UNITED STATES DISTRICT COURT

for the

District of Massachusetts

In the Matter of the Search of *(Briefly describe the property to be searched or identify the person by name and address)* 6 Fairhaven Circle, Sudbury, Massachusetts	)	Case No. 09-120-LTS

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of Massachusetts
(identify the person or describe the property to be searched and give its location):

6 Fairhaven Circle, Sudbury, Massachusetts, further described in Attachment A.

The person or property to be searched, described above, is believed to conceal *(identify the person or describe the property to be seized)*:

One Dell Inspiron 2650 Laptop Computer with Serial Number HZ2GL11.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before October 31, 2009
(not to exceed 10 days)

☑ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge Leo T. Sorokin
(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)* ☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: October 20, 2009 at 2:11 pm

Judge's signature

City and state: Boston, MA

Leo T. Sorokin, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

In the Matter of the Search of *(Briefly describe the property to be searched or identify the person by name and address)*	)	
One Dell Inspiron 2650 Laptop Computer with Serial Number HZ2GL11.	)	Case No. 09-122-LTS

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of Massachusetts
(identify the person or describe the property to be searched and give its location):

One Dell Inspiron 2650 Laptop Computer with Serial Number HZ2GL11.

The person or property to be searched, described above, is believed to conceal *(identify the person or describe the property to be seized)*:

See Attachments B, C and D

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before October 31, 2009
(not to exceed 10 days)

☑ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge Leo T. Sorokin
(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)* ☐ for _____ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of _____.

Date and time issued: Oct 20, 2009 at 3:15 p.m.

_____
Judge's signature

City and state: Boston, MA

Leo T. Sorokin, U.S. Magistrate Judge
Printed name and title

EXHIBIT A

AFFIDAVIT OF HEIDI L. WILLIAMS

I, Heidi L. Williams, 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 five years. I have been assigned to the JTTF for over four years. In my current assignment, I am involved in investigations and prosecutions of terrorism and terrorism offenses. I am currently assisting other JTTF agents in the investigation of TAREK MEHANNA ("MEHANNA") and AHMAD ABOUSAMRA ("ABOUSAMRA") and others, for several offenses, including, material support for terrorists and designated terrorist organizations, conspiracy to kill in a foreign country, and conspiracy to violate the laws of the United States, in violation of 18 U.S.C. §§ 2339A & B, 956, and 371.

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.

PROPERTY TO BE SEARCHED

3. This affidavit is submitted in support of applications by the United States for three warrants: 1) to search MEHANNA's residence at 6 Fairhaven Circle, Sudbury, Massachusetts ("Residence") for one Dell Inspiron 2650 Laptop Computer with Serial Number HZ2GL11 (the "Computer") (in connection with a second warrant to search said Computer); 2) to search the Computer for evidence of crimes; and 3) to seize the Computer in connection with forfeiture.

4. As set forth herein, there is probable cause to believe that the Computer and its contents constitute evidence of the commission of a criminal offense, contraband, fruits of crime and things otherwise criminally possessed as well as property designed and intended for use, and that has been used, as a means of committing the criminal offense of violations of 18 U.S.C. § 2339A, 2339B, 956, and 371. There is also probable cause to believe that the Computer was involved in, or was used or intended to be used to commit, violations of 18 U.S.C. § 2339A

and 2339B against the United States, or citizens of the United States, or their property. Accordingly, the Computer is subject to seizure and forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(G)(iii) and 28 U.S.C. § 2461(c). In addition, there is probable cause to believe the Computer will be found in MEHANNA's residence.

a. I know it is a violation of 18 U.S.C. § 2339A to knowingly and unlawfully combine, conspire and agree with others to provide material support and resources, that is, personnel and currency and monetary instruments, 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).

b. I know it is a violation of 18 U.S.C. § 2339B to knowingly and unlawfully combine, conspire and agree with others to provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), including property, services, currency, and monetary instruments, training, expert advice and assistance, facilities and personnel, to foreign terrorist

organizations, namely al Qa'ida and Lashkar e Tayyiba, knowing that each of said organizations was a designated terrorist organization under 8 U.S.C. § 1189, and that each organization had engaged in and was engaging in terrorist activity and terrorism, as those terms are defined in 8 U.S.C. § 1182(a)(3)(B) and 22 U.S.C. § 2656f(d)(2).

c. I know it is a violation of 18 U.S.C. § 956 to knowingly and unlawfully combine, conspire and agree with others to commit acts outside the United States that would constitute the offense of murder if committed in the jurisdiction of the United States, and for one or more of the conspirators to commit an act within the jurisdiction of the United States to effect an object of the conspiracy.

d. I know it is a violation of 18 U.S.C. § 371 to knowingly and unlawfully combine, conspire and agree with others to knowingly and willfully make materially false, fictitious and fraudulent statements, and provide false information and documents containing false information, and conceal material information, concerning matters within the jurisdiction of the executive branch of government in violation of 18 U.S.C. § 1001.

