

UNITED STATES DISTRICT COURT



SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas
FILED

FEB 13 2007

UNITED STATES OF AMERICA

V.

SUPERSEDING
CRIMINAL COMPLAINT
Michael N. Milby
Clerk of Court

DANIEL JOSEPH MALDONADO
a/k/a Daniel Aljughafi

CASE NUMBER: *H-07-125M*

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. From on or about September 2006 through January 2007, in the

Southern District of Texas and elsewhere, defendant(s),

a national of the United States, without lawful authority, conspired to use a weapon of mass destruction, that is a bomb, a destructive device as defined in Title 18 United States Code, Section 921(a)(4)(A)(1), outside the United States, in violation of Title 18 United States Code, Section(s) 2332a(b); and

knowingly receiving military-type training from al-Qaeda, an organization designated at the time of the training, by the Secretary of State as a foreign terrorist organization, having knowledge that the organization was and is a designated terrorist organization, and knew that the organization had engaged in or engages in terrorist activity or terrorism, in violation of Title 18 United States Code, Section(s) 2339D.

I further state that I am a(n) FBI Special Agent and that this complaint is based on the following facts:
Official Title

see attached AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

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

[Handwritten Signature]
Jeremiah A. George
Signature of Affiant

Sworn to before me and subscribed in my presence,
and I find probable cause

February 13, 2007 at Houston, Texas
Date City and State

TRUE COPY I CERTIFY
ATTEST:
Michael N. Milby, Clerk of Court
By: *Mercedee P. Lerma*
Deputy Clerk

Calvin Botley, U.S. Magistrate Judge
Name and Title of Judicial Officer

Cal Botley
Signature of Judicial Officer



AFFIDAVIT

I, Jeremiah A. George, being duly sworn, do hereby depose and state:

1. I am a Special Agent (SA), with the Federal Bureau of Investigation (FBI), Houston, Texas, and have been employed in that capacity for approximately nine years. I am currently assigned to the Joint Terrorism Task Force (JTTF) and my duties include, but are not limited to, the investigation of counter-terrorism and National Security investigations.

2. The information contained in this affidavit is based on investigation conducted by the FBI and other law enforcement officials. This affidavit is being submitted for the limited purpose of supporting a complaint and warrant of arrest for the defendant, as such this affidavit does not purport to set forth all of the facts and circumstances known to me about this case. Instead, this affidavit sets forth only those facts which I believe are necessary to support a finding of probable cause to believe that the defendant has committed the charged offenses.

3. This affidavit is being submitted in support of a complaint and an application for a warrant of arrest charging the defendant, **DANIEL JOSEPH MALDONADO, a/k/a Daniel Aljughaiifi** (hereinafter "MALDONADO"), who was born in Massachusetts on December 19, 1978, who last resided at 9888 United Drive, Apartment #2207, Houston, Texas 77036, within the Southern District of Texas, with: without lawful authority, conspiring to use a weapon of mass destruction (that is, a destructive device as defined in 18 U.S.C. §921), outside of the United States, in violation of 18 U.S.C. §2332a(b); and, receiving military-type training from a foreign terrorist organization, in violation of 18 U.S.C. §2339D.

BACKGROUND

Al Qaeda

4. Al Qaeda was designated by the Secretary of State as a foreign terrorist organization on October 8, 1999, pursuant to Section 219 of the Immigration and Nationality Act, and was redesignated as such on or about October 5, 2001, and October 2, 2003, and has remained so designated since that date. Open source information indicates that al Qaeda has operated in Somalia since the 1990's and that elements of al Qaeda continue to operate and train there. Furthermore, the Department of State has stated that the fact that elements of al Qaeda continue to operate in Somalia, poses a threat not only to the United States, but also to the stability of Somalia. Moreover, the Pentagon acknowledged that in early January 2007, United States airships targeted al Qaeda leaders in Southern Somalia.



