

AFFIDAVIT OF ANDREW NAMBU

I, Andrew Nambu, a Special Agent of the Federal Bureau of Investigation ("FBI"), in Boston, Massachusetts, being duly sworn, depose and state:

1. I am employed by the FBI as a Special Agent and am assigned to the Joint Terrorism Task Force ("JTTF"). I have been a Special Agent of the FBI for over ten years. I have been assigned to the JTTF for over seven years. In my current assignment, I am involved in investigations and prosecutions of terrorism and terrorism offenses.

2. The information contained in this affidavit is based upon interviews of witnesses, review of witness statements or reports of others who conducted interviews, my conversations with fellow members of the JTTF who have personal knowledge, my review of recorded conversations and documents related to this investigation, as well as personal observations or reports of the observations of other agents, and inferences I have drawn from this information. It does not, however, include all the information known to me with respect to this investigation, but only that information which is necessary to establish the requisite probable cause. In addition, it does not contain classified national security information.

3. I am submitting this affidavit in support of pre-trial detention of TAREK MEHANNA ("MEHANNA"), who is currently charged

with conspiring with AHMED ABOUSAMRA ("ABOUSAMRA") and others to provide material support to terrorists in violation of Title 18, United States Code, Section 2339A. There are no conditions or combination of conditions that would reasonably assure the appearance of the defendant or the safety of the community.

FACTS

4. Some of the information set forth herein comes from two cooperating witnesses ("CW1" and "CW2"). Both CWs provided information that was based on personal knowledge, including actions and statements by MEHANNA and ABOUSAMRA. Both CWs are prepared to testify at any trials. In addition, as set forth below, both CWs provided corroborative evidence in the form of consensually recorded conversations with MEHANNA, ABOUSAMRA and others. Further evidence is provided by Daniel Maldonado, who was a friend of MEHANNA and ABOUSAMRA, and is currently serving a 10 year prison sentence for Receiving Military-type Training from a Foreign Terrorist Organization (to wit: Al Qa'ida), in violation of Title 18, United States Code, Section 2339D(a).

5. Additional information was obtained from a review of records of governmental agencies, such as Customs and Border Protection ("CBP") and the Department of State, Passport Office, as well as records of private entities, such as banks, airlines, telephone companies and internet service providers, and

interviews of friends, relatives and acquaintances of MEHANNA and ABOUSAMRA. Finally, a number of recorded conversations involving MEHANNA and ABOUSAMRA provide further evidence.

Interviews of MEHANNA and ABOUSAMRA and False Information they Provided

6. On December 16, 2006, TAREK MEHANNA was interviewed by two members of the JTTF. Much of the interview concerned a trip by MEHANNA and two other individuals to Yemen in 2004. (Further information about said trip is discussed below.) Although not charged herein, MEHANNA provided false information and made fraudulent and fictitious statements about the purpose of that trip.

7. In addition, MEHANNA was asked about Daniel Maldonado. (See discussion below.) He also provided false information about his knowledge of Maldonado's circumstances at the time of the interview. MEHANNA identified a photograph of MALDONADO and acknowledged that they had known each other since about 2002 or 2003. MEHANNA stated that he last heard that MALDONADO was in Egypt. MEHANNA further stated that he last saw MALDONADO in August 2006, when MEHANNA briefly visited Egypt. At the time, MEHANNA said, MALDONADO was working for a website. MEHANNA further told the members of the JTTF that he rarely was in contact with MALDONADO, by either telephone or e-mail, and had last heard from him approximately two weeks earlier. At that

time, MEHANNA said, they spoke by telephone and MALDONADO stated that he was doing fine. According to MEHANNA, MALDONADO was then living in a suburb of Alexandria, Egypt.

8. As set forth below, admissions by MEHANNA to two cooperating witnesses, as well as statements by Maldonado establish that MEHANNA lied to the FBI concerning where Maldonado was living at the time and what he was doing. Just a few days earlier, MEHANNA received a telephone call from Maldonado, who was then in Somalia. MEHANNA knew that Maldonado had left Egypt and gone to Somalia where he received military-type training, and was training for jihad.¹ Further, during the telephone conversation, Maldonado (using coded language) told MEHANNA that he was involved in fighting.

¹*Jihad* is an Islamic term, literally means *struggle* in the way of God. Within Islamic jurisprudence, jihad usually refers to military action against non-Muslim combatants. In broader usage and interpretation, the term has accrued both violent and non-violent meanings. It can refer to striving to live a moral and virtuous life, to spreading and defending Islam, and to fighting injustice and oppression, among other usages. Jihad is also used in the meaning of struggle for or defense of Islam. Modern Muslims have tried to re-interpret the Islamic sources, stressing that Jihad is essentially defensive warfare aimed at protecting Muslims and Islam. Jihad has also been applied to offensive, aggressive warfare, as exemplified by early movements, as well as contemporary Jihad organizations, such as Al Qa'ida, that have been involved in assassinations and other terrorist acts. When used in this Affidavit, the term applies to offensive acts of violence by groups such as Al Qa'ida against military and civilian targets.