5. As set forth herein, there is probable cause to believe that the Computer is currently located at 6 Fairhaven Circle,

Sudbury, Massachusetts, as more fully described in the Attachment A.

FACTS

6. 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).

7. 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. In addition, a number of recorded conversations involving MEHANNA and ABOUSAMRA provide further evidence.

8. Finally, the Computer has been searched before. On August 10-11, 2006, the JTTF of the FBI executed a physical search of MEHANNA's bedroom. The search was authorized by the Foreign Intelligence Surveillance Court. During the physical search, the FBI made a mirrored copy of the hard drive of MEHANNA's computer, which was a Dell Inspiron 2650 Laptop Computer with Serial Number HZ2GL11, the Computer. On November 8, 2008, the JTTF obtained consent to search the Computer from a member of MEHANNA's family, who claimed the computer belonged to that person and that MEHANNA used it.

Interviews of MEHANNA and ABOUSAMRA and False Information they Provided

9. 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.) MEHANNA provided false information and made fraudulent and fictitious statements about the purpose of that trip.

10. 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.

11. 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

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[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,

conversation, Maldonado (using coded language) told MEHANNA that he was involved in fighting.

12. 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.

13. 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.[2]

14. 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.

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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.

[2] The FBI is aware that MEHANNA is currently represented by counsel, and therefore will exercise reasonable diligence to ensure that attorney client privileged communications are not reviewed by the prosecution team.

15. 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 camp[3] to learn how to conduct, and to subsequently engage in, jihad.

Information from Records, Documents and Witnesses

16. 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.

17. 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

[3]Al 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.

also gave the name "Abdul Majid" as the name of the person associated with that number.[4]

18. 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.

19. 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 discussed below, ABOUSAMRA, MEHANNA and CW2 received information and assistance from an individual who I will refer to as Individual A[5], 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.

20. 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

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[4] 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.

[5]Individual A's true identity is known to me.

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.

21. 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.

22. 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.

23. 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 school[6]. 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.

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

Daniel Maldonado

25. 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.

26. 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.

27. 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.

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[6]That 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.

28. 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.

29. 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

30. 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.

31. 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 videotape[7] in MEHANNA's living room. According to

[7]So called "jihadist videos" take a number of different forms, showing, for example: the execution of captured prisoners by

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 mujahideen[8]. The video included footage of people being killed. After the video was 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.

32. 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, 2001[9], getting into Afghanistan through Pakistan was impossible. ABOUSAMRA and

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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.

[8] 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").

[9]On 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.

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.

33. 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, 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.

34. 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.[10] The two men traveled to Yemen. ABOUSAMRA gave Maldonado the impression that he went to Iraq, as well.

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

35. 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.

36. 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 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

37. CW2 was a coconspirator of ABOUSAMRA and MEHANNA. In late 2006, he began to cooperate with the government.

38. 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.

39. 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.

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

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

42. 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.[11] Before one of ABOUSAMRA's trips, CW2 gave

[11]See above: records establish that ABOUSAMRA went to Pakistan twice in 2002.

ABOUSAMRA a few hundred dollars to give to a jihadist group in support of the mujahideen.

43. After his return from Pakistan, ABOUSAMRA described to CW2 some of his experiences there. ABOUSAMRA told CW2 that he befriended a man named Abdulmajid[12], 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 ("LeT")[13] and the Taliban[14]. 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.

44. 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

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

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

[14]Taliban 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.

terrorist training camp that would accept him.

45. During ABOUSAMRA's, MEHANNA's and CW2's regular meetings, they would watch jihadi videos that primarily belonged to MEHANNA. 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. These videos contained footage of fighting in various places of jihad, including one depicting Chechnya entitled "Russian Hell in 2000." The videos they watched consisted of both VHS tapes and files downloaded from the internet, including some downloaded by MEHANNA.

46. Because they believed, based on ABOUSAMRA's experiences there, that Pakistan was not feasible, 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.

47. While some of these plans involved no more than one or two 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.[15] 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).

48. 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.

49. 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

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[15]In 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.

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.

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

51. 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.

52. 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.[16]

53. 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 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.

54. 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,

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

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.

55. 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.

56. 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.

57. 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.

58. 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

jihad[17]. 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.

59. 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 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.

60. 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.

61. 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

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[17]Many 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.

claimed, they would not allow ABOUSAMRA to participate because ABOUSAMRA was an American.

62. 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.

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

64. 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

65. 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.

66. 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."

67. 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 A[18], and stated: "The only person who [he] would know would be me, and then they would just [be] associating you by association."

68. CW2 mentioned the names of other friends and asked what they knew. ABOUSAMRA re-assured CW2 that people knew but he did

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

not tell anyone of their plans. Therefore, according to ABOUSAMRA, "it was just speculation;" he added, there's "no ... documented evidence."

