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 11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 14 WESTERN DIVISION

15 UNITED STATES OF AMERICA,
 16 Plaintiff,
 17 v.
 18 ONE ANCIENT MOSAIC,
 19 Defendant.

No. 2:18-CV-04420
VERIFIED COMPLAINT FOR
FORFEITURE
 [19 U.S.C. § 1595a(c)(1)(A)]
 [F.B.I.]

22
 23 The United States of America brings this claim against the defendant One
 24 Ancient Mosaic, and alleges as follows:

25 **JURISDICTION AND VENUE**

26 1. This is a civil forfeiture action brought pursuant to 19 U.S.C.
 27 § 1595a(c)(1)(A).

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1 making of any such false statement as to any matter material thereto
2 without reasonable cause to believe the truth of such statement

3 (c) 18 U.S.C. § 545, which makes it a crime to:
4 ...knowingly and willfully, with intent to defraud the United States,
5 smuggle[], or clandestinely introduce[] or attempt[] to smuggle or
6 clandestinely introduce into the United States any merchandise which
7 should have been invoiced, or make[] out or pass[], or attempt[] to pass,
8 through the customhouse any false, forged, or fraudulent invoice, or other
9 document or paper; or

10 ...fraudulently or knowingly import[] or bring[] into the United States,
11 any merchandise contrary to law, or receive [], conceal [], buy [], sell [],
12 or in any manner facilitate[] the transportation, concealment, or sale of
13 such merchandise after importation, knowing the same to have been
14 imported or brought into the United States contrary to law[...]

12 **EVIDENCE SUPPORTING FORFEITURE**

13 **A. Importation of Defendant Mosaic into the United States**

14 9. Since 2015, the FBI has been investigating Mohamad Yassin Alcharihi
15 (“Alcharihi”) regarding his involvement in smuggling looted items believed to be from
16 a foreign conflict area into the United States.

17 10. In adopting import restrictions on archaeological and ethnological material
18 from Syria, the United States found that:

19 [f]or decades, the United States has shared the international concern for the
20 need to protect endangered cultural property. The appearance in the
21 United States of stolen or illegally exported artifacts from other countries
22 where there has been pillage has, on occasion, strained our foreign and
23 cultural relations. This situation, combined with the concerns of museum,
24 archaeological, and scholarly communities, was recognized by the
25 President and Congress. It became apparent that it was in the national
26 interest of the United States to join with other countries to suppress illegal
27 trafficking of such objects in international commerce.²

28 ² F.R. Doc. 2016-19494, available at:
<https://www.federalregister.gov/documents/2016/08/15/2016-19491/import-restrictions-imposed-on-archaeological-and-ethnological-material-of-syria>.

1 11. In or about August 2015, Alcharihi hired a third party company based in
2 California, Soo Hoo Customs Brokers Inc. (“Soo Hoo”), to process paperwork and
3 import certain items, including the defendant mosaic, into the United States. The
4 shipment containing the defendant mosaic and other items arrived at the Port of Long
5 Beach on or about August 13, 2015. On the U.S. Customs and Border Protection
6 (“CBP”) Entry Summary Form 7501 that Soo Hoo submitted to CBP on behalf of
7 Alcharihi, the description of the merchandise in the shipment was: 82 pieces of
8 “Ornamental Art Oth. Materia[l]” with gross weight of 1450kg and assigned HTS
9 6913.90.500 valued at \$1,808; and “Ceramic, Unglazed Tiles, Cub” with gross weight
10 of 313kg and assigned HTC 6907.10.000, valued at \$391.

