

United States District Court

EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

BENJAMIN JAMES JOHNSON

White male

DOB: 03/03/76

Case Number: 03- -M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 17, 2003 in Loudoun County, Virginia, in the

Eastern District of Virginia and elsewhere defendant(s) did, (Track Statutory Language of Offense) Knowingly and willfully, with intent to defraud the United States, smuggle, and clandestinely introduce and attempt to smuggle and clandestinely introduce into the United States any merchandise which should have been invoiced ,and made out and passed, or attempt to pass, through the customhouse any false, forged, or fraudulent invoice, or other document; to wit: Johnson smuggled and failed to properly declare to U.S. Customs 12 stolen Iraqi paintings and approximately 40 Iraqi bonds;

in violation of Title 18 United States Code, Section(s) 545 .

I further state that I am a(n) Special Agent for the Bureau of Immigration and Customs Enforcement (BICE) and that this complaint is based on the following facts:

See Attached Affidavit

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

Reviewing AUSA _____ Dennis M. Kennedy
Bureau of Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

_____ at Alexandria, Virginia
Date City and State

Name & Title of Judicial Officer
Barry R. Poretz
United States Magistrate Judge

Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)
)
) Criminal No. 03- -M
BENJAMIN JAMES JOHNSON)
)

AFFIDAVIT

I, Farris Moore, being duly sworn, depose and state as Follows:

1. I am a Special Agent with the Bureau of Immigration and Customs Enforcement (ICE) and have been so employed since 2001. I am currently assigned to the Smuggling Unit of ICE, Office of the Resident Agent in Charge, Sterling, Virginia. In my capacity as a special agent with ICE, I conduct investigations of alleged violations of federal criminal statutes, including those related to the importation illegal merchandise. In addition, I am authorized to obtain and execute arrest and search warrants.

2. This affidavit is submitted in support of a summons for a criminal complaint charging BENJAMIN JAMES JOHNSON with violating 18 United States Code, Section 545, Unlawfully smuggling goods into the United States and for false statements in violation of Title 18, United States Code, Section 1001.

3. The facts and information in this affidavit are based upon my personal knowledge as well as the observations of other law enforcement agents and officers involved in this investigation. All observations that were not personally made by me were related to me by the person who made such observations. This affidavit contains information necessary to support probable cause for this application. It is not intended to include each and every fact and matter observed by me or known to the government.

4. On April 17, 2003, Benjamin JOHNSON arrived at Dulles International Airport, located in Dulles, Virginia from London-Heathrow aboard British Airways flight 217. JOHNSON was returning from a business trip to Baghdad, Iraq. After arriving at IAD and retrieving his luggage bags from the baggage claim area, JOHNSON entered the Bureau of Customs and Border Protection (BCBP) primary area. While in primary JOHNSON presented a Custom Declaration form declaring twenty dollars worth of cigarettes. As a result, a BCBP primary inspector referred JOHNSON to BCBP secondary in order to charge JOHNSON duty for importing cigarettes.

5. BCBP secondary inspectors told ICE agents that JOHNSON nervously

approached BCBP secondary. A Secondary inspector stated that JOHNSON'S hand was shaking as he gave his Customs Declaration Form to her. The Inspector asked JOHNSON if he wanted to make any changes to his declaration, which he replied no. The Inspector then asked JOHNSON if he was carrying any gifts or monetary instruments, which he replied no. The Inspector proceeded to exam JOHNSON'S luggage bags. While examining JOHNSON'S bags, the Inspector discovered several identification cards inside one of JOHNSON'S bags. The Inspector then proceeded to examine another one JOHNSON'S bag, which contained one American Embassy Bayan, Kuwait visitor badge (serial number E056). the Inspector asked JOHNSON if he knew that he should have returned the badge back to the American Embassy, which he replied yes. JOHNSON told the Inspector, that he wanted to keep the visitor's badge as a souvenir.

6. The Inspector continued to exam JOHNSON'S luggage bags. During the examination she discovered two chemical agent protective suits and one gas mask. The Inspector once again continued to exam JOHNSON'S remaining bags. While continuing her examination, the Inspector discovered several Iraqi Monetary Bonds.

7. After examining JOHNSON'S luggage bags, the Inspector noticed that JOHNSON had a large cardboard box in his possession which contained canvas paintings. The Inspector asked JOHNSON where he obtained the paintings, at which JOHNSON stepped back and proceeded to sweat profusely. Inspector Blasio opened the box and examined the paintings, which contained paintings of Saddam Hussein and Uday Hussein. JOHNSON told the Inspector that some Iraqi citizens approached him in Baghdad and proceeded to hand him the paintings. The Inspector asked JOHNSON if he paid Iraqi citizens for the paintings, which he replied no. The Inspector asked JOHNSON if the Iraqi citizens requested payment for the paintings, which he replied no.

8. BCBP immediately notified the Bureau of Immigration and Customs Enforcement (ICE), who responded to BCBP secondary. While in BCBP secondary ICE agents examined the paintings and questioned JOHNSON about the paintings. JOHNSON proceeded to tell ICE agents that he received the paintings from Iraqi citizens on the streets of Baghdad.

9. After speaking with JOHNSON and other ICE agents, Special Agent Farris Moore asked JOHNSON to accompany him to a nearby conference room to discuss the origin of the paintings further. Special Agent Moore advised JOHNSON of his Miranda rights, which he waived in the presence of the other ICE agents. JOHNSON proceeded to tell agents that he received the Iraqi bonds as a gift.

10. JOHNSON proceeded to tell ICE agents that while he was in Baghdad, Iraq accompanying the U.S. military second brigade, the military seized a palace. JOHNSON stated that the palace was called the "The New Presidential Palace". JOHNSON believed that the palace was the former residence of Uday Hussein, one of Sadam Hussein sons. While walking around the area, JOHNSON entered a building, believed to be a ballroom. While walking around inside of the ballroom, JOHNSON gathered up approximately four paintings and removed them from the ballroom. Afterwards, JOHNSON entered

Uday's palace, where he gathered and removed six paintings from the palace.

11. ICE agents then asked JOHNSON, what he planned to do with the paintings, after arriving at IAD. JOHNSON stated that he was going to keep some for decoration and provide one to his employer. JOHNSON told ICE agents that he was going to give Iraqi bonds to his friends as gifts.

12. Benjamin James Johnson is a white male, born on March 3, 1976 in Minnesota. Johnson weighs approximately 210 pounds, brown hair, brown eyes and 5'7" in height. Johnson's social security number is [REDACTED] Johnson lives at [REDACTED], located in Alexandria, Virginia.

13. On April 21, 2003, ICE agents contacted the United States Department of Justice, Interpol Cultural Properties Section who advised ICE agents that all property that originate from Iraqi palaces are the property of the government of Iraq.

14. On April 22, 2003, ICE agents contacted the Department of State, Cultural Property Office who advised ICE agents that all property that originate from Iraqi palace are the properties of the government of Iraq.

15. Based on the foregoing, there is probable cause to believe that, on or about April 17, 2003, within the Eastern District of Virginia, Benjamin James Johnson did unlawfully, knowingly, and intentionally import into the United States from a place outside thereof, to wit: the United States from a place outside thereof, to wit: Iraq, in violation of 18 United States Code, Section 545, unlawfully smuggling goods into the United States and 18 United States Code, Section 1001, False Statements.

Farris Moore, Special Agent
Bureau of Immigration and Customs Enforcement

Subscribed and sworn to before me in my presence,
this Day of April 2003

Barry R. Poretz
UNITED STATES MAGISTRATE JUDGE
Alexandria, Virginia