

# EXHIBIT A

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

In the Matter of the Search of  
(Name, address or brief description of person, property or premises to be searched)

APPLICATION AND AFFIDAVIT  
FOR SEARCH WARRANT

The premises known as the residence, curtilage and appurtenances thereto, of 7901 Sanctuary Cove, Apt. 224, Temple Terrace, Hillsborough County, Florida

CASE NUMBER:

03-M-078 MAP

I, Kerry L. Myers, being duly sworn, depose and say:

I am a Special Agent with the Federal Bureau of Investigation and have reason to believe

that  on the person of or  on the property or premises known as (name, description and/or location)

SEE ATTACHMENT A,

in the Middle District of Florida, there is now concealed a certain person or property, namely

SEE ATTACHMENT B,

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

- property that constitutes evidence of the commission of a criminal offense
- contraband, the fruits of crime, or things otherwise criminally possessed
- property designed or intended for use or which is or had been used as the means of committing a criminal offense
- person for whose arrest there is probable cause, or who is unlawfully restrained

concerning a violation of Title 18, United States Code, Section(s) 1961, et.seq.

The facts to support a finding of Probable Cause are as follows:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof:  Yes  No

Kerry L. Myers  
Signature of Affiant  
KERRY L. MYERS, Special Agent, FBI

Sworn to before me and subscribed in my presence

February 18<sup>19</sup>, 2003 at  
Date

Tampa, Florida  
City and State

MARK A. PIZZO  
United States Magistrate Judge  
Name & Title of Judicial Officer

Mark A. Pizzo  
Signature of Judicial Officer

✓

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANTS**

Your Affiant, KERRY L. MYERS, Special Agent, FEDERAL BUREAU OF INVESTIGATION (FBI), being duly sworn, states as follows:

**INTRODUCTION**

1. This affidavit is submitted in support of applications for search warrants of the following premises: a) the residence of defendant SAMI AL-ARIAN, 7901 Sanctuary Cove, Apartment 224, Temple Terrace, Florida; b) the residence of defendant SAMEEH HAMMOUDEH, 6004 Soaring Avenue, Temple Terrace, Florida; c) the residence of defendant HATIM NAJI FARIZ, 1275 Farley Avenue, Spring Hill, Florida; d) the residence of defendant GHASSAN ZAYED BALLUT, 8018 Nottingham Road, Tinley Park, Illinois; e) the business office of defendant SAMI AL-ARIAN and defendant SAMEEH HAMMOUDEH at the Islamic Academy of Florida (IAF), 5903 East 130th Avenue, Tampa, Florida; and f) the business offices of defendant HATIM NAJI FARIZ, at 8355 Northcliffe Boulevard, Spring Hill, Florida and at 14540 Cortez Boulevard, Suite 116, Brooksville, Florida. This Affidavit seeks Court authority to seize bank records, cancelled checks, wire transfer receipts, deposit and withdrawal slips, money remittance receipts, ledgers, travel documents, computers, computer disks, address books, telephone books, diaries, Rolodexes, personal digital assistants, cellular telephones, pagers, any and all documents and items which reference designated foreign terrorist organizations-the

Designated Terrorist" under the laws of the United States on November 27, 1995. (Exhibit 1, Paragraph 11 & 12.)

4. From 1993 to the present, the world-wide leadership of the Palestinian Islamic Jihad-Shiqaqi Faction (PIJ) has been under investigation for commission of violent acts including the murders and attempted murders of numerous individuals and United States citizens. This investigation revealed that many PIJ leaders presently reside, or once lived in, Tampa, Florida which served as the base of the North American cell of the Palestinian Islamic Jihad-Shiqaqi Faction (PIJ). This terrorist cell operated under the direction and leadership of defendant SAMI AL-ARIAN. The present Secretary-General of the Palestinian Islamic Jihad (PIJ), defendant RAMADAN SHALLAH, and defendant SAMI AL-ARIAN both operated a terrorist cover organization in Tampa, Florida known as the World and Islam Studies Enterprises (WISE) with the assistance of defendants HAMMOUDEH and NAFI. Defendant MUHAMMED TASIR HASSAN AL-KHATIB and defendant SAMI AL-ARIAN also formerly operated other terrorist cover organizations in Tampa, Florida known as the ISLAMIC CONCERN PROJECT, INC. doing business as the ISLAMIC COMMITTEE FOR PALESTINE (ICP) and the ISLAMIC FUND FOR PALESTINE (IFP). Defendant SAMEEH HAMMOUDEH and defendant SAMI AL-ARIAN operated a third cover organization in Tampa, Florida known as the ISLAMIC ACADEMY of FLORIDA (IAF). These terrorist cover organizations