11 12. Law enforcement agents interviewed the owner of Soo Hoo regarding the
12 shipment. The company provided entry documents for the shipment and e-mail
13 communications between Soo Hoo’s employees and Alcharihi. As a part of the
14 process, Soo Hoo requested and received from Alcharihi information about the items to
15 be imported, including the following:

16 a. On or about August 10, 2015, Alcharihi provided Soo-Hoo a
17 purported invoice for Alcharihi’s purchase of approximately 81 vases and 3 mosaic
18 items. The invoice reflected that Alcharihi had purchased the items on or about
19 “04.06.2015.” The invoice purported to be from Ahmet Bostanci (“Bostanci”), located
20 in Defne-Hatay, in Turkey, and directed delivery to Alcharihi in the United States. The
21 total price on the invoice for all of the items was listed as \$2,199.23, specifically:

- 22 i. the vases at \$7.83 each;
- 23 ii. two mosaics at \$587.00 each; and
- 24 iii. one mosaic at \$391.00.

25 b. Alcharihi also provided Soo Hoo a shipping invoice from a third
26 party company that reflected the total price paid to ship the items to the United States as
27 \$2,900.

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1 13. On or about August 12, 2015, based on the information provided by
2 Alcharihi, Soo Hoo submitted the CBP Form 7501 Entry Summary to CBP.

3 14. As discussed in greater detail below, the statements submitted on CBP
4 Form 7501 Entry Summary were materially false because: (1) the form and various
5 shipping documents misrepresented what was actually in the shipment; (2) the form and
6 shipping documents did not provide the defendant mosaic's true country of origin; and
7 (3) the items listed and the values of the items were under-reported. Instead, the
8 shipment contained the defendant mosaic, which Alcharihi has admitted he did not
9 truthfully report the value of or describe as an antiquity. The defendant mosaic was
10 illegally entered into the United States in violation of 18 U.S.C. §§ 542 and 545,
11 rendering it subject to forfeiture pursuant to 19 U.S.C. § 1595a.

12 **B. Identification and Seizure of Defendant Mosaic**

13 15. In March 2016, law enforcement agents identified and interviewed two
14 individuals who performed restoration work on the defendant mosaic at Alcharihi's
15 residence in Palmdale, California.

16 16. Witness 1 ("W-1") is an artist with training and work experience in
17 mosaics, who has performed work for the New York City Metropolitan Transportation
18 Authority, several United States airports and two United States embassies.

19 17. W-1 was initially contacted by Alcharihi in approximately November
20 2015. In January 2016, Alcharihi and W-1 finalized a proposal to restore what was
21 described as a "Turkish Mosaic" with an estimated size of 15 x 7 feet. The work was
22 completed in or about March 2016. W-1 was paid approximately \$40,000 for his work.

23 18. Alcharihi told W-1 that he (Alcharihi) bought the defendant mosaic along
24 with another mosaic in Turkey, and that it was 2,000 years old. Alcharihi further told
25 W-1 that the mosaic was peeled off a floor 25 years ago and that it had taken him
26 (Alcharihi) 10 years to get the mosaic out of Turkey because the laws had changed
27 there. Alcharihi told W-1 the mosaic had been rolled-up for 25 years.

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1 19. Witness 2 (“W-2”) is a mosaic artist who has performed contract work
2 with W-1 for approximately 13 years, restoring mosaics throughout the United States.
3 W-1 hired W-2 to work on the defendant mosaic at Alcharihi’s residence, where W-2
4 worked for approximately 20 days. When asked about the mosaic, W-2 stated that it
5 depicted images from Greek mythology and appeared to have been “peeled off of
6 something, possibly a floor.” The mosaic was stored in Alcharihi’s garage and
7 Alcharihi told W-2 that the mosaic was found in Turkey, where it had been removed
8 from a wall about 20 to 25 years before.

9 20. In March 2016, agents consulted with an expert with advanced degrees,
10 training, and experience in archeology, with specific research experience cataloging
11 ancient mosaic floors in Syria (“Expert-1”).