9. In recorded conversations, MEHANNA admitted to other individuals that he lied to the FBI, that is, that he knew Maldonado was in Somalia, and that Maldonado was training and fighting. MEHANNA expressed concern about being caught in these lies by the FBI.

10. In November 2008, MEHANNA was charged in a complaint with violation of Title 18, United States Code, Section 1001, for these lies concerning Maldonado to members of the JTTF. On January 15, 2009, MEHANNA was indicted for the same offense. Criminal Number 09-10017-GAO.

11. On December 12, 2006, ABOUSAMRA was interviewed by members of the JTTF. He too provided false information and made fictitious and fraudulent statements to the FBI, when he told the members of the JTTF that he went to Yemen in 2004 to study Arabic language and religious studies.

12. Both MEHANNA and ABOUSAMRA lied to the FBI. As is discussed below, the purpose of their trip to Yemen in February 2004 was to find a terrorist training camp² to learn how to conduct, and to subsequently engage in, jihad.

Information from Records, Documents and Witnesses

²Al Qa'ida and other terrorist groups established camps where individuals were trained in the use of weapons and explosives, to be used in future attacks.

13. According to CBP records, ABOUSAMRA took two trips to Pakistan in 2002, on or about April 4, 2002 and on or about November 17, 2002. The purpose of these trips, which was to obtain training in furtherance of jihad, is discussed below. In April 2002, ABOUSAMRA flew from New York's JFK Airport to Islamabad, Pakistan. Records received from Pakistan International Airlines indicate that he returned to the United States in May 2002.

14. Records received from Verizon establish that in May through August 2002 ABOUSAMRA called Pakistani telephone numbers. One of the numbers also appears on the records of Pakistan International Airlines as a local contact number ABOUSAMRA gave to Pakistan International Airlines in late April 2002. ABOUSAMRA also gave the name "Abdul Majid" as the name of the person associated with that number.³

15. According to CBP records, on or about November 17, 2002, ABOUSAMRA again flew to Islamabad, Pakistan from New York's JFK Airport. He returned in or about December, 2002.

16. In early 2004, MEHANNA, ABOUSAMRA and CW2, continued in their efforts to train for jihad, by traveling to Yemen in an effort to receive training at a terrorist training camp. As

³ CW2, who is discussed below, stated that, while in Pakistan, ABOUSAMRA met a man named "Abdulmajid," who helped ABOUSAMRA in his attempts to find and join terrorist camps in Pakistan.

discussed below, ABOUSAMRA, MEHANNA and CW2 received information and assistance from an individual who I will refer to as Individual A⁴, about who to see and where to go to find terrorist training camps in Yemen. Individual A then lived in California. Records obtained and reviewed establish that ABOUSAMRA flew to California in October 2003. Toll records establish telephonic contact with Individual A in California through February 1, 2004.

17. Travel records establish that on February 1, 2004, ABOUSAMRA, MEHANNA and CW2 left Boston's Logan Airport to fly to the United Arab Emirates ("UAE") through London. As they left, the three carried a combined amount of approximately \$13,000. They told CBP that they were going to Yemen to visit religious schools. They arrived in the UAE on or about February 3, and ABOUSAMRA and MEHANNA continued to Yemen on or about February 4. They returned to the UAE from Yemen on or about February 11, 2004. ABOUSAMRA continued to Jordan on or about February 12, and stayed overnight. On or about February 13, 2004, ABOUSAMRA entered Iraq. It is not known when he left Iraq, although it is believed that he was there for approximately 15 days. He was in Jordan from about February 28 through on or about April 18, 2004, when he entered Syria from Jordan. He returned to Boston from Syria in August 2004.

⁴Individual A's true identity is known to me.

18. Upon his return in August 2004, ABOUSAMRA told CBP that he had been in Yemen, Syria and Jordan. He did not mention his trip to Iraq (and apparently the Iraqi stamp in his passport was not detected during inspection). In his Customs declaration form, ABOUSAMRA omitted Yemen, Jordan and Iraq.

19. Over the next few years, ABOUSAMRA visited Syria multiple times. When he returned from one such visit in September 2006, a CBP officer noticed the stamps in his passport from Yemen and Iraq. ABOUSAMRA then admitted to the CBP officer that he had been in Iraq in 2004.

20. On December 12, 2006, ABOUSAMRA was interviewed by members of the JTTF. He too provided false information and made fictitious and fraudulent statements to the FBI, when he told the members of the JTTF that he went to Yemen after his divorce to go to school⁵. He claimed that from Yemen he went to Jordan to look for colleges. Finally, ABOUSAMRA stated that he went to Iraq to look for a job.

21. Two weeks after the JTTF interview, on December 26, 2006, ABOUSAMRA left Boston's Logan Airport to fly to Syria. He told CBP Officers that he was going to Syria to visit his wife.

⁵That statement would be true if when he said "school" he communicated that he was looking for a place where one could be trained to engage in violent jihad.

He was scheduled to return on January 20, 2007, but has still not returned.

Daniel Maldonado

22. Daniel Maldonado was born in Massachusetts in December 1978. He resided in New England (Massachusetts and New Hampshire) until he moved to Houston, Texas in 2005.