69. On January 11, 2007, MEHANNA sent an e-mail from his account ibnul_khattab82@yahoo.com to CW2, and signed it "Tariq". The e-mail message, which quotes two Islamic narrations, has one quotation that is bolded which reads: "The people of Yemen have come and they have softer hearts than you."

January 12, 2007: MEHANNA

70. 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.

71. MEHANNA told CW2 that he too was shown a photograph of an individual, who he assumed was Individual A.[19]

72. 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 hajj[20], and half were in jail. They traveled all over the country looking for the people Individual A told them to meet.

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[19]Neither had ever met Individual A; only ABOUSAMRA flew to California to meet Individual A.

[20]The Hajj is Arabic, and refers to the Pilgrimage to Mecca in Islam.

73. 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."

74. 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 was specifically told.

75. 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 countries[21] in order to

[21]At the time of this conversation, MEHANNA and CW2 knew ABOUSAMRA had traveled to a number of countries, including Pakistan, Yemen

join the mujahideen. The following exchange then occurred:

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

MEHANNA: We don't need you.

76. 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.

77. MEHANNA confessed that once he finishes his degree, he is moving overseas.[22]

78. On February 14, 2007, CW2 sent MEHANNA an e-mail to his account ibnul_khattab82@yahoo.com. In the email, CW2 asked MEHANNA : "You read the news?". CW2 was referring to the widely publicized media reporting that their friend, Daniel Maldonado had been criminally charged with receiving terrorist training from al Qa'ida while he was in Somalia. A short time later on the same day, MEHANNA responded to CW2, "I certainly have". Later in the day, CW2 asked whether the two should get together [and discuss].

February 25, 2007: MEHANNA

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and Iraq, as part of his effort to join the mujihadeen.

[22]As 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.

79. 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 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.

80. During the conversation with CW2 on February 25th, 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].

81. 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.

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

83. 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 Reid[23].

84. 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

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[23]On 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.

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 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."

85. 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.)

86. 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.

87. 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.

88. 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.

89. 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

90. 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.

91. 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

92. 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."

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

94. 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 you could fly straight to Dubai from the U.S. and from there to Mogadishu[24] (the capital of Somalia).

95. 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, "[a]fter 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."

96. 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.

97. 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."

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[24]MEHANNA had received this information from Maldonado during the telephone call discussed above.

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

99. On April 23, 2007, MEHANNA gave a compact disc with a handwritten label on it to CW1 which contains several computer data files. The data files contain videos depicting jihad and jihad training. The format of the production of these files is consistent with MEHANNA having downloaded these video files from the internet or other media onto his computer and, with his computer, creating a data compact disc containing a duplicate of these files. That same day, MEHANNA watched a video depicting jihad with CW1.

100. On September 7, 2007, MEHANNA sent an e-mail to CW1 entitled "An interesting read", which contains an attached web log entry ostensibly by and about Daniel Maldonado and his travel to Egypt and then Somalia, and his flight from Ethiopian soldiers.

Search of the Computer in 2006

101. On August 10-11, 2006, the Joint Terrorism Task Force executed a physical search of MEHANNA's bedroom at the residence and made a mirrored copy of the hard drive of the Computer.

102. A forensic analysis of the Computer's hard drive revealed numerous documents and pieces of information which constitute evidence of the commission of the criminal offense,

contraband, fruits of crime and things otherwise criminally possessed as well as property designed and intended for use, and that has been used, as a means of committing the criminal offense of violations of 18 U.S.C. §§ 2339A, 2339B, 956, and 371.

103. The Computer contained many gigabytes of data, and included hundreds of megabytes of data which appear to have evidentiary value in this case. The Computer contained data in many different forms, such as video files, audio files, images, stored messages, word processed documents, cached web pages, all of which contained evidence of MEHANNA and others' support for jihad, religious discussion in support thereof, and efforts to conceal or disguise their support. Numerous communications on the Computer reveal that MEHANNA, using one of his online identities, (ibnul_khattab82@yahoo.com[25] and Abu Sabaaya among others), engaged with others in online conversations about how they could best participate in and support those engaged in international terrorism and jihad. For example, in or about February 2006, MEHANNA and another, discussed their desire to be the "media wing" for "aqs" [al Qa'ida] in "raafidayn" [Iraq], and "aqs" "english wing". They hoped that their "efforts with the

[25]Ibn ul Khattab is a famous guerilla commander of Muslim fighters (mujahideen) who fought against the Russians in Chechnya. In the video which MEHANNA gave to CW1, "Russian Hell 2000", Khattab is filmed killing a Russian soldier and leading attacks against others.

media" would "bear[] its fruit." In another communication, MEHANNA stated "I just hope [a translation] leads to action."