12 21. Expert-1 reviewed photos that depicted portions of the mosaic that had
13 previously been submitted to an auction house for sale by Alcharihi’s Associate, further
14 described in paragraph 34. Based on his training and experience, Expert-1 opined that
15 the style of the mosaic is similar to the style of the Roman Empire possibly from 3rd to
16 4th Century AD. Expert-1 viewed the iconography of the mosaic in the photos and saw
17 characters that were symbolic of Greek Mythology, likely from the Roman Period, and
18 the mosaic appeared to have been restored. Expert-1 indicated that one photo appeared
19 to show the mosaic in the ground, but he was not sure. Expert-1 stated that mosaics
20 similar to the one in the photos were typically on the floor.

21 22. Expert-1 further advised that since approximately 2012, there had been an
22 increase in illegal excavations in Syria involving cultural property, and that looted
23 Syrian archeological items were routinely routed through Turkey.

24 23. Expert-1 reviewed photos of the mosaic taken in Alcharihi’s garage that
25 W-2 had provided to law enforcement. Based on his training and experience, Expert-1
26 opined that the mosaic appeared to be genuine and, if so, was a “rare” piece that
27 probably originated from northern or central Syria.

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1 24. On March 19, 2016, agents obtained a federal search and seizure warrant
2 for Alcharihi's residence in Palmdale, California. During the execution of the warrant,
3 agents seized the defendant mosaic, which is approximately 18 feet in length, 8 feet in
4 height (approximately 5.5 by 2.5 meters), and weighs approximately 2,000 pounds.
5 Below is a photograph of the defendant mosaic taken by FBI after the seizure.



17 25. In 2017, after the seizure took place, Expert-1 was able to examine the
18 defendant mosaic in person and concluded that based on his training, education, and
19 experience, the defendant mosaic was an authentic mosaic from the Byzantine Period
20 depicting Roman mythology, and was consistent with the iconography of mosaics found
21 in Syria, in particular in and around the city of Idlib, Syria.

22 26. During the March 19, 2016 search of Alcharihi's house, agents found two
23 Wells Fargo Bank outgoing wire transfer requests from Alcharihi (in California) to
24 Ahmet Bostanci, in Turkey, dated October 19 and 20, 2015, respectively. One was for
25 \$2,199.23, and the other was for \$12,000.

26 27. Agents also found a document titled "Legal Statement", dated March 5,
27 2016, that was signed by Witness-3 ("W-3") and notarized. The document stated the
28 following:

1 To whom it may concern.

2 I sold a rolled Mosaic carpet to Mr. Mohamad AlCharihi on November 1th
3 [sic] 2009 in a yard sale.

4 The rolled mosaic carpet belonged to my late father since early 1970s

5 My father died in 1992, and my mother kept the rolled mosaic carpet since
6 she did not want to give away any of my late father's belongings.

7 My mother died in October 24th 2009, so we sold the house furniture and
8 the tools along with the mosaic rolled carpet in a yard sale on November
9 1st 2009

10 Mr. Mohamad AlCharihi, bought the 15'X7' mosaic rolled carpet which it
11 was in a bad condition because of long time storing in my late father's
12 garage.

13 28. Law enforcement agents subsequently interviewed W-3, who stated that
14 Alcharihi was a neighbor to whom she had sold a carpet approximately 5 years before.
15 She said the carpet belonged to her father, who had died 6 years before, and she
16 described it as small, light-weight carpet. She stated she understood what a mosaic
17 was, and the rug that she sold Alcharihi was not a mosaic item and was not heavy. W-3
18 showed the agents throw rugs in her garage and said the throw rugs were similar to the
19 rug she sold Alcharihi.

20 29. W-3 further stated that approximately two to three weeks prior to talking to
21 the agents, Alcharihi had asked W-3 if she would sign a letter for him that indicated that
22 she had sold him the carpet. W-3 thought his request was strange, especially after so
23 much time had passed. Alcharihi told her that he needed a letter showing that she sold
24 him the carpet in case he had problems with it. She asked Alcharihi if there was
25 something wrong with what she had sold him and Alcharihi did not respond. Alcharihi
26 drafted a letter in English for W-3 to sign. W-3 was unable to read the letter because
27 she does not read English. She believed the letter said that five years ago she sold a
28 carpet to Alcharihi for less than \$100 in cash.