23. In November 2005, Maldonado traveled to Egypt and in November 2006, he moved to Somalia with his wife and three children. In June 2006, the Islamic Courts Union ("ICU") took control of Mogadishu, the capital of Somalia. The ICU intended to rule Somalia under "sharia," or Islamic law.

24. In or about early January 2007, Maldonado fled to Kenya in the face of attacks by Ethiopian forces, and was captured by the Kenyan military.

25. After his capture in January 2007, Maldonado made several statements to agents of the FBI. He admitted that he went to Somalia to fight jihad and live in an Islamic state. He stated that he received training in the use of weapons and explosives.

26. Maldonado also admitted that, while in the southern part of Somalia, he (Maldonado) called TAREK MEHANNA and, using code, urged MEHANNA to join him in fighting.

Information provided by Maldonado

27. After his capture, Maldonado was questioned by Special Agents of the FBI from the Houston, Texas Office. He was subsequently charged in the Southern District of Texas, and, after being returned to that District for prosecution, pleaded guilty to a one count Information alleging that he received military-type training from a foreign terrorist organization, to wit: Al Qa'ida, in violation of Title 18, United States Code, Section 2339D(a). He was sentenced to 10 years imprisonment.

28. Maldonado stated that he first met ABOUSAMRA in the summer or fall of 2002. ABOUSAMRA and Maldonado often discussed Islamic jurisprudence. Maldonado met MEHANNA through ABOUSAMRA. On the first day he met MEHANNA at MEHANNA's home, they watched a jihadi videotape⁶ in MEHANNA's living room. According to Maldonado, the video began by showing the pillaging of the Muslim world in Bosnia and Palestine. It then progressed to showing some of the uplifting victories of the mujahideen⁷. The video included footage of people being killed. After the video was

⁶So called "jihadist videos" take a number of different forms, showing, for example: the execution of captured prisoners by jihadi fighters; explosions of IEDs (improvised explosive devices) and other roadside bombs; training of jihadi soldiers; "inspirational" speeches of Usama Bin Laden and other Al Qa'ida leaders; and military actions in different areas of the world, including Chechnya, Afghanistan; etc.

⁷ Mujahideen is Arabic and literally means "strugglers;" it is a term for Muslims fighting in a war or involved in any other struggle. Mujahid, and its plural, mujahideen, come from the same Arabic root as *jihad* ("struggle").

over, the group, that included MEHANNA, ABOUSAMRA and Maldonado, talked about the glory of dying for the sake of Allah. On a different occasion, ABOUSAMRA and Maldonado watched a jihadi video on ABOUSAMRA's computer.

29. Maldonado, MEHANNA, ABOUSAMRA and CW2 would talk about fighting jihad, and how wonderful it would be to die on the battlefield. All of them wanted to participate in jihad eventually, and discussed the possibility of fighting in Chechnya and Iraq. ABOUSAMRA and Maldonado talked about going to Afghanistan, but agreed that, after September 11, 2001⁸, getting into Afghanistan through Pakistan was impossible. ABOUSAMRA and Maldonado discussed the religious justification for suicide bombings. ABOUSAMRA and MEHANNA often debated the legality of suicide bombings that resulted in the death of innocent civilians. Ultimately, they agreed that it was permissible if the benefit was greater than the loss. ABOUSAMRA, MEHANNA and Maldonado all approved of the attacks of September 11, 2001. They were happy when they heard about American deaths in Iraq.

30. MEHANNA, ABOUSAMRA and CW2 believed that Maldonado had contacts within the gang community before he converted to Islam, and that he may have been able to obtain weapons. On occasion,

⁸On September 11, 2001, Al Qa'ida orchestrated the attack on and destruction of the World Trade Center in New York and an attack on the Pentagon, using hijacked airplanes. A fourth hijacked plane that targeted Washington, D.C., crashed in Pennsylvania.

when they came to visit him at his home in New Hampshire, they asked to see his guns. On one occasion, CW2 asked Maldonado if he could get more weapons.

31. After they had been friends for about a year [in 2004], ABOUSAMRA confided in Maldonado that he (ABOUSAMRA) was leaving. Although ABOUSAMRA was vague concerning his intentions, Maldonado interpreted ABOUSAMRA's statements to mean he was leaving to participate in jihad. ABOUSAMRA told Maldonado they would not see each other again. Maldonado later learned that MEHANNA went as well.⁹ The two men traveled to Yemen. ABOUSAMRA gave Maldonado the impression that he went to Iraq, as well.

32. In the summer of 2005 Maldonado moved to Houston in connection with a job. In the fall of 2005, he moved to Egypt. In the summer of 2006, MEHANNA visited Egypt and met with Maldonado on several occasions. Maldonado discussed with MEHANNA Maldonado's desire to go to Somalia.

33. After he went to Somalia, in early December 2006, Maldonado called MEHANNA. Maldonado told MEHANNA that he was participating in "culinary school" and making "peanut butter and jelly." "Peanut butter and jelly" was a code that he and MEHANNA had created to refer to jihad when talking over the telephone or the internet. The phrase "culinary school" was made up by

⁹Maldonado did not know that CW2 also left the United States with the intention of going with his two friends to Yemen to train.

