

UNITED STATES DEPARTMENT OF COMMERCE  
BUREAU OF INDUSTRY AND SECURITY  
WASHINGTON, D.C. 20230

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In the Matter of: )  
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Diaa Mohsen )  
927 Pavonia Avenue, Apartment 2 )  
Jersey City, NJ 07306 )  
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ORDER DENYING EXPORT PRIVILEGES

A. Denial of Export Privileges of Diaa Mohsen

On February 15, 2002, in the U.S. District Court in the Southern District of Florida, following a plea of guilty, Diaa Mohsen (“Mohsen”) was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. §§ 2778 (2000)) (“AECA”). Mohsen pled guilty of knowingly and willfully attempting to export from the United States to Pakistan stinger missiles and night vision goggles, items designated as defense articles without obtaining the required approval from the U.S. Department of State. Mohsen was sentenced to 30 months imprisonment followed by three years of supervised release. He was released from prison on September 13, 2003 and will be released from U.S. Probation Office supervision on September 12, 2006.

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”)<sup>1</sup> and Section 766.25 of the Export

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<sup>1</sup> Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 2, 2005 (70 Fed. Reg. 45273, August 5, 2005), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) (“IEEPA”).

Administration Regulations<sup>2</sup> (“Regulations”) provide, in pertinent part, that “[t]he Director of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny export privileges of any person who has been convicted of a violation of . . . AECA,” for a period not to exceed 10 years from the date of conviction. 15 C.F.R. §§ 766.25(a) and (d). In addition, Section 750.8 of the Regulations states that BIS’s Office of Exporter Services may revoke any BIS licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Mohsen’s indictment for violating the AECA, and have provided notice and an opportunity for Mohsen to make a written submission to the Bureau of Industry and Security as provided in Section 766.25 of the Regulations. Mohsen made a telephone call to the Office of Chief Counsel for Industry and Security and was instructed to make a written submission as provided by the Regulations. Having received no submission from Mohsen, I, following consultations with the Export Enforcement, including the Director, Office of Export Enforcement, have decided to deny Mohsen’s export privileges under the Regulations for a period of 10 years from the date of Mohsen’s conviction.

Accordingly, it is hereby

ORDERED

1. Until February 15, 2012, Daaa Mohsen, 927 Pavonia Avenue, Apartment 2, Jersey City, NJ 07306, and when acting for or on behalf of Mohsen, his representatives, assigns, agents, or employees, (collectively referred to hereinafter as the “Denied Person”) may not, directly or indirectly, participate in any way in any transaction

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<sup>2</sup> The Regulations are currently codified at 15 C.F.R. Parts 730-774 (2006).

involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

- A. Applying for, obtaining, or using any license, License Exception, or export control document;
  - B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or
  - C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.
- II. No person may, directly or indirectly, do any of the following:
- A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;
  - B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

- C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;
- D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or
- E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Diah Mohsen by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

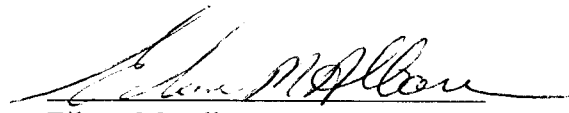
IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until February 15, 2012.

VI. In accordance with Part 756 of the Regulations, Mohsen may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VII. A copy of this Order shall be delivered to Mohsen. This Order shall be published in the Federal Register.

Date: July 11 2006

  
Eileen M. Albanese  
Director  
Office of Exporter Services