104. A review of the seized files which were on the Computer reveal that MEHANNA translated and distributed materials which promoted jihad, such as Al Qa'ida propaganda. MEHANNA translated these materials from Arabic to English for purposes of wider distribution, primarily over the internet. For example, a document entitled "39 Ways to Serve and Participate in Jihad", was found on the Computer, of which MEHANNA said "I hope the book makes an impact."

105. In addition, an analysis of the Computer reveals numerous jihad videos, some with partial English subtitles, including at least one "released by the al-Qaidah Network in the land of the two rivers," [Iraq].

106. According to a bipartisan Staff Report of the United States Senate Committee on Homeland Security and Governmental Affairs published on May 8, 2008, *39 Ways to Serve and Participate in Jihad* is a popular text available on the internet which describes ways in which a supporter of violent Islamist ideology can aid the movement in spirit, fundraising, or what the text calls "electronic jihad," which consists of activities like participating in online chat rooms, disseminating propaganda and engaging in cyber attacks against enemy websites. In addition,

according to the report, the text encourages the readers to learn the teachings of other violent Islamists, such as Abdullah Azzam and Abu Muhammad al-Maqdisi, to engage in weapons training, and to raise children to love jihad and those who wage it.

107. *39 Ways to Serve and Participate in Jihad* remains available and continues to be distributed over the internet as recently as August 2, 2009, when I downloaded from the internet a copy of a version which appears to be the same one that MEHANNA translated and was published by a website which MEHANNA has used.

108. Evidence that MEHANNA also discussed some of the videos he watched and distributed with others on the internet, was obtained during the 2006 search. For example, in April 2006, MEHANNA is asked about where a detonation came from, and MEHANNA responded that it was a remote control detonation designed to go off when the guy [an American Solider in Iraq] went to investigate and disarm it. MEHANNA virtually smiled using the ":-)" convention, and stated, "they wanted to reduce troop levels," speculating that if any of those guys are left he doubts they are in the same shape as they were before their "unfortunate stop." I believe this was MEHANNA's reference to a roadside terrorist attack with an Improvised Explosive Device against U.S. military in Iraq.

109. Numerous files on the Computer revealed that MEHANNA and others glorified the September 11, 2001 terrorist attack. For example, the Computer contained photographs depicting MEHANNA and others at the construction site at Ground Zero (the site of the World Trade Center complex) in New York with large grins and MEHANNA has one finger pointed up in the air. Another communication revealed that MEHANNA sought out internet links to a tribute video to the September 11, 2001 hijackers. In a communication from June 2006, he laughed after saying that New York was no longer the land of the two towers without the two towers. Instead, he suggested calling it the land of rape. MEHANNA then stated that instead of asking for God's mercy for the victims in the World Trade Center, he suggested asking for "Allah's [] mercy on just the buildings[,] not the sinners that were in it [,] as at least the buildings weren't sinners[.]"

110. Communications and files located on the Computer also indicated that MEHANNA gave advice to another like-minded individual on where to go in Yemen, since he had been there. For example, in May 2006, MEHANNA said that when he was there, it was very tribal, full of bandits and al-Qa'idah, and he advised going to a particular school there.

111. The Computer revealed that MEHANNA and others reveled in the death of United States servicemen overseas. For example,

the Computer contained stored communications which reveal that in July 2006 MEHANNA distributed a video to multiple associates, describing it as depicting the aftermath of the retaliation against U.S. personnel in Iraq after a then-recent report of a rape committed by a serviceman. The video file which MEHANNA sent depicts, in detail, the mutilation and abuse of the remains of U.S. personnel in Iraq. The video contains a preface which shows the image of Usama bin Laden, with an Arabic voiceover in which bin Laden thanked the Iraqi mujahideen for their continued attacks on America and its allies, and that they made all Muslims proud. As MEHANNA described the video to his associate in detail, he was asked if there was a judicial process to address the alleged rape. MEHANNA responded, "who cares, Texas BBQ is the way to go."

112. The Computer also contained glorification of terrorist leaders. For example, in February 2006, MEHANNA sent a link to Usama Bin Laden's then-most recent speech to a comrade on line. He described it as a recording "Of Sheikh[,] Months after the death of the towers[,] Considered a golden letter[.]" He then encouraged his friend to download the rest of the video. In June 2006, MEHANNA and his associates deified Abu Musab al-Zarqawi, the then-leader of al Qaida in Iraq. When Zarqawi was killed by coalition forces, MEHANNA commented that he wanted the "younger

type bros to understand what the loss [was] about, rather than just blind emotion, etc."

113. The Computer also contained numerous communications in which MEHANNA discussed the status of those of his on-line associates who had then-pending criminal charges in various jurisdictions, all related to provision of material support to terrorists. These conversations, as well as other messages in which MEHANNA and others discuss the fact that their activities may be scrutinized by law enforcement were located on the Computer.