were used by the defendants to raise funds and transfer money to support the Palestinian Islamic Jihad (PIJ) terrorist organization and individual terrorist members of that group. The Palestinian Islamic Jihad (PIJ) has committed numerous violent acts, killing and injuring United States citizens.

5. Your Affiant presented substantial evidence to the Grand Jury of the United States District Court for the Middle District of Florida (FGJ) in this case. This evidence included court-approved intercepts of telephone conversations and facsimile transmissions both to and from the defendants during the past ten years. Evidence also included interviews, physical surveillance, and other investigation and research. Also presented to the FGJ was evidence seized in a November, 1995 search of defendant SAMI AL-ARIAN's home and office at the University of South Florida (USF), Tampa, Florida. Evidence presented to the FGJ also included documents seized during the 1995 search of the terrorist front organizations, WISE and ICP, which were co-located in Tampa, Florida as well as extensive financial records obtained by federal grand jury subpoenas. Information from documents obtained by treaty requests served upon foreign governments were also presented to the FGJ.

6. The evidence presented to the FGJ showed the defendants conspired to conduct the affairs of a terrorist "enterprise" (PIJ, ICP, WISE and IAF) through a pattern of racketeering

17. Defendant SAMI AL-ARIAN also filed two visa applications with INS to allow defendant BASHIR NAFI to enter the United States to also work for WISE. Defendant NAFI returned to London, England in July 1996 after INS ordered him deported. (Exhibit 1, Introduction, Paragraph 9).

#### The Pitchfork Case

18. In February 1992, four PIJ terrorists entered an Israeli military camp in the Occupied Territories and murdered three people. One of the murder weapons was a pitchfork. The four individuals who participated in the attack were caught and admitted they were members of the PIJ. The Palestinian Islamic Jihad also issued a claim of responsibility for the attack. Sometime later, Defendant SAMI AL-ARIAN published articles in the ICP magazine *Inquiry* discussing these murders and the PIJ claims of responsibility. In June 1993, defendant SAMI AL-ARIAN then sent four wire transfers of \$2000 each from his bank in Tampa, Florida directly to bank accounts in Israel established in the names of spouses or close relatives of the recently convicted four PIJ terrorists imprisoned in Israeli jails for these three murders. (Exhibit 1, Overt Acts, Paragraphs 18 - 19).

#### Electronic Surveillance

19. The FBI received court authority to establish electronic surveillance on the residential telephone lines of defendant AL-ARIAN and defendant SHALLAH, as well as the

telephone lines of the cover enterprises WISE and ICP in 1993 and 1994 based on their connections to the PIJ. This electronic surveillance revealed that defendants AL-ARIAN, SHALLAH, and HAMMOUDEH were actively involved in the PIJ, WISE, ICP, and IAF. Court approved electronic surveillance on numerous telephone lines belonging to the co-conspirators and defendants and the terrorist cover organizations began on December 27, 1993. Monitoring of telephone lines and facsimiles transmissions began on the residential lines of defendant SAMI AL-ARIAN in 1993. Monitoring also occurred on a business and facsimile line at WISE/ICP which were co-located. Following the November 1995 search discussed below, defendant AL-ARIAN moved these same WISE/ICP telephone lines to IAF where the FBI continues to intercept telephone calls at the present time. The FBI also received authority to intercept telephone calls at defendant RAMADAN SHALLAH's residence until he left Tampa, Florida in 1995 before he became the Secretary-General of the PIJ at its headquarters in Damascus, Syria. Court approved electronic surveillance of defendant SAMEEH HAMMOUDEH's residence was established in 1999 and continues at the present time. Monitoring of defendant HATIM NAJI FARIZ's telephone lines began in 2002 and also continues at this time.