Current Conflict in Somalia

5. Somalia lacks a stable government and has been subject to intense and violent conflict since the ouster of Siad Barre in 1991, who had ruled as a dictator for 22 years. The unrest devolved into civil and sectarian violence, resulting in the deployment of the United States military to provide humanitarian relief in the autumn of 1992 (Operation RESTORE HOPE). Following Barre's ouster, Al-Ittihaad al-Islami (AIAI), an Office of Foreign Assets Control designated foreign terrorist organization, gained political prominence in Somalia and later served as the model and core component of the Islamic Courts Union (ICU). In 2004, the Transitional Federal Government (TFG) was formed and led by Adullahi Yusuf Ahmed. However, despite efforts to establish itself as the government in Somalia, its tenure has been marked by violence and general instability as the ICU and various warlords have tried to take power.

6. In early June 2006, the ICU took control of Mogadishu. The TFG retreated to its stronghold in Baidoa, Somalia. The ICU continued to fight the TFG while it was in Baidoa and open source reporting indicates that in the fall of 2006, the ICU used suicide bombers and vehicle borne improvised explosive devices (IEDs) to target TFG leaders. The battle also included the use of land mines, rocket propelled grenades and other IEDs.

7. I have further learned through reading open source accounts that Ethiopia intervened in Somalia in the late summer/early fall of 2006, to support the TFG and to prevent Islamist forces from gaining full control of Somalia. The ICU received support from foreign Islamist groups as well as from Eritrea, Ethiopia's long-time enemy. The TFG and Ethiopia are supported by the United States.

8. Ethiopian troops first entered Somalia in small numbers in July 2006, and by November, were engaged in minor clashes with Somali ICU forces. Major combat between the allied TFG and Ethiopian forces and the ICU forces began on December 20, 2006, with combat around the town of Baidoa. Ethiopian and Somali government forces entered Mogadishu on December 29, 2006, as Islamist forces retreated toward the south, where fighting continued into early January 2007. Currently some heavy fighting between Islamic forces and TFG supported by Ethiopian troops in Somalia continues. There have been air strikes and attacks on several towns. On December 25, 2006, the government of Somalia announced a closure of its borders, air space, and sea ports. The TFG and Ethiopian forces attempted to bring order to Mogadishu. The ICU retaliated with guerrilla attacks and the use of direct and indirect fire weapons, close combat with knives and grenades, and the physical abuse of prisoners.

9. The ICU has publicly declared its intention to launch an "Iraq-style" insurgency. On July 2, 2006, Usama bin Laden (bin Laden) made a specific call for Muslims to support the Islamic militia controlling Mogadishu:



We warn all the nations of the world not to agree to America's request to send international forces to Somalia. We swear to Allah that we will fight its soldiers on Somali soil, and we reserve the right to punish on their own soil, or anywhere else, at the appropriate time and in the appropriate manner. I urge all Muslim youth and businessmen to contribute generously, and to supply all of the jihad fighters' needs through reliable intermediaries, especially in Palestine, Iraq, Somalia, Afghanistan, and Sudan . . . Take care not to wait and tarry, as some of the Muslims did when they tarried in saving the Islamic government in Afghanistan. This is a golden opportunity and a personal obligation upon everyone who is capable, and you must not miss this opportunity to establish the nucleus of the Caliphate. . .”

This call for support from bin Laden was followed on January 5, 2007, by bin Laden’s deputy, Ayaman Zawahiri, who called on Somalia’s Islamic militants to carry out suicide attacks on Ethiopian troops fighting in Somalia, according to a taped message posted on the Internet:

I speak to you today as the crusader invader forces of Ethiopia violate the soil of the beloved Muslim Somalia . . . I call upon the Muslim nation in Somalia to remain in the new battlefield that is one of the crusader battlefields that are being launched by America and its allies and the United Nations against Islam and Muslims . . . Launch ambushes, land mines, raids and suicidal combats until you consume them as the lions and eat their prey.

FACTS

American citizen Daniel MALDONADO’s arrest by the Kenyans

10. FBI investigation has revealed that MALDONADO is a Muslim convert. In August 2005, MALDONADO moved from Boston, Massachusetts to Houston, Texas, and established a residence at 9888 United Drive, Apartment #2207. On or about November 24, 2005, he traveled to Cairo, Egypt, and in November 2006, to Somalia in search of a country where he could practice true Islam.