Search of the Computer in 2008

114. On December 13, 2006, during a conversation consensually recorded by CW2, ABOUSAMRA told his friends, including MEHANNA and CW2, that the F.B.I. might get search warrants, so it would be a good idea to get rid of anything that might be interpreted as being illegal. He also suggested that they clean their computers. I believe this to be a reference to "cleaning" or effectively destroying or covering up the historical digital data on the computers that had been used to further their conspiracy and, therefore, needed to be cleaned. Data located on the Computer during the 2006 search also revealed an awareness of possible law enforcement scrutiny of MEHANNA and his associates.

115. On November 8, 2008, MEHANNA was arrested on a warrant from this court on a single count of making False Statements in a matter related to international terrorism in violation of 18 U.S.C. Section 1001(a)(2). MEHANNA was leaving for the foreseeable future to emigrate to Saudi Arabia, where he claimed to have a full-time job. He left behind the computer which he routinely used. On the day of MEHANNA's arrest, MEHANNA's father told members of the JTTF that he owned a laptop which he occasionally permitted MEHANNA to use. MEHANNA's father consented to the search of this laptop computer, which was identified by the searching agents as a Dell Inspiron 2650 Laptop Computer with Serial Number HZ2GL11 (i.e., the Computer). The Computer hard drive was copied. The Computer hard drive contained MEHANNA's resume, job postings in Dubai for MEHANNA's profession and some Pharmacy School work with MEHANNA's name on it. Forensic analysis of the Computer as it existed in November 2008 has been concluded, and the Computer as it existed in November 2008 had been stripped of large volumes of data related to jihad. Despite this, there remained evidence that MEHANNA had continued to use the Computer to pursue the cause of jihad. For example, an internet posting was found on the Computer entitled "Refuting Madkhali and Munaafiq Doubts on Jihad", followed by a

rhetorical refutation to common doubts which many Muslims have about the propriety or viability of violent jihad.

Records showing recent access to MEHANNA's computer accounts from his home at 6 Fairhaven Circle, Sudbury, MA

116. According to records of Yahoo! Inc, as of April 2009, ibnul_khattab82@yahoo.com and tariq.mehanna@yahoo.com are subscribed to Tariq Mehanna, of Sudbury, MA, and after November 2008[26], have been accessed repeatedly and primarily from the IP address -- 98.229.118.124 -- which, according to the records of Comcast, was as of November 2008, assigned to 6 Fairhaven Circle, Sudbury, MA. Yahoo! Records indicate that MEHANNA's account was established in December 2000. Records obtained from Yahoo! Inc. demonstrate that as recently as August 8, 2009, MEHANNA sent electronic mail from the tariq.mehanna@yahoo.com account which was assigned the same IP address, 98.229.118.124. For example, on August 4, 2009 MEHANNA sent a message providing contact information for Aafia Siddiqui, a defendant detained in New York on terrorism charges. On August 8, 2009, MEHANNA sent a message to a relative of Daniel Maldonado.

117. In addition, MEHANNA also maintains an internet web log ("blog") with the internet address iskandrani.wordpress.com.

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[26]MEHANNA was arrested in November 2008 and was detained for several days in custody. During the time of MEHANNA's detention, according to Yahoo! records, ibnul_khattab82@yahoo.com was accessed on a handful of occasions, all from an IP address which was different from the one listed above.

According to the records of Automattic Inc., this web log account is maintained by ibnul_khattab82@yahoo.com. I have accessed this website on several occasions, and I know that MEHANNA posts a variety of messages, including his reflections of the abuse of prisoners by Americans, and a variety of quotations interpreting religious doctrine. Most significantly, MEHANNA posts English translations of various work, including separate web pages devoted exclusively to certain individuals including Sayyid Qutb, Abu Muhammad al-Maqdisi[27] and Abdullah Azzam, all of whom I know to be influential advocates of jihad and the spiritual patrons of several combat theaters of the mujahideen, including Afghanistan and Iraq. MEHANNA frequently posts new entries on his blog, and there is a program embedded on his blog that indicates whether MEHANNA is currently on-line and available to chat with a visitor to his site. As recently as October 14, 2009, MEHANNA had posted an entry on his blog, and as of October 19, 2009, the web-chat function indicated that he was on-line and ready to chat.

118. According to public sources on the internet MEHANNA also tried to inspire others to engage in terrorism through his

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[27]According to the bipartisan Staff Report of the United States Senate Committee on Homeland Security and Governmental Affairs published on May 8, 2008, Abu Muhammad al Maqdisi is a trained cleric who served as the spiritual guide for Abu Musab al Zarqawi, al Qa'ida's former commander in Iraq. Maqdisi, the report continues, is a contemporary leader in using the Internet to enlist and inspire violent Islamist ideology.

own words after the 2006 search of the Computer. For example, within the last few days, I accessed a poem attributed to MEHANNA, which is readily available on the internet entitled "Make Martyrdom what you Seek." The author is described as the person from iskandrani.wordpress.com.