Maldonado on the spot; he assumed that MEHANNA would understand that he was receiving jihad training. (As set forth below, MEHANNA admitted to CW2 that he understood that Maldonado meant he was involved in fighting.) Maldonado provided to MEHANNA detailed instructions on how to get to Somalia to join him. He also urged MEHANNA to tell others in their group about the opportunities in Somalia.

Information Provided by CW2

34. CW2 was a coconspirator of ABOUSAMRA and MEHANNA. In 2006, he began to cooperate with the JTTF.

35. CW2 has known TAREK MEHANNA for approximately 15-20 years. MEHANNA introduced CW2 to ABOUSAMRA and the three men became close friends in approximately 2000 or 2001. The three men found common interest with each other and with others in discussing religious topics and the role of Muslims in the United States. They also discussed the justification for certain jihadist acts. ABOUSAMRA always justified their extremist views by citing Islamic teachings. On some occasions, when the three men engaged in serious conversations about jihad, only the three would be involved. They did not trust some of their other friends with certain information.

36. Prior to September 11, 2001, MEHANNA, ABOUSAMRA and CW2 talked about going to terrorist training camps in Pakistan. They

conducted logistical research on the internet pertaining to terrorist training camp locations and how to travel there, but no concrete plans materialized.

37. In 2002, CW2 returned to the United States after living for some time in Jordan.

38. After the attacks of September 11, 2001, ABOUSAMRA, MEHANNA and CW2 expressed support for the attacks.

39. According to CW2, in late 2002 or early 2003, ABOUSAMRA traveled to Pakistan to find a jihadist training camp. CW2 stated that ABOUSAMRA may have traveled to Pakistan twice for this purpose.¹⁰ Before one of ABOUSAMRA's trips, CW2 gave ABOUSAMRA a few hundred dollars to give to a jihadist group in support of the mujahideen.

40. After his return from Pakistan, ABOUSAMRA described to CW2 some of his experiences there. ABOUSAMRA told CW2 that he befriended a man named Abdulmajid¹¹, who he met on a bus after they discussed a jihadist slogan on a sign in Arabic. ABOUSAMRA stayed with the man in Pakistan, and Abdulmajid helped ABOUSAMRA in his attempts to find and join terrorist camps. ABOUSAMRA made contact with terrorist groups, including Lashkar e Tayyiba

¹⁰See above: records establish that ABOUSAMRA went to Pakistan twice in 2002.

¹¹Abdul Majid was the name and local contact information ABOUSAMRA gave to Pakistan International Airlines during his first trip to Pakistan in April 2002.

("LeT")¹² and the Taliban¹³. However, because ABOUSAMRA was an Arab (not Pakistani) the LeT camp would not accept him, and because of ABOUSAMRA's lack of experience, the Taliban camp would not accept him.

41. After his return to the United States, ABOUSAMRA had telephonic contact with Abdulmajid. For several months after his return, ABOUSAMRA continued in his efforts to maintain contact with Abdulmajid, who was supposed to help ABOUSAMRA find a terrorist training camp that would accept him.

42. During ABOUSAMRA's, MEHANNA's and CW2's regular meetings, they would watch jihadi videos that primarily belonged to MEHANNA. The videos were both VHS, as well as files downloaded from the internet. They occasionally watched these videos with others. The men discussed their desire to take some kind of action in furtherance of jihad, but did not know how to accomplish this objective.

43. Based on ABOUSAMRA's experiences in Pakistan, they came to believe that Pakistan might not be a feasible destination to receive terrorist training. In part, out of this frustration,

¹² The LeT is a Pakistan based foreign terrorist organization, and has been designated as such by the United States State Department.

¹³Taliban is the fundamentalist movement in Afghanistan that controlled most of the country from September 1996 to November 2001 and continues to presently attack coalition forces in Afghanistan.

ABOUSAMRA, MEHANNA and CW2 began exploring other options, including committing terrorist acts in the United States. For example, in 2003, ABOUSAMRA, MEHANNA and CW2 discussed the feasibility of shooting and killing a specific member of the executive branch of the United States government. In another conversation around the same time, ABOUSAMRA and CW2 discussed targeting a second member of the executive branch of the U.S. government.

44. While some of these plans involved no more than one or more conversations, at least one involved multiple conversations, discussions, and preparations. For example, in the latter half of 2003, ABOUSAMRA, MEHANNA and CW2 discussed a plan to obtain automatic weapons, go to a shopping mall, and randomly shoot people. They were inspired by the success of the Washington, D.C. area snipers who were successful in terrorizing the public.¹⁴ ABOUSAMRA justified attacks on civilians, such as the September 11, 2001 attacks. ABOUSAMRA stated that civilians were not innocent because they paid taxes to support the government, and because they were Kufar (non-believers).