1 **C. Interview of Alcharihi**

2 30. On March 19, 2016, agents interviewed Alcharihi at his residence.

3 a. Alcharihi told the agents that he had worked as a technician and
4 sales representative at Color Imaging Supply in Glendale, California since 2004. When
5 asked if the job paid well, Alcharihi stated “not really”, and indicated that he also
6 operated a car business by which he bought salvaged cars in the United States that were
7 then exported to Togo, Africa. Alcharihi said that he has a cousin in Africa whom he
8 trusted to handle the car business there. Alcharihi admitted, however, that he did not
9 earn much from the car business, either.

10 b. Alcharihi claimed that he also bought and restored mosaics for sale,
11 but he had not yet sold anything. He said that he had recently imported a container with
12 fountains, vases and mosaics from Turkey that he intended to sell. He had purchased a
13 total of 80 waterfalls/vases for about \$50-60 each, but many of them were broken when
14 they arrived in the United States. He referred to the mosaics as mosaic carpets that
15 were located in Alcharihi’s garage.

16 c. Alcharihi said he bought the vases/waterfalls/fountains and mosaics
17 from a friend, who bought these items from a broker in Turkey. He described the
18 individual as a well-known artist who also made his mosaics. He said that the
19 individual was Syrian and lives in Saudi Arabia, but traveled to Turkey. Alcharihi
20 described a conversation where he asked the individual what was good in Turkey, and
21 the individual sent Alcharihi pictures of the fountains/vases/waterfalls.
22 Alcharihi liked the vases and asked the individual to purchase those items for shipment
23 to the United States.

24 d. When asked about the mosaic carpets, Alcharihi stated that two of
25 the mosaics were 8 feet by 15 feet, and the smaller one was 90 inches by 118 inches.
26 He claimed to have paid \$12,000 total for the mosaic and vases, and had a customs
27 clearance and receipt for the items. When asked how much the shipment was worth as
28 reported on Customs entry documents, Alcharihi said “twenty four hundred or

1 something like that.” When asked why a lower number was reported instead of the
2 \$12,000 he had paid, Alcharihi indicated it was to lower the cost. When asked if it was
3 to pay less duties, Alcharihi stated yes.

4 e. When asked where the old mosaic was from, Alcharihi replied
5 “Turkey,” but he did not know what part of Turkey. When asked how he knew the old
6 mosaic was from Turkey, Alcharihi stated that he bought it from Turkey and it was
7 shipped from there. When asked further how he knew the mosaic was from Turkey,
8 Alcharihi eventually admitted “Well to be honest with you, I don’t know.” When
9 further asked by agents if anything was old, referring to the items he imported,
10 Alcharihi admitted one of them was. When asked which one, Alcharihi replied, “The
11 one why I restored it.” When asked how old, Alcharihi said, “It’s about two thousand
12 years.” When asked if he had told the customs broker how old it was, Alcharihi stated,
13 “No.”

14 **D. Alcharihi’s Email Communications Regarding the Defendant Mosaic**

15 31. Law enforcement agents also obtained federal search warrants for email
16 communications associated with several email accounts, including
17 MIDAN2020@yahoo.com, an account known to be utilized by Alcharihi.

18 32. On or about October 26, 2015, an email was sent from
19 MIDAN2020@yahoo.com to a third party email address regarding the possible sale of
20 the defendant mosaic. The email stated:

21 The mosaic piece was found in a destructed historical building in Ariha
22 county in Idleb city, North western of Syria,³

23 the destructed building a land around it is belong to me. I inherited from
24 my mother in 2005 which she inherited it from her father in 1995.

25 my grandfather bought it in 1961.

26
27
28 ³ Alcharihi is a Syrian National who became a naturalized U.S. citizen on or
about February 5, 2010.

