desired. The CS informed Yasser about the friend who could sell Mahmoud Assaf firearms. Yasser wanted the CS to introduce the individual (UCA) to Mahmoud Assaf and advised the CS that Mahmoud Assaf wanted to purchase fifty (50) Glock handguns from the UCA.

13. On June 6, 2014, the CS placed a consensually recorded telephone call to Yasser to arrange a meeting between the UCA and Mahmoud Assaf to discuss the purchase of the Glock pistols. The meeting was scheduled for June 18, 2014.

14. On June 18, 2014, the CS introduced Yasser and Mahmoud Assaf to the UCA at a restaurant located in Tampa, Florida. The meeting was recorded by HSI. The conversation during the meeting was translated by Yasser. During the meeting, the UCA asked Mahmoud Assaf what model Glock pistol and caliber he was interested in purchasing. Mahmoud Assaf stated he wanted 9mm Glocks (Glock 19 and 26 models). Mahmoud Assaf agreed to pay \$600 per Glock pistol and ordered thirty (30) 9mm Glock pistols from the UCA. The UCA stated that he did not want the guns being traced back to him in the United States. Mahmoud Assaf stated the guns were not staying in the

United States (specifically mentioning Egypt and Lebanon), and that he had a friend who is an airline captain that can carry the guns out because captains are never searched. Mahmoud Assaf advised the UCA that he would pay him in cash in exchange for the Glocks at the time of delivery. The HSI UCA told Mahmoud Assaf that he/she could assist with the shipping of firearms and went on to tell Mahmoud Assaf how he/she smuggles firearms to Central and South America. Mahmoud Assaf told the UCA that if he/she could help Mahmoud Assaf with shipping to another country, Mahmoud Assaf would purchase 1,000 pieces from the UCA. Mahmoud Assaf told the UCA that he also had a friend who recently sold him 10 firearms for \$5,000 USD. Mahmoud Assaf advised that this person did not ask him to complete paperwork for the purchase of the firearms. The UCA told Mahmoud Assaf that the firearms he/she was providing were not coming with paperwork and he/she was not asking Mahmoud Assaf to provide any paperwork. After they agreed on the price for the firearms, Mahmoud Assaf told the UCA to call him when the order was ready and that he wanted the firearms delivered to his hotel room.

15. The UCA and Mahmoud Assaf exchanged telephone numbers and the UCA informed Mahmoud Assaf he wanted to show him something. The UCA, Yasser, Mahmoud Assaf, and the CS departed the restaurant and walked to a vehicle where another UCA was awaiting with Glock pistols in the trunk of the vehicle to show Mahmoud Assaf. Mahmoud Assaf requested to purchase the Glock pistols, but the UCA stated that they were spoken for already.

16. After the meeting, the CS, Mahmoud Assaf, and Yasser left together in the same vehicle. The CS still had the recording device on and the conversation was being

recorded. During the discussion, the CS asked Mahmoud Assaf whether Assaf had ever thought about selling drugs as a source of revenue. Mahmoud Assaf replied that he helped the Mujahideen and would provide them with weapons but was not into the drug business, and that his motivation was his loyalty to Palestine.

17. On June 20, 2014, an inspection was conducted by CBP on a vehicle located at the Port of Jacksonville, Florida. They discovered three (3) rifle magazines hidden inside the vehicle center console. The magazines were described as two (2) Pro Mag 42 Round AR-15/M16 .223 & 5.56x45MM Black Polymer COL-A16 and one (1) Pro Mag 30 Round AR-15/M16 .223 & 5.56x45MM Black Polymer COL-A18. The ultimate consignee of the vehicle was Assaf Assaf.

18. On June 23, 2014, the UCA placed a recorded telephone call to Mahmoud Assaf to arrange delivery of the Glock pistols that Mahmoud Assaf had agreed to purchase from the UCA on June 18, 2014. Mahmoud Assaf stated he would meet the UCA to purchase thirty (30) Glock Pistols on June 24, 2014. Mahmoud Assaf advised he may have a friend with him at the meeting, would be paying in cash and possibly be interested in purchasing additional firearms the UCA has available. After the UCA and Mahmoud Assaf spoke on the phone, the UCA received a series of text messages and phone calls from Yasser. In these text messages and phone calls, Yasser provided the UCA with the meet location for June 24, 2014, which is Mahmoud Assaf's hotel and the time that the UCA is to deliver the Glocks.

19. Record checks through the Department of State, Directorate of Defense Trade Control (DDTC), revealed that neither Mahmoud Assaf nor Yasser have requested a license to export defense articles from the United States.

Conclusion

20. Based on the foregoing, there is probable cause to believe that, from at least in or about April 2014, and continuing through in or about June 2014, in the Middle District of Florida and elsewhere, Mahmoud Abdel-Ghani Mohammad Assaf and Yasser Ahmad Obeid conspired to smuggle firearms from the United States and export these items, designated as defense articles on the United States Munitions List (USML), without a license or written authorization from the Department of State; and conspired to engage in the business of dealing in firearms without a license, and to ship and receive firearms in interstate or foreign commerce in the course of such business, in violation of in violation of 18 U.S.C. §§ 371, 554, 922(a), and 22 U.S.C § 2778.

This completes my affidavit.



Joseph Roberts
Special Agent, HSI

Subscribed to and sworn before me
on this 24 day of June, 2014.



THOMAS B. MCCOUN III
UNITED STATES MAGISTRATE JUDGE