¹⁴In the fall of 2002, there were a series of sniper shootings in the area of Washington, D.C. (Maryland and Northern Virginia), that received a great deal of media attention and "terrorized" residents of those areas because of the apparent randomness of the attacks. Ultimately two men, John Allen Muhammad and Lee Boyd Malvo, were arrested and convicted of some of the shootings.

45. The three men discussed logistics of a mall attack, including the types of weapons needed, the number of people who would be involved, and how to coordinate the attack from different entrances. They considered the emergency responses and the attack of those responders.

46. In furtherance of the plan, CW2 traveled to New Hampshire to meet with Daniel Maldonado, in an attempt to acquire the necessary weapons. According to CW2, Maldonado was a convert to Islam who, prior to his conversion, had contacts with gang members. Therefore, CW2 believed that Maldonado would have access to the weapons they needed. According to CW2, Maldonado told CW2 that he would be able to obtain handguns, but would be unable to obtain automatic weapons. CW2 told Maldonado not to ask the reason he needed the weapons. CW2 described Maldonado as someone with extreme beliefs, like ABOUSAMRA and MEHANNA.

47. After returning to Massachusetts, CW2 told ABOUSAMRA and MEHANNA that Maldonado would only be able to provide handguns. Because of the logistical problems of successfully executing the operation with just handguns, the plan was abandoned.

48. In 2003, ABOUSAMRA, MEHANNA and CW2 began to plan a trip to Yemen to attend a jihadist training camp. Prior to deciding on Yemen, they discussed the possibility of attending a

training camp in Southern Jordan. They also discussed going to Iraq to fight jihad. They researched various ways to enter Iraq through neighboring countries. They decided that the easiest way would be through Jordan, because of the ease in gaining travel documents. Iraq was of particular interest to them because they would have the opportunity to fight Americans, and because it was logistically easier to get to Iraq than to anywhere else where jihad was being waged.

49. In approximately 2003, ABOUSAMRA met an individual I refer to as Individual A on an online message board. CW2 described Individual A as a white convert to Islam, who worked as a teacher in an Islamic School in California. Individual A had received religious training in Yemen, and had also attended a terrorist training camp. According to CW2, Individual A also planned to take a trip to Yemen during the same time frame.¹⁵

50. ABOUSAMRA, MEHANNA and CW2 anticipated receiving assistance from Individual A concerning where to go and who to see in Yemen. Because they didn't feel safe discussing these matters on a message board or online, ABOUSAMRA flew to California to meet with Individual A. Individual A provided to ABOUSAMRA the name of a town in Yemen and the name of a person

¹⁵The true identity of Individual A is known to me. Individual A lived in Pakistan in 1996 and attended an LeT training camp. He again traveled to Pakistan in 1997 and to Yemen in 1998. He again traveled to the Middle East in 2004.

who would be able to get them into a camp. ABOUSAMRA, MEHANNA and CW2 had additional questions about the information from Individual A, so CW2 believed ABOUSAMRA may have taken a second trip to California to meet with Individual A. Individual A also gave them details, for example, on what to bring.

51. CW2 paid for all three tickets for CW2, MEHANNA and ABOUSAMRA to fly to Yemen. Prior to leaving, they pooled their resources and divided the cash three ways, in order to avoid scrutiny at the airport, and so that no currency report would have to be filed. They also discussed a cover story to tell law enforcement, in case they were questioned. ABOUSAMRA did research online and found the name of a school, Dar al Mustafa, that they would say was where they intended to study religious studies. They never made any contact with the school and had no intention of attending.

52. Before leaving, CW2 recorded a video that would explain to his family what he had done. He hid the video and planned to email his family to tell them where they could find it. Based upon these facts, it is apparent he did not expect to return.

53. ABOUSAMRA, MEHANNA and CW2 intended to receive the training necessary to participate in jihad. Their intention was to fight jihad after completing training. They were willing to fight anywhere they would be accepted by groups who were engaging

in jihad, for example, Iraq or Somalia, but their desire was to be able to fight in Iraq against America.

54. ABOUSAMRA expressed his belief that suicide bombings were permissible. CW2 disagreed. CW2 and MEHANNA wanted to be soldiers for jihad and, while not suicide bombers, all three wanted to participate in killing U.S. soldiers and others abroad. ABOUSAMRA found justification for his position in the religious writings of Muslim extremists.

55. Prior to leaving, ABOUSAMRA and CW2 trimmed their beards to appear less visibly Muslim. They also hiked to physically prepare. ABOUSAMRA, MEHANNA and CW2 also prepared by watching jihadi videos, including some from the Chechnyan jihad¹⁶. Occasionally they watched these videos with others, but ABOUSAMRA, MEHANNA and CW2 did not tell others of their plans to travel to Yemen, be trained, and then engage in jihad.