11. On or about January 21, 2007, MALDONADO was captured by soldiers of the Kenyan military as he tried to flee Somalia. MALDONADO was interviewed on several occasions by FBI Agents in Kenya and provided the following information after being advised of his Miranda Rights.

12. MALDONADO stated that while living in Egypt, he decided to go to Somalia to fight jihad. MALDONADO defined jihad as the act of “raising the word of Allah, uppermost, by speaking and fighting against all those who are against the Islamic State." MALDONADO stated that he had chosen to fight in Somalia because he believed that he was fighting for a legitimate Islamic government. He said, “I would be fighting the Somali militia, and that turned into



fighting the Ethiopians, and if Americans came, I would fight them too." MALDONADO further stated that he believed he would kill other Muslims, in an attack, if they were apostates and not faithful Muslims. MALDONADO also stated that he had "no problem" killing or fighting Americans because he was angry with America. He added that he had "no problem" with the September 11, 2001 attacks.

13. MALDONADO arrived in Somalia, at Mogadishu airport, where he was met by an individual (hereafter referred to as "Sheikh") and taken to Sheikh's home. Sheikh gave MALDONADO a "juba" and an AK-47 assault rifle. MALDONADO described the "juba" as a belt that is worn over the chest and holds clips for the AK-47. MALDONADO learned how to break down and clean his AK-47 assault rifle.

14. MALDONADO admitted participating in military training in Mogadishu. He described a program that included weapons, explosives, and physical fitness training. He was told that after he completed major physical training, and firearms training, he would be able to go to the "front line" to fight, a desire which he had previously expressed.

15. MALDONADO stated that while in Mogadishu, he went to a house where young mujahadin fighters were provided with military camouflage uniforms, combat boots, ammunition, weapons and rocket propelled grenade launchers. MALDONADO stated that since he already had an AK-47 assault rifle, he only accepted a military uniform and combat boots. After receiving their equipment, MALDONADO and the other mujahadin fighters were transported by land to Kismaayo. Based on my experience and training, I know that Kismaayo is in the southern part of Somalia which is considered a stronghold for the ICU and al Qaeda elements operating in Somalia. During the travel to Kismaayo, and while stopped at a training camp in Jilib, Somalia, each fighter was asked to provide his name and that of an emergency contact person.

16. MALDONADO recalled that while in Kismaayo he participated in the interrogation of a spy. The spy, a flight attendant who had a cell phone camera, was observed taking pictures of jihadis as they arrived by airplane in Kismaayo. The flight attendant was forcibly taken to a house, across the street from the hotel at which he was staying, where he was beaten and slapped. MALDONADO helped guard and interrogate the flight attendant because they both spoke English. He pointed his weapon at the flight attendant and threatened to kill him. MALDONADO admitted he was later informed that the flight attendant had been killed.

17. MALDONADO advised that while he was in Kismaayo, mujahadin fighters continued to engage in physical and firearms training. MALDONADO stated that, while in Kismaayo, he did not shoot any firearms but did participate in physical training, which included running and swimming. He did not finish his physical training and did not go to the front line to fight because he contracted malaria.



18. MALDONADO admitted that while training at camps in Kismaayo and Jilib, he consorted with an individual who assembled, produced and tested IEDs. He watched and learned as this individual, (hereinafter “bomb maker”), manufactured small explosive devices. The “bomb maker” detonated explosives on the side of a wall to ensure that the various explosive mixtures detonated as designed. Later, a mujahadin fighter who wished to learn how to make explosives approached MALDONADO and asked if he could place him in contact with an explosives instructor.

19. In Kismaayo, MALDONADO watched the “bomb maker” prepare explosive mixtures at a house where young mujahadin gathered. The “bomb maker” created a mixture of TNT which he put into plastic tubes. The “bomb maker” also cut the tips off matches, grinding them into a powder on an orange plate, which he explained to MALDONADO was going to be used as initiators for other explosive devices. The “bomb maker” also had one bottle of “nitro” and another bottle which he said contained nitrates. The “bomb maker” always carried the brown bottles and a torn pink explosives manual. He told MALDONADO he would never be able to get through an airport because of the explosives he had handled. MALDONADO opined that the “bomb maker” was not the young mujahadin’s designated explosives instructor. The designated explosives instructor was another man who had two missing fingers on his left hand who would often talk about Usama bin Laden.