20. Virtually all of the telephone conversations and facsimiles obtained pursuant to the court intercepts in this case have been in the Arabic language. The FBI has retained numerous

recently left his employment at WISE in Tampa, Florida and returned to Middle East, succeeded Fathi Shiqaqi at PIJ headquarters in Damascus, Syria as the Secretary General of PIJ. RAMADAN ABDULLAH SHALLAH continues to occupy that position today.

#### 1995 Search Warrants.

49. On November 20, 1995, search warrants were executed at defendant SAMI AL-ARIAN's residence, 5207 East 127th Avenue, Tampa, FL; defendant SAMI AL-ARIAN's University of South Florida office, Room 318, New Engineering Building Number 2, 4202 Fowler Avenue, Tampa, FL; and the offices of World and Islam Studies Enterprise, Inc. (WISE), and the Islamic Committee for Palestine (ICP) located at 5620 East Fowler Avenue, Tampa, FL. A subsequent search warrant was executed on December 19, 1995 at a storage facility leased by SAMI AL-ARIAN, at People's Storage Unit, Unit D-20, 12225 North 56th Str., Tampa, FL. During these searches evidence concerning the Palestinian Islamic Jihad and indicia of membership in the PIJ was seized, examples of which are attached as Exhibit 8. This evidence included, but was not limited to, videotapes and audio tapes of PIJ and ICP fund-raising events; the Manifesto of the Islamic Jihad in Palestine, (which described the goals and principles of the PIJ along with its command and organizational structure); computers containing the wills of three PIJ suicide bombers as well as the Manifesto; facsimiles of news releases and PIJ military reports regarding



PIJ claimed terrorist attacks; pamphlets soliciting money for the families of "martyrs" and detainees; a PIJ newsletter with the ICP logo on one side and the PIJ symbol on the other side; magazines published by PIJ-related businesses with articles written by some of the co-conspirators; bank records; telephone bills; shipping documents; and travel documents for the co-conspirators. In all, the FBI seized 88 boxes of documents (mostly in Arabic), 550 video tapes (mostly in Arabic) and 1100 audio tapes (also in Arabic), as well as several computers with operating systems also in Arabic.

50. One of the above tapes seized at WISE shows defendant GHASSAN BALLUT introducing himself to an audience at a Chicago, Illinois fund raising event as a member of the ICP branch located in Chicago. In another seized video tape, an unindicted co-conspirator introduces defendant SAMI AL-ARIAN at a PIJ fundraiser in Cleveland, Ohio. The co-conspirator states on the video tape that defendant AL-ARIAN is the head of ICP which is the active arm of the PIJ in the United States but is called the ICP here for security reasons. During this fund-raising event in Cleveland, the speaker also states on the video tape that money is being solicited to support the Islamic Jihad.

51. A confidential source who is both an Arab and a Muslim cleric has stated, under oath, that he attended an ICP conference in St. Louis, Missouri in 1988. Source testified that defendant

SAMI AL-ARIAN told source that the fund raising at this ICP event was really for the PIJ. Source stated that AL-ARIAN solicited source to become a member of the PIJ during this fund raising event. Source declined to join the PIJ because source had heard rumors that the PIJ leader, Fathi Shiqaqi, was a thief and therefore source did not want to be associated with the PIJ.

**Shallah Designated As An SDT**

52. On November 27, 1995, defendant RAMADAN ABDULLAH SHALLAH, was also designated by the United States as a "Specially Designated Terrorist" under Executive Order 12947. (Exhibit 1, Introduction, Paragraph 8).

53. Defendant RAMADAN ABDULLAH SHALLAH's promotion to PIJ Secretary-General and his official designation as a terrorist caused negative publicity for both WISE and defendant AL-ARIAN. The defendants, however, continued to communicate and support SHALLAH and the PIJ. The defendants continued communicating in coded language and explicitly referred to their need to be careful when communicating with one another. Aware that he was now under a federal criminal investigation and intense media scrutiny, defendant AL-ARIAN turned to defendants HAMMOUDEH, FARIZ and BALLUT to run the PIJ operation in the United States while defendant AL-ARIAN attempted to maintain a low profile.