56. ABOUSAMRA, MEHANNA and CW2 flew from the United States to the United Arab Emirates ("UAE"). Upon arrival, they checked their e-mails and CW2 received an e-mail from his family urging him to return. CW2 felt relieved that he had an excuse to back out, and told ABOUSAMRA and MEHANNA that he would not continue with them to Yemen. The next day, ABOUSAMRA and MEHANNA

¹⁶Many Islamic fundamentalists who have a history of international terrorism became involved in the Chechen conflict. Arab fighters joined the fight of Muslims in Chechnya seeking to gain independence from the Russian Federation.

continued on to Yemen without CW2. Prior to their separation, CW2 gave ABOUSAMRA and MEHANNA some of the money he had, and ABOUSAMRA and CW2 switched backpacks because CW2's was better for the trip. CW2 returned to the United States. He did not expect to see ABOUSAMRA or MEHANNA again.

57. A few weeks later, CW2 was surprised to see MEHANNA at a party. MEHANNA returned to CW2 the money CW2 had given him. MEHANNA told CW2 that nothing happened in Yemen.

58. Sometime later, ABOUSAMRA also returned. ABOUSAMRA told CW2 that he went to Iraq. He told CW2 that, while in Iraq, he met a group of men who were involved in attacks; however, he claimed, they would not allow ABOUSAMRA to participate because ABOUSAMRA was an American.

59. Since shortly after their return from Yemen, CW2 has made a conscious effort to avoid any contact with MEHANNA and ABOUSAMRA, and had very little contact with them.

60. Sometime in the middle of 2006, CW2 received an e-mail from MEHANNA in which MEHANNA described Muslims living in America as "house slaves."

61. In December 2006, ABOUSAMRA and MEHANNA were interviewed by the FBI about their trip overseas in 2004. This gave an opportunity for CW2 to resume his relationship with ABOUSAMRA and MEHANNA. However, shortly after being interviewed

by the FBI concerning the Yemen trip, in late 2006, ABOUSAMRA left the United States and now lives with his wife in Syria.

Consensual Recordings of CW2

December 15, 2006: ABOUSAMRA

62. On December 15, 2006, CW2 recorded a conversation with ABOUSAMRA. By the time of the meeting, both men had been interviewed by the FBI concerning their trip to Yemen in 2004. The purpose of the meeting was for ABOUSAMRA to learn what the agents had said to CW2 and what CW2 had told them. CW2 expressed concern to ABOUSAMRA about what information the FBI had about the true purpose of their trip. CW2 therefore questioned ABOUSAMRA about who knew the true reason, and what they knew.

63. CW2 told ABOUSAMRA that the agents showed him a picture of Daniel Maldonado and asked CW2 if he knew Maldonado. CW2 told ABOUSAMRA that he admitted that he did and, when asked, told the agents that Maldonado went to Egypt. ABOUSAMRA scolded CW2 and told him "you didn't need to mention him, because there's no proof they have no proof that you knew he went to Egypt. What's the proof ... if you don't have to answer the question, just don't answer it."

64. CW2 also told ABOUSAMRA that he had been shown a photograph of someone he assumed was Individual A. CW2 described to ABOUSAMRA the photo he was shown as a "California DMV" photo

of a "white guy ... [with] a round face ... small glasses ... and like a beard." ABOUSAMRA speculated that one of the FBI's sources of information might be Individual A "if they arrested him." CW2 asked ABOUSAMRA "if they arrested him, what does he know about us?" ABOUSAMRA confirmed that only he visited Individual A¹⁷, and stated: "The only person who [he] would know would be me, and then they would just [be] associating you by association."

65. CW2 mentioned the names of other friends and asked what they knew. ABOUSAMRA re-assured CW2 that people knew but he did not tell anyone of their plans. Therefore, according to ABOUSAMRA, "it was just speculation;" he added, there's "no ... documented evidence."

January 12, 2007: MEHANNA

66. On January 12, 2007, CW2 recorded a conversation with TAREK MEHANNA. The conversation concerned MEHANNA's interview by JTTF members (which had occurred on December 16, 2006) and MEHANNA's trip to Yemen in 2004 with ABOUSAMRA.

67. MEHANNA told CW2 that he too was shown a photograph of an individual, who he assumed was Individual A.¹⁸

¹⁷ABOUSAMRA met with Individual A to get the information about where to go and who to contact in Yemen.

¹⁸Neither had ever met Individual A; only ABOUSAMRA flew to California to meet Individual A.

68. MEHANNA told CW2 that their trip to Yemen was a failure, in large part, because no one was around. Half the people they wanted to see were on hajj¹⁹, and half were in jail. They traveled all over the country looking for the people Individual A told them to meet.

69. One person they saw was an Egyptian who Individual A said they should visit. MEHANNA described to CW2 how they had someone drop them off at the man's house. They knocked on the door of what MEHANNA described as a mud hut, and a young boy answered. MEHANNA and ABOUSAMRA asked for the boy's father. The boy said that they hadn't seen him in three years, since September 11 [2001]. They decided to tell the boy the truth and told him exactly why they were there, [that is, to train for jihad]. He listened and then excused himself. He returned about 10 minutes later carrying an AK-47, with his father behind him. Another man walked in, who was huge, had long hair, a long beard and wore a turban. The father, referring to why they were in Yemen, told them "all that stuff is gone ever since the planes hit the Twin Towers."