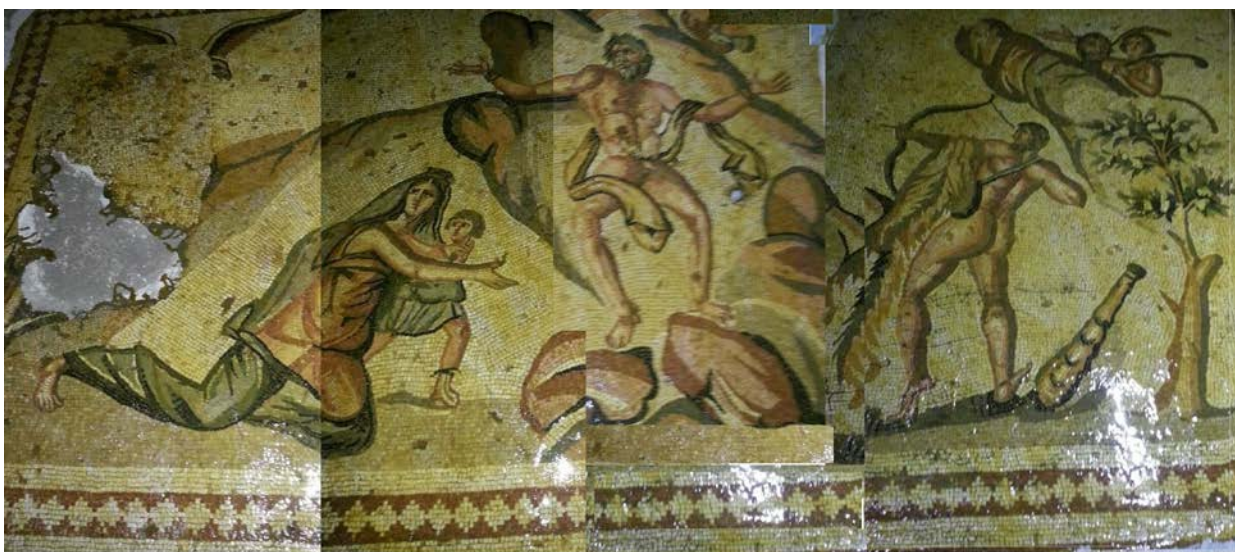
1 the picture was removed in 2010 by an expert mosaic specialist and
2 transferred to Turkey for restoration after obtaining of a removal and
transfer permit.

3 The mosaic picture is from the Hellenistic age. 4.5mX2.2m it believes has
4 the greatest figures in the Hellenistic history.

5 Zeus, Hercules, and Aphrodite with her famous baby boy, with two other
6 persons and a black bird. it believed that it telling a story of releasing Zeus
7 from prison after he was captured in a war by his enemies.

8 in 2015 the picture was imported legally to the US.

9 33. The below photograph of the defendant mosaic was also attached to the
10 October 26, 2015 email, along with the message: "I gathered these pictures I took when
11 the piece was on the ground, because I could not take a full picture because the big
12 size."



22 *I gathered these pictures I took when the piece was on the ground, because I could not take a full picture*
23 *because the big size.*

24 34. On or about January 13, 2015, MIDAN2020@yahoo.com received an
25 email from another individual with whom MIDAN2020@yahoo.com communicated
26 with frequently via email (hereinafter "Associate"). Associate forwarded an email
27 chain to MIDAN2020@yahoo.com, in which Associate sent pictures of the defendant
28 mosaic to a third party and requested that the third party provide a price estimate.

1 Associate described the mosaic as having been found in the land of an old house and
2 noted that it depicted prominent figures (Hercules and Zeus). Associate asked the third
3 party for a financial evaluation of the item and the third party responded that it would
4 be approximately \$100,000- \$200,000 on the market.

