

## AFFIDAVIT

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 approximately nine years. I have been assigned to the JTTF for approximately six 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 my review of statements of witnesses or reports of others who conducted interviews, as well as discussions with other agents who conducted interviews, my review of recorded conversations made by a cooperating witness ("CW1") and documents related to this investigation, as well personal observations or reports of the observations of other agents. It does not, however, include all the information known to me or other agents with respect to this investigation, but only that information which is necessary to establish the requisite probable cause.

3. I am submitting this affidavit in support of a criminal complaint charging TAREK MEHANNA ("MEHANNA"), with making a materially false, fictitious and fraudulent statement concerning a matter within the jurisdiction of the executive branch of government, that is, an investigation by the Federal Bureau of

Investigation involving international terrorism, in violation of Title 18, United States Code, Section 1001(a)(2).

4. The Federal Bureau of Investigation, an agency within the executive branch of government, was conducting a terrorism investigation, as that phrase is defined in Title 18, United States Code, Section 2331(1), that concerned, inter alia, the participation of DANIEL MALDONADO in military training and action in Somalia, in an alliance with the terrorist organization Al Qa'ida. On December 16, 2006, MEHANNA was interviewed by a Special Agent of the FBI and a Special Federal Officer, who were both assigned to the JTTF. Among the questions that were asked of MEHANNA was his knowledge of the whereabouts and activities of MALDONADO. The FBI was conducting a terrorism investigation which included MALDONADO's training for violent jihad in Somalia. At the time of the interview, MEHANNA knew that MALDONADO was in Somalia and further, he knew that MALDONADO was receiving terrorist training and was involved in fighting. MEHANNA knew this because on December 12, 2006, he had received three successive telephone calls from MALDONADO in Somalia. During coded conversations, MALDONADO told MEHANNA that he was receiving military training (in Somalia) and urged MEHANNA to join him in training for jihad. During the December 16, 2006 interview, however, MEHANNA told the JTTF agents that MALDONADO was in Egypt working for a website. MEHANNA's false statements obstructed an investigation of, and involved and were intended to promote, a

federal crime of terrorism as defined in Title 18, United States Code, Section 2332b(g) (5).

#### **FACTS**

##### **The Telephone Calls from Somalia on December 12, 2006**

5. When MEHANNA was interviewed by the agents of the JTTF on December 16, 2006, he provided his cell number as 978-760-0658. According to records of AT&T, that number is subscribed to in the name of MEHANNA's father. The address on the account is the MEHANNA family residence in Sudbury, where TAREK MEHANNA also lives.

6. The following information is reflected in the records of AT&T: On December 12, 2006, at 10:41 p.m., there was an incoming call from number 25215847861. (The first three digits, "252," is the country code for Somalia.) According to the records from AT&T, the call lasted 2 minutes. At 11:24 p.m., there was another incoming call from the same number. The AT&T records indicate that the call lasted 11 minutes. At 11:35 p.m., there was a third incoming call. The records identify the number from which the call was made as 521-584-7861. (I believe that this was a third call from the same number, that is, MALDONADO in Somalia, but for some reason, the first digit, "2," of the country code is not reflected in the records of AT&T.) The AT&T records indicate that the call lasted 5 minutes.

**Recorded Conversation on December 13, 2006  
re: "Dan moved to Somalia."**

7. The next day, on December 13, 2006, CW1 recorded a conversation with TAREK MEHANNA. During the conversation, MEHANNA told CW1 and another person that "DAN [MALDONADO] moved to Somalia." MEHANNA explained that "I looked up the country code on the internet and I saw Somalia." He further explained that DAN's "whole family moved there," and had gotten there by taking "a direct flight from Dubai to Mogadishu" (the capital of Somalia). MEHANNA continued, "he [MALDONADO] lived in Egypt and then he took a flight to Dubai."

**December 16, 2006 Interview with JTTF re: MALDONADO**

8. On December 16, 2006, TAREK MEHANNA was interviewed by two members of the JTTF in furtherance of terrorism investigations they were conducting. Although much of the interview concerned a trip by MEHANNA and two other individuals to Yemen in 2004, MEHANNA was also asked about DANIEL MALDONADO. 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 the previous August 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.

**February 25, 2007 Recorded Conversation Re: Lies to the FBI**

9. On February 25, 2007, CW1 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. During the conversation with CW1 on February 25, 2007, 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. CW1 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].

10. MEHANNA stated that he could not understand why MALDONADO (as reported in the news) had confessed to details of his training while in Somalia. MEHANNA told CW1 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. According to MEHANNA, MALDONADO was very "cryptic" and never said "I'm fighting." CW1 asked MEHANNA about some of the coded words MALDONADO had reportedly used such as "culinary school" and "peanut butter and jelly," or "P, B & J." MEHANNA told CW1 that when MALDONADO told MEHANNA that he was "making peanut butter and jelly sandwiches," MEHANNA warned MALDONADO that he shouldn't say stuff like that over the telephone. CW1 asked MEHANNA what the phrase meant; MEHANNA stated that, in general, it meant "I'm here fighting."

11. MEHANNA told CW1 that he was concerned that he was caught in a lie by the FBI. He told CW1 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 was a problem, and he wasn't sure how he was going to explain that specifically. MEHANNA stated, "My other problem is this, when the FBI asked me where Dan was ... I told them he was still

in Egypt ... and he had called me the day before that from Somalia ... That's very bad. I don't know how the heck I'm gonna explain that one." MEHANNA continued, "I don't ever remember if he said the word Somalia on the phone, but that's a problem because like lying to them in and of itself is a crime."

#### **Corroboration from DANIEL MALDONADO**

12. 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.

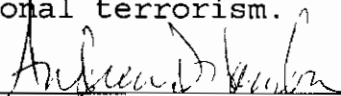
13. In November 2005, MALDONADO traveled to Egypt and in November 2006, he moved to Somalia with his wife and three children. In June 2006, the Islamic Courts Union ("ICU") took control of Mogadishu, the capital of Somalia. The ICU intended to rule Somalia under Islamic law ("Sharia"). In or about late 2006, Ethiopia intervened in Somalia against the Islamic forces. MALDONADO fled to Kenya in the face of attacks by Ethiopian forces and was captured by the Kenyan military. 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 to live in an Islamic state. He stated that he received training in the use of weapons and explosives.

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

15. After his capture, MALDONADO was questioned on several occasions by special agents of the FBI. He was criminally charged in the Southern District of Texas, and, after being returned to that district for prosecution, pleaded guilty to an 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.

#### CONCLUSION

16. Based on the information set forth above, I have probable cause to believe that the defendant TAREK MEHANNA violated Title 18, United States Code, Section 1001(a)(2), by making materially false, fictitious and fraudulent statements in a matter within the jurisdiction of the executive branch of Government, involving international terrorism.

  
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Andrew Nambu  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this 7th day of November 2008, under the pains and penalties of perjury, at Boston, Massachusetts.

  
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Leo T. Sorokin  
United States Magistrate Judge