70. CW2 expressed concern about who knew the real reason for their trip [to find a training camp]. MEHANNA tried to assure CW2 that although many people knew the real reason, no one

¹⁹The Hajj is Arabic, and refers to the Pilgrimage to Mecca in Islam.

was specifically told.

71. CW2 expressed his view that as American Muslims they are "handicapped;" one cannot go from being raised in America to being a member of the Taliban. CW2 and MEHANNA discussed the fact that ABOUSAMRA had traveled to many countries²⁰ in order to join the mujihadeen. The following exchange then occurred:

CW2: All those places and what did they [the mujihadeen] tell him?

MEHANNA: We don't need you.

72. CW2 expressed reservations about what they had done. MEHANNA disagreed and said the way they did it was wrong, but not the idea of it. They were hasty and immature, but not wrong. MEHANNA told CW2 that he did not regret it for one second; it was the best two weeks of his life.

73. MEHANNA confessed that once he finishes his degree, he is moving overseas.²¹

February 25, 2007: MEHANNA

74. On February 25, 2007, CW2 recorded a conversation with TAREK MEHANNA. This conversation occurred after reports had appeared in news media about the capture of Daniel Maldonado. In

²⁰At the time of this conversation, MEHANNA and CW2 knew ABOUSAMRA had traveled to a number of countries, including Pakistan, Yemen and Iraq, as part of his effort to join the mujihadeen.

²¹As discussed above, in November 2008, MEHANNA was arrested; the arrest took place as he was about to board a plane at Boston's Logan Airport, en route to a full time job in Saudi Arabia.

early February 2007, reports began to appear in newspapers concerning foreigners (including two Americans) arrested by Kenyan authorities at the Somali border. The reports said that foreigners had been fighting with Somalia's Islamic Courts movement. By mid-February, reports had identified one of the Americans as Daniel Maldonado. He was subsequently charged in federal court in Houston, Texas, with crimes arising from the training he received in Somalia from members of the terrorist organization Al Qa'ida.

75. During the conversation with CW2 on February 25, MEHANNA referred to a telephone conversation that was discussed in the media between MALDONADO and an unnamed individual. MEHANNA admitted that he was that unnamed person. CW2 and MEHANNA discussed reports that the authorities had corroborating information about the telephone call. They speculated as to who could be the corroborating witness, and identified another person, who they believed provided information to the FBI about the conversation between MALDONADO and MEHANNA [that occurred on December 12, 2006].

76. CW2 expressed concern and wanted to know what Maldonado could say about them. MEHANNA told CW2 there was nothing they could do, except have a "good answer" when they are again questioned by the FBI.

77. CW2 and MEHANNA talked about ABOUSAMRA, who had essentially "fled the country" after being questioned by the FBI.

78. MEHANNA repeatedly stated that he could not understand why Maldonado (as reported in the news) had confessed to details of his training while in Somalia. CW2 joked to MEHANNA about how they had once kidded each other that, if they were arrested, they would confess like Richard Reid²².

79. MEHANNA told CW2 that, during the telephone call that MEHANNA received from Maldonado while Maldonado was in Somalia, Maldonado told MEHANNA that he was not in the capital, but "on the beach." MEHANNA claimed that Maldonado had not said anything during the call that would have provided direct evidence that he was doing anything illegal. Maldonado was very "cryptic" and never said "I am fighting." CW2 asked MEHANNA about some of the coded words Maldonado used such as "culinary school" and "peanut butter and jelly," which was also referred to as "P, B & J." MEHANNA told CW2 that when Maldonado told MEHANNA that he was "making peanut butter and jelly sandwiches," MEHANNA warned

²²On December 22, 2001, Richard Reid, a citizen of Great Britain (who was a Muslim convert) was subdued by passengers and crew on board an American Airlines flight from Paris to Miami, as he attempted to ignite a bomb that was built into his shoe. He was indicted in this District and pleaded guilty. In December 2003, after being sentenced to life imprisonment, and as he was being led from the courtroom, Reid yelled at the sentencing judge (Young, D.J) that he was at war with this country and reasserted his allegiance to Al Qa'ida.

Maldonado that he shouldn't say things like that over the telephone. CW2 asked MEHANNA what the phrase meant; MEHANNA stated that, in general, it meant "I'm here fighting."

80. CW2 pressed MEHANNA on what Maldonado knew and what ABOUSAMRA might have told him. MEHANNA could not say specifically what he was told, but stated because "people are not freaking idiots," it is not necessary to "sit down and explain these things to people like Dan" (i.e., why they went to Yemen and why ABOUSAMRA went to Iraq). MEHANNA added, if you told Dan (Maldonado) "I was in Afghanistan" he wouldn't say "what were you doing there?" (I believe he meant that, without having to explicitly say so, Dan would obviously understand that the reason one of them would go to Afghanistan is to engage in jihad.)

81. MEHANNA admitted to CW2 that he hung out with Maldonado at least once a month before Maldonado moved to Houston. MEHANNA stated that he has also stayed in contact with ABOUSAMRA, since ABOUSAMRA left the United States.

