

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FILED IN OPEN COURT
JACKSONVILLE, FLORIDA

JAN 13 2006

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

FADL MOHAMMAD MAATOUK

CASE NO. 3:04-cr-323(S2)-J-20MMH
Ct. 1: 18 U.S.C. § 371
Forfeitures: 18 U.S.C. § 981(a)(1)(C)
28 U.S.C. § 2461(c)

SUPERSEDING INFORMATION

The United States Attorney charges:

A. Introduction

1. FADL MOHAMMAD MAATOUK, the defendant herein, is a Lebanese national. On or about January 8, 1999, at the U.S. Embassy at Nicosia, Cyprus, the defendant was issued a non-immigrant visa for the purpose of visiting the United States. In the visa application, the defendant had falsely represented that he was married to a Lebanese woman, that he owned a jewelry store in the area of Beirut, Lebanon, and that he intended to stay in the area of Detroit, Michigan during his temporary visit to the United States.

2. On or about January 25, 1999, the defendant arrived in the United States at Miami, Florida. The defendant thereafter stayed in Florida. In or around November 2000, the defendant moved to the area of Orlando, Florida for approximately two months, and then to Jacksonville, Florida, all of which are within the Middle District of Florida. By virtue of his eventual marriage to a United States citizen, the defendant was allowed to remain in the United States, as a conditional resident alien.

3. After he arrived in the Jacksonville area, and until his arrest in March 2005, the defendant was self-employed, primarily as the owner and operator of a business at a Jacksonville flea market.

4. On October 8, 1997, by publication of the Federal Register, Secretary of State Madeleine K. Albright designated Hizballah, Party of God, as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, § 302, 110 Stat. 1214, 1248 (1996), and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009 (1996). 62 Fed. Reg. 52,650 (1997). On October 8, 1999, by publication in the Federal Register, Secretary Albright re-designated Hizballah as a foreign terrorist organization, and Hizballah was also re-designated as a foreign terrorist organization on October 5, 2001 and October 2, 2003. Therefore, at all times material, Hizballah was a designated foreign terrorist organization.

5. During the period that the defendant resided in the Middle District of Florida, the defendant traveled several times to Beirut, Lebanon. During those visits, the defendant stayed at the Maatouk family building, in a suburb of Beirut. The defendant had resided in that building prior to coming to the United States in 1999.

6. At all times material, the defendant's adult brother, Mr. Ramez Maatouk, resided at the Maatouk family building in the suburb of Beirut.

7. At all times material, Mr. H. H. was a Maatouk family friend who resided in the same suburb of Beirut, Lebanon where the Maatouk family building was located. At all times material, Mr. H. H. was known by the defendant to be a member of Hizballah.

8. At all times material, the defendant owned a machine gun which he kept at the Maatouk family building in the suburb of Beirut, Lebanon.

B. Conspiracy

Between in or around May 2003 through in or around December 2003, at Jacksonville, in the Middle District of Florida, and elsewhere,

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the defendant herein, did unlawfully and knowingly conspire with other persons, known and unknown, to provide material support and resources, as that term is defined in 18 U.S.C. § 2339(A), namely, a machine gun and military camouflage-pattern fatigues, to a designated foreign terrorist organization, namely, Hizballah, an organization designated as a terrorist organization under Section 219 of the Immigration and Nationality Act, in violation of Title 18, United States Code, Section 2339B.

C. Manner and Means

1. It was part of the conspiracy that the defendant would and did use his home and cellular telephone, in the Middle District of Florida, to communicate with persons in the area of Beirut, Lebanon.

2. It was further part of the conspiracy that the defendant and other co-conspirators would and did use coded language and speak in Arabic when discussing matters involving Hizballah on the telephone.

D. Overt Acts

In furtherance of the conspiracy and to accomplish the objects thereof, the defendant committed, the following overt acts in the Middle District of Florida:

1. On or about May 27, 2003, during a telephone conversation at his home telephone, the defendant gave permission to his brother, Ramez Maatouk, in Lebanon, to loan Mr. H. H., a Hizballah member, a machine gun for the purpose of providing personal security or bodyguard service, in South Lebanon, to a leader of Hizballah.

2. On or about June 30, 2003, at Orlando International Airport, at Orlando, Florida, the defendant transported, in his checked luggage, camouflage-pattern military fatigues during his air travel to Beirut, Lebanon.

3. On or about December 15, 2003, at Jacksonville International Airport, at Jacksonville, the defendant transported, in his checked luggage, camouflage-pattern military fatigues during his air travel to Beirut, Lebanon.

All in violation of Title 18, United States Code, Section 371.

FORFEITURES

1. The allegations contained in Count One of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. From his engagement in the violations alleged in Count One of this Information, punishable by imprisonment for more than one year, the defendant

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shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of his interest in any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violations, including but not limited to the following:

- a. \$43,000.00 in U.S. currency seized from a Bank of America safety deposit box located at 29 Blanding Boulevard, Orange Park, Florida on March 9, 2005;
- b. Fifteen (15) \$1,000.00 Traveler's Express Company International Money Orders; and
- c. 2003 Chevrolet Suburban-V8 Utility C1500 LS 2WD, VIN 3GNEC16ZX3G313492.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

PAUL I. PEREZ
United States Attorney

By:



DALE R. CAMPION
Assistant United States Attorney

By:



PAUL I. PEREZ
United States Attorney
Middle District of Florida