Evidence Being Sought

119. I know that communication and expressions about jihad are of evidentiary value in a terrorism investigation. This is the case even if those expressions are cloaked in religious discussion. Such communications and expressions of thought provide insight into what a person's intent is or was when engaging in some other activity. In addition, in some cases, such activities themselves can rise to the level of incitement to engage in crimes, or may constitute the provision of resources or services to terrorist organizations, such as in the case of serving as a communications conduit, a translation expert, a propaganda purveyor, or other crucial component of modern terrorist organizations. Many experts have described how these types of functions, often conducted over the internet, are integral to the functioning of terrorist organizations and engaging in acts of terrorism. For example, according to testimony before the House Permanent Select Committee on Intelligence in May 2006, almost all terrorist organizations have

an internet presence which is a critical component of their strategies to engage in propaganda, recruit, raise funds, operationally communicate, in essence, to perform the necessary support functions of terror. Al Qa'ida and Lashkar e Tayyiba specifically have recognized the priority of these functions and maintain robust networks on the internet. Moreover, I know that testimony describing the legal significance of these activities in the context of a terrorism prosecution has also been introduced in various United States courts as well as in other countries in cases where computers have been used to further the illegal objectives of terrorists and their organizations. Most recently, I know that in June 2009, the District Court of the Northern District of Georgia issued an order qualifying an expert to, among other things, describe the use of the internet by international terrorists, and particularly the significance of information very similar to that described above. Consequently, the evidence sought in this application is probative of the criminal charges being investigated in this matter.

120. In light of the above information, there is probable cause to believe that the Computer and its contents constitute evidence of the commission of a criminal offense, contraband, fruits of crime and things otherwise criminally possessed as well as property designed and intended for use, and that has been

used, as a means of committing the criminal offense of violations of 18 U.S.C. §§ 2339A, 2339B, 956, and 371. There is also probable cause to believe that the Computer was involved in, or was used or intended to be used to commit, violations of 18 U.S.C. § 2339A and 2339B against the United States, or citizens of the United States, or their property. Accordingly, the Computer is subject to seizure and forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(G)(iii) and 28 U.S.C. § 2461(c).

121. Although it appears that by November 2008, some or all of the evidence which the FBI had seized in August 2006 had been changed or destroyed, I believe based on the extensive past pattern of usage of this computer, MEHANNA's continued and active internet presence, and the lack of any imminent scrutiny which would give MEHANNA reason to engage in the potentially time intensive process of selectively destroying potentially inculpatory evidence, that the Computer likely continues to contain evidence of MEHANNA's past and present support for terrorists in violation of 18 U.S.C. § 2339A, support for a designated terrorist organization, (to wit: al Qa'ida and Lashkar e Tayyiba) in violation of 18 U.S.C. § 2339B, as well as evidence of his conspiracy to make materially false, fictitious and fraudulent statements, evidence of a conspiracy to kill in a

foreign country, and conspiracy to provide false information and documents containing false information, and conceal material information, concerning matters within the jurisdiction of the executive branch of the Government of the United States, in violation of 18 U.S.C. § 371.

122. Another reason I believe there is evidence on the Computer presently is that any data or other identifying information from the Computer which demonstrates MEHANNA or other co-conspirator's use of the Computer at any time will have evidentiary value as it bolsters the authentication of the evidence which has existed on the Computer in the past.

123. I believe that, if a computer or electronic medium is found on the premises, there is probable cause to believe those records will be stored in that computer or electronic medium, for at least the following reasons:

124. Based on my knowledge, training, and experience, I know that computer files or remnants of such files can be recovered months or even years after they have been downloaded onto a hard drive, deleted or viewed via the Internet. Electronic files downloaded to a hard drive can be stored for years at little or no cost. Even when files have been deleted, they can be recovered months or years later using readily-available forensics tools. When a person "deletes" a file on a

home computer, the data contained in the file does not necessarily disappear; rather, that data may remain on the hard drive until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space—that is, in space on the hard drive until it is overwritten by new data. In addition, a computer's operating system may also keep a record of deleted data in a "swap" or "recovery" file. Similarly, files that have been viewed via the Internet are typically automatically downloaded into a temporary Internet directory or "cache." The browser often maintains a fixed amount of hard drive space devoted to these files, and the files are only overwritten as they are replaced with more recently viewed Internet pages or if a user takes steps to delete them.