5 35. On or about March 5, 2015, Associate sent an email to a United Kingdom
6 auction house that specializes in antiquities (“Auction House-1”). Associate described
7 the mosaic as having been found in the land of an old house and noted that it depicted
8 prominent figures (Hercules and Zeus). In its communication with Associate, Auction
9 House-1 asked “What is the provenance and where is it at the moment please?”

10 Associate responded that, “The source of the king of Syria, a special personal to me. I
11 you removed the seriousness of the situation in Syria and is now the country of close to
12 Syria and have official proof for shipment to any country in the world. I’ll wait for you
13 to initial evaluation of aesthetic hand and Tarakhittha Finance and its approximate
14 value. If you find a good initial price I will be filed in the auction have.” Auction
15 House-1 responded, “So long as you have documentation/proof that they left Syria
16 before 2010, we might be able to accept these if they are legally shipped to the UK.”

17 Associate responded, “Yes I have ownership documents of 2008. But at first look for an
18 initial price in order to know the shipment destination. Wait for our initial offer.”

19 Auction House-1 responded that the mosaic might be worth 40,000 to 60,000 British
20 Pounds (per historical currency conversion approximately \$60,972 to \$91,458 in U.S.
21 Dollars) but would need to be assessed after it was conserved and mounted.

22 **E. Import Rules and Regulations**

23 36. 19 U.S.C. §§ 1481 and 1484 require that when an item is imported into the
24 United States, the importer must list a detailed description of the imported merchandise,
25 the purchase price of each item within the shipment, the true value of the entire
26 shipment and the value of each item of imported merchandise within the shipment. The
27 value of the shipment is a factor used to determine the duty to be assessed on the items.

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1 37. The importer must also list the true Country of Origin of the merchandise
2 that is being imported into the United States, another factor in determining the duties to
3 be assessed. Country of Origin is also necessary to determine whether there are
4 applicable U.S. sanctions in place.

5 38. CBP typically looks at documents, invoices, packing lists and bank records
6 (such as wire transfers) when assessing certain items and looking at issues such as
7 valuation. Importers involved in duty fraud often present false invoices or create
8 double invoices. Further, such importers often send multiple wire transfers to their
9 suppliers so that the importer can create a false invoice for a lower amount that
10 corresponds to the lowest wire transfer. The documents with lower values are then
11 falsely presented to Customs to clear the merchandise without paying the proper duties.
12 This is consistent with Alcharihi sending two wires to Ahmet Bostanci in Turkey in
13 October 2015. Further, Alcharihi admitted to law enforcement agents that he paid
14 Bostanci \$12,000 total for the defendant mosaic and vases, but that he only reported
15 “twenty four hundred or something like that” on the Customs entry documents to pay
16 less duties.

17 39. Plaintiff alleges that the defendant mosaic was illegally imported and
18 entered into the United States in violation of United States law, with the intent to avoid
19 lawful duties owed in connection with the importation. Specifically, the defendant
20 mosaic was part of the shipment described in paragraph 11 above, and was smuggled or
21 clandestinely introduced through the knowing use of false and fraudulent documents or
22 paper through a custom house, in violation of 18 U.S.C. §§ 542 and 545. Further,
23 following such illegal introduction, the defendant mosaic was concealed by Alcharihi at
24 his residence in violation of 18 U.S.C. § 545. As a result, the defendant mosaic is
25 subject to forfeiture to the United States pursuant to 19 U.S.C. § 1595a(c)(1)(A).

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VERIFICATION

I, Elizabeth Rivas, hereby declare that:

1. I am a special agent with the United States Federal Bureau of Investigation and am responsible for the forfeiture matter entitled United States of America v. One Ancient Mosaic.

2. I have read the above Verified Complaint for Forfeiture and know its contents. It is based upon my own personal knowledge and reports provided to me by other law enforcement agents.

3. Everything contained in the Complaint is true and correct, to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed May 23, 2018 in Los Angeles, California.



ELIZABETH RIVAS