20. MALDONADO admitted that he would be willing to become a suicide bomber if he were wounded and could not otherwise fight.

21. MALDONADO stated that while residing with the young mujahadin in Mogadishu, he became aware that al Qaeda members were residing and training in the same compound. A Yemeni who personally knew bin Laden, and MALDONADO, participated in nightly gatherings during which stories of bin Laden were told by the Yemeni. MALDONADO identified certain members at the camp as being al Qaeda, although he did not know for sure who all of the al Qaeda members were. MALDONADO opined that al Qaeda fighters were given much more respect than members of the ICU. During discussions with the young mujahadin, they spoke about conquering Somalia, Ethiopia, and Egypt and making them Islamic states. MALDONADO learned about a major al Qaeda operative fighting in the southern part of Somalia whom he did not meet.

22. When Ethiopian forces attacked the mujahadin fighters, MALDONADO and his confederates fled to Kenya. They took a boat to Ras-Kamboni and walked through the woods for two to three days before being captured by Kenyan Authorities.



Corroboration by a Cooperating Witness:

23. The following information was provided by a Cooperating Witness (CW) who was with MALDONADO in Somalia and has first-hand information concerning MALDONADO's activities. The CW advised your affiant that MALDONADO and others, including al Qaeda members, participated in the training camps in Somalia. The CW picked MALDONADO, without hesitation, from a six-man photograph array and identified him as DANIEL, a/k/a ABU MOHAMMED.

24. The CW advised your affiant that he observed physical, firearms and explosives training at camps in Somalia. The CW, MALDONADO, and others, participated in firearms training at the camps. During one training session, at which Maldonado was present, the fighters used AK-47s, tripod mounted machine guns and rocket propelled grenades (RPGs). The CW stated that the fighters shot at rudimentary targets. They also engaged in shooting competitions. The CW stated that the reward in one shooting competition was to fire the RPGs.

25. The CW saw an individual who matched the description MALDONADO gave of the "bomb maker." The CW saw that the "bomb maker" had a thick manual with a pink cover that contained information on how to make explosives. The CW saw MALDONADO looking through the book. The CW also saw the "bomb maker" in the possession of an amber colored bottle which the "bomb maker" treated as if it were very fragile. The CW heard the sound of explosions while at the camp. The CW further saw the "bomb maker" in the possession of a granular powder which he described as an explosive, and a hollowed-out AA battery filled with an explosive substance.

26. The CW heard an individual at one of the compounds who said he had worked for "Sheikh Usama" in Sudan. The individual spoke highly of "Sheikh Usama," noting that he (bin Laden) had performed a substantial amount of construction work in Sudan, and that at one time, "Sheikh Usama" had approximately 250 pieces of heavy equipment working on roads and building sites in Sudan.

27. The CW stated that while at the compound in Kismaayo, there were discussions regarding going to the front to fight on behalf of the ICU. The CW heard MALDONADO say he wanted to go to the front and fight. The CW was advised by one of MALDONADO's close associates that MALDONADO did not go to the front because he had been selected for additional training.

28. FBI surveillance determined that MALDONADO's last known residence in the United States was at 9888 United Drive, Apartment # 2207, Houston, Texas, 77036.

29. Between or or about February 9 and 12, 2007, MALDONADO, was flown from Nairobi, Kenya to Houston, Texas.



30. Based on the above information, your affiant believes that there is probable cause to believe that DANIEL JOSEPH MALDONADO, a national of the United States: without lawful authority, conspired to use a weapon of mass destruction (that is, a destructive device as defined in 18 U.S.C. §921), outside of the United States in violation of 18 U.S.C. §2332a(b); and, received military-type training from a foreign terrorist organizations in violation of 18 U.S.C. §2339D.

Jeremiah A. George
Special Agent
Federal Bureau of Investigation

Sworn and subscribed to me at Houston, Texas on this 13th day of February 2007.

United States Magistrate Judge