125. In addition, I believe a search of the Computer may reveal evidence of the selective destruction of data, which is probative of MEHANNA's consciousness of guilt and his attempt to conceal his and others' discussions and activities in support of international terrorism. A search of the Computer may also reveal evidence that MEHANNA had previously wiped certain portions of data which had previously appeared on the Computer after the 2006 search. I know that fragments of data may remain on a computer after it is deleted or moved and forensic analysis

can reconstruct many events which resulted in the manipulation of computer data. I also know that data once on a computer tends to remain on the computer indefinitely unless it is manipulated or destroyed. Moreover, unlike in 2008 prior to his attempted emigration to Saudi Arabia, MEHANNA has no reason to abandon his computer presently and he is not likely to suspect an imminent search of the Computer, therefore, it is unlikely that MEHANNA has recently once again wiped selected data off of the Computer.

126. I believe MEHANNA's present usage of the Computer may be greater than it was prior to the 2008 Search. In connection with the pending charges against him, MEHANNA is on strict conditions of release from this Court which restrict his ability to leave his home. He is also on a midnight to 6:00 a.m. curfew. Further, when I have gone to his website on repeated occasions over the past several days, I have consistently found that MEHANNA is on-line, as reflected by the chat window on his web-log site. Thus, he is home and online, and I believe using the Computer, quite frequently. Consequently, I believe the Computer as it exists today also contains evidence of the type which has existed on the Computer over the past several years.

Seizure of Computer Equipment and Data

127. Based on my knowledge and training and the experience of other agents with whom I have spoken, I know that in order to

completely and accurately retrieve data maintained in computer hardware, computer software or storage media, to ensure the accuracy and completeness of such data, and to prevent the loss of the data either from accidental or programmed destruction, it is often necessary that computer equipment, software, peripherals, and related documentation be seized and subsequently processed by a qualified computer specialist in a laboratory setting. This is true because of the following:

a. The volume of evidence. Computer storage devices (such as hard disks, flash drives, magnetic and optical disks) can store the equivalent of thousands or, in some instances, millions of pages of information. Additionally, a user may seek to conceal evidence by storing it in random order or with deceptive file names. Searching authorities may need to examine all the stored data to determine which particular files are evidence or instrumentalities of criminal activity. This sorting process can take weeks or months, depending on the volume of data stored, and it would be impractical to attempt this analysis on-site.

b. Technical requirements. Analyzing computer systems for criminal evidence is a highly technical process requiring expertise and a properly controlled environment. The vast array of computer hardware and software available requires

even computer experts to specialize in some systems and applications. Thus, it is difficult to know, before the search, which expert possesses sufficient specialized skill to best analyze the system and its data. Furthermore, data analysis protocols are exacting procedures, designed to protect the integrity of the evidence and to recover even "hidden," deleted, compressed, password-protected, or encrypted files. Many commercial computer software programs also save data in unique formats that are not conducive to standard data searches. Additionally, computer evidence is extremely vulnerable to tampering or destruction (both from external sources and destructive code imbedded in the system as a "booby trap").

128. In light of the volume of data at issue and these technical requirements, it is generally necessary that data, hardware, software, and storage media, be seized and subsequently processed by a qualified computer specialist in a laboratory setting rather than in the location where it is seized. It is also generally necessary for agents to seize most or all of a computer system's input/output peripheral devices, software, and computer-related documentation, in order for a qualified computer expert to accurately retrieve the system's data in a laboratory or other controlled environment.

129. Attachments B, C, and D to the proposed warrant, which contain sections relating to the search and seizure of computer equipment and data, are appended to my Affidavit and incorporated by reference.

Conclusion

130. Based on the information set forth above, there is probable cause to believe that the Computer and its contents constitute evidence of the commission of a criminal offense, contraband, fruits of crime and things otherwise criminally possessed as well as property designed and intended for use, and that has been used, as a means of committing the criminal offense of violations of 18 U.S.C. §§ 2339A, 2339B, 956, and 371.

131. Based on the above facts and circumstances, there is probable cause to believe that the Computer was involved in, or was used or intended to be used to commit, violations of 18 U.S.C. § 2339A and 2339B against the United States, or citizens of the United States, or their property. Accordingly, the Computer is subject to seizure and forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(G)(iii) and 28 U.S.C. § 2461(c).

132. Based on the above facts and circumstances, there is probable cause to believe that the Computer will be found at the residence of TAREK MEHANNA in Sudbury, Massachusetts.

Heidi L. Williams
Special Agent
Federal Bureau of Investigation

Sworn to before me this 20th day of October 2009, under the pains and penalties of perjury, at Boston, Massachusetts.

Leo T. Sorokin
United States Magistrate Judge

ATTACHMENT A

Description of 6 Fairhaven Circle, Sudbury, MA 01776

6 Fairhaven Circle, Sudbury, MA, 01776 can be described as follows:

A Single family residence, 2 story, wood framed structure, yellow siding, asphalt paved driveway entering property to the right of residence leading to a two car garage, large wood framed deck in the rear, mailbox located at the entrance to the driveway with the number "6" affixed to it, the number "6" is affixed on the front of the residence to the right of the front door and a white fence along three sides of the residence. The residence is the first house on the left when entering Fairhaven Circle from Hudson St.