82. CW2 also asked MEHANNA if his parents knew why he went to Yemen. MEHANNA told CW2 "they know I didn't go there to graze goats." MEHANNA opined that Daniel Maldonado and others know where they went and why, even if they were not specifically told. CW2 asked if ABOUSAMRA told his father, to which MEHANNA responded: "You don't tell your parents, 'I'm going to fight

jihad,' ... you just tell them 'I'm leaving.'" CW2 repeated his concern that ABOUSAMRA may have said to someone "I went to Yemen to go to a training camp." MEHANNA said that he did not believe ABOUSAMRA specifically said that to anyone. He would have told where they went and people made their own deductions.

83. MEHANNA told CW2 that he was concerned that he was caught in a lie by the FBI. He told CW2 that, when asked by the FBI about Maldonado, he said Maldonado was in Egypt. MEHANNA admitted that he told this to the FBI shortly after Maldonado had called him from Somalia. MEHANNA stated that lying to the FBI is a problem, and he wasn't sure how he was going to explain that.

84. MEHANNA told CW2 he should leave the United States as soon as he can. MEHANNA said that the only thing keeping him here is the need to finish his degree.

Information Provided by CW1

85. CW1 has been cooperating in this investigation for over two years. During that time he has provided information concerning TAREK MEHANNA and others, and has recorded a number of conversations.

86. CW1 has known TAREK MEHANNA for over 10 years. He knows ABOUSAMRA as well, but has had significantly less contact with him. In the two years prior to re-connecting with MEHANNA as part of this investigation, CW1 only saw MEHANNA sporadically.

For a couple of years (while CW1 cooperated in this investigation and recorded conversations with MEHANNA) they met regularly for study and discussions, as well as socially.

Consensual Recordings of CW1

February 27, 2007

87. On February 27, 2007, CW1 recorded a conversation with TAREK MEHANNA. The conversation occurred after the publicity surrounding the arrest of Daniel Maldonado (discussed above). MEHANNA asked CW1 if he had heard about Maldonado's arrest. CW1 stated that he read about it in the New York Times. MEHANNA asked if he read that Maldonado had admitted that he called someone in the United States in an effort to recruit that person. MEHANNA went on to explain that he (MEHANNA) was the person Maldonado called. MEHANNA also related that the newspapers reported that Maldonado had used "cryptic language" about "making peanut and jelly sandwiches."

88. MEHANNA explained that he had been in touch with Maldonado when he was in Egypt, before he went to Somalia.

89. CW1 told MEHANNA that he was thinking of traveling once he (CW1) got his passport back. (CW1 was then under travel restrictions in connection with a court case.) MEHANNA told CW1 that Somalia had been the easiest place to go, and advised CW1 he could fly straight to Dubai from the U.S. and from there to

Mogadishu²³ (the capital of Somalia).

90. CW1 told MEHANNA that he knew some "brothers" in Yemen, but communication was "sketchy." MEHANNA said to CW1, "there's nothing in Yemen ... I went to Yemen a couple of years ago ... anyone who has anything to do with anything is ... done." MEHANNA also stated, "After September 11 it completely changed." MEHANNA explained that there "used to be camps and stuff" but they are not there anymore. MEHANNA stated the people who used to run the camps are "fugitives" or "underground."

91. MEHANNA further explained to CW1 that "from what I've learned ... looking back from like Afghanistan, ... Somalia - the best time to do anything is in the beginning because that's when the borders are open...." According to MEHANNA, when the U.S. first invaded Afghanistan, one could fly to Pakistan and walk across the border, and that was what people were doing.

92. According to MEHANNA, it is "unfathomable" that the United States has military bases in the "heart of the Muslim world," and the "land of Mohammad ... is being used as a military base to attack Muslims."

93. MEHANNA told CW1 that, in the United States, he feels "like a fish out of water."

CONCLUSION

²³MEHANNA had received this information from Maldonado during the telephone call discussed above.

94. Based on the information set forth above, there is probable cause to believe that beginning in or about 2001, and continuing until in or about May 2008, in the District of Massachusetts and elsewhere, the defendant, TAREK MEHANNA, did knowingly and unlawfully combine, conspire and agree with AHMED ABOUSAMRA and others known and unknown to provide material support and resources, that is, property, services, currency and monetary instruments, training, expert advice and assistance, facilities and personnel, and to conceal and disguise the nature, location, source, and ownership of such material support and resources, knowing and intending that the material support and resources were to be used in preparation for and in carrying out violations of Title 18, United States Code, Section 956 (conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country), and Section 2332 (extraterritorial homicide of a U.S. national), all in violation of Title 18, United States Code, Section 2339A.

95. Based on the information set forth herein and the Proffer and Memorandum of the Government in Support of Detention, I believe that the strength of the evidence and likelihood of conviction negate any reason to stay and fight the charges, and further establish that MEHANNA is a danger to the community if released. I therefore believe that there are no conditions or combination of conditions that could ensure the appearance of the

defendant at proceedings and trial, or the safety of the community.

Sworn to this ___ day of November 2009, under the pains and penalties of perjury, at Boston, Massachusetts.

Andrew Nambu
Special Agent
Federal Bureau of Investigation