ATTACHMENT B

DEFINITIONS

For the purpose of this Warrant:

1. "Computer hardware" means: electronic devices capable of data processing (such as laptop and desktop computers, personal digital assistants ("PDAs"), and wireless communication devices); peripheral input/output devices (such as keyboards, printers, scanners, monitors, and drives intended for removable storage media); related communications devices (such as wireless cards, modems, cables, and connections), and security devices, (such as electronic data security hardware and physical locks and keys).

2. "Computer software" means: programs, program codes, information and data stored in any form (such as operating systems, applications, utilities, communications and data security software; log, history and backup files; encryption codes; user names; and passwords), whether deliberately, inadvertently, or automatically stored.

3. "Computer-related documentation" means: any material that explains or illustrates the configuration or use of any seized computer hardware, software, or related items.

4. "Storage media" means: any media capable of collecting, storing, retrieving, or transmitting data (such as hard disks, floppy diskettes, CDs, DVDs, tapes and memory cards).

5. "Data" means: all information stored on storage media of any form (such as documents, tables, metadata, audio and visual files, their drafts and their modifications, whether deliberately, inadvertently, or automatically stored).

6. "A Record" is: any communication, representation, information or data. A "record" may be comprised of letters, numbers, pictures, sounds or symbols.

ATTACHMENT C

ITEMS TO BE SEIZED

A. All records, in whatever form, and tangible objects that constitute evidence, fruits, and/or instrumentalities of Providing Material Support to Terrorists in violation of 18 U.S.C. § 2339A, Providing Material Support or Resources to a Foreign Terrorist Organization in violation of 18 U.S.C. § 2339B, Conspiring to kill in a Foreign Country in violation of 18 U.S.C. § 956, and Conspiring to violate the laws of the United States to wit: making false, fictitious or fraudulent statements, providing such statements or documents and concealing material information concerning matters within the jurisdiction of the executive branch of the government, in violation of 18 U.S.C. § 371, as set forth below:

1. Records of activities or usage relating to the operation or ownership of any computer hardware, software, storage media, or data (such as user names, passwords, telephone records, notes, books, diaries, and reference materials).

2. Records pertaining to accounts held with companies providing Internet access or remote storage of either data or storage media.

3. Records relating to ownership, or use of the premises to be searched.

4. Records, including but not limited to video files, audio files, images, stored messages, word processed documents, cached web pages relating to the support of jihad, international terrorism, and concealing of the same.

5. Records of communications with others related to jihad, international terrorism, and concealing of the same.

6. Records demonstrating the selective movement or destruction of data.

7. Records reflecting the communications with or the existence, identity, travel or whereabouts of, any co-conspirators;

8. Records reflecting the existence or location of physical media storing electronic data, such as hard drives, CD- or DVD-ROMs, or thumb drives; and

9. Records reflecting the existence or location of paper print-outs of any data from any of the above.

B. All computer hardware; computer software; computer-related documentation; and storage media. Off-site searching of such hardware, software, documentation, and storage media, shall be limited to searching for the items described in paragraph A of this attachment and shall be done according to the procedures set out in Attachment D.

ATTACHMENT D

PROCEDURES FOR SEIZING COMPUTERS AND RELATED DEVICES

1. Seizing hardware and software

Agents are authorized to seize and remove from the premises the computer hardware, software, related documentation, and storage media, so that computer analysts can accurately retrieve the items authorized by this warrant in a laboratory or other controlled environment. The retrieval process does not need to be completed within 10 days after the date of the warrant or before the return of the written inventory required by Fed. R. Crim. P. 41(a).

2. Returning hardware and software

If, after inspecting a seized computer system, the agents and computer analysts determine that these items are no longer necessary to retrieve and preserve electronic evidence, the prosecutor determines that they need not be preserved as evidence, fruits or instrumentalities of a crime, and these items do not contain contraband, they should be returned within a reasonable time, upon written request.

If the computer system cannot be returned, agents should, upon written request, make available to the computer system's owner, within a reasonable time period after the execution of the warrant, copies of files that are neither the fruits nor instrumentalities of crime nor contraband.

3. Potentially privileged attorney client materials

The government will undertake to avoid inadvertent review of potentially privileged communications between Tarek Mehanna and his attorneys by agents or prosecutors involved in 09-CR-10017-GAO. An agent and/or attorney not involved with 09-CR-10017-GAO, initially shall seek to identify communications, if any, between Mehanna and his attorneys concerning 09-CR-10017-GAO, so that they may be segregated prior to the search for the materials described in Attachment C. All agents, including both the initial screening agents and those conducting the search for the materials in Attachment C, will be made aware that Tarek Mehanna is currently under indictment and represented by Jay W. Carney Jr. and Steven R. Morrison of the law firm of Carney and Bassil, P.C., and the law firm has an internet and email addresses at carneybassil.com.