

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

**KHAIRULLOZHON MATANOV,
Defendant**

Crim. No.

VIOLATIONS:

18 U.S.C. § 1519 (Destroying, Altering, and Falsifying Records, Documents, and Tangible Objects in a Federal Investigation)

18 U.S.C. § 1001(a)(2) (Making a Materially False, Fictitious, and Fraudulent Statement in a Federal Investigation Involving International and Domestic Terrorism)

INDICTMENT

The Grand Jury charges:

INTRODUCTION

A. THE BOSTON MARATHON BOMBINGS ON APRIL 15, 2013 AND THE RESULTING INVESTIGATION

1. On April 15, 2013, at approximately 2:49 p.m., two improvised explosive devices exploded on the north side of Boylston Street along the Boston Marathon's final stretch while the race was underway.

2. Each explosion killed at least one person; maimed, burned, and wounded scores of others; and damaged public and private property. In total, three people were killed and over two hundred individuals were injured.

3. Shortly afterward, the bombings were widely publicized through a variety of media, including radio, television, and the Internet.

4. Immediately following the bombings, thousands of law enforcement personnel

from local police departments, the Massachusetts State Police, and federal agencies conducted an extensive investigation into the bombings, all led by the Federal Bureau of Investigation's (FBI's) Joint Terrorism Task Force (JTTF).

5. As part of this terrorism investigation, law enforcement personnel conducted an extensive manhunt for the bombers throughout the Boston metropolitan area and elsewhere and numerous interviews to, among other things, uncover and thwart any other planned attacks; identify, locate, and arrest the bombers; and collect evidence.

6. On April 18, 2013, at approximately 5:15 p.m., the FBI published on its website photographs of two individuals suspected of detonating the bombs at the Marathon. Those photographs were quickly and widely republished throughout the media, including by CNN over its website.

7. On April 19, 2013, at approximately 2:00 a.m., the FBI published additional photographs of the two suspects on its website.

8. The photographs published on April 18 and 19 depicted two brothers: Tamerlan Tsarnaev, who resided in Cambridge, Massachusetts, and Dzhokhar A. Tsarnaev who resided in Cambridge, Massachusetts and Dartmouth, Massachusetts. Their names were publicly released later.

9. Between the late night hours of April 18, 2013, and the early morning hours of April 19, 2013, Tamerlan and Dzhokhar Tsarnaev engaged in a shootout with law enforcement in Watertown, Massachusetts, that involved firearms and improvised explosive devices. Tamerlan Tsarnaev was injured and died shortly thereafter.

10. Dzhokhar Tsarnaev escaped the shootout and remained at large until the evening

of April 19, 2013, when he was arrested after hiding from police in a drydocked boat in a Watertown, Massachusetts backyard.

11. During the investigation, which continued after Dzhokhar Tsarnaev's arrest, it was material to collect all available evidence and identify all witnesses related to the bombings and the bombers' movements, and to determine, among other things, (a) who, if anyone, had conspired with the Tsarnaevs; (b) where the conspirators had been, and with whom they had met, before and after the bombings; (c) each of the conspirators' roles in planning and executing the bombings; (d) how the conspirators decided to bomb the Marathon; (e) the identities of any individuals with whom the conspirators might have discussed terrorism; (f) the nature and extent of those individuals' friendship, contact, and communication with the conspirators; and (g) any information and views that those individuals held related to terrorism and the conspirators.

B. THE DEFENDANT AND HIS CONTACT WITH THE TSARNAEVS DURING THE WEEK OF THE BOMBINGS

12. KHAIRULLOZHON MATANOV is a citizen of Kyrgyzstan who entered the United States lawfully in 2010, has lived in Massachusetts since then and has worked, among other jobs, as a taxicab driver.

13. While in the United States, MATANOV met Tamerlan Tsarnaev and became friends with him, and he also knew Tamerlan Tsarnaev's brother, Dzhokhar Tsarnaev. MATANOV participated in a variety of activities with Tamerlan Tsarnaev, including discussing religious topics and hiking up a New Hampshire mountain in order to train like, and praise, the "mujahideen."

14. In the hours and days following the bombings, MATANOV contacted and attempted to contact Tamerlan and Dzhokhar Tsarnaev by cellphone and saw Tamerlan in person

at least twice.

15. About forty minutes after the bombings, at approximately 3:31 p.m. on Monday, April 15, 2013, MATANOV called Tamerlan Tsarnaev and invited him to dinner that night. Tamerlan accepted. That night, MATANOV bought Dzhokhar and Tamerlan Tsarnaev dinner at a restaurant.

16. After MATANOV returned home from dinner with the Tsarnaevs following the bombings on Monday, April 15, MATANOV spoke with Witness 1 (whose name is known to the Grand Jury). When Witness 1 told MATANOV that Witness 1 hoped that the Boston Marathon bombers were not Muslim, MATANOV initially responded that the bombings could have had a just reason, such as being done in the name of Islam, that he would support the bombings if the reason were just or the attack had been done by the Taliban, and that the victims had gone to paradise.

17. In the days following the bombings, MATANOV continued to express support for the bombings, although later that week he said that maybe the bombings were wrong. He expressed sympathy for the victims' families, although he continued to explain away the significance of the victims' deaths on the ground that everyone must eventually die.

18. On Wednesday, April 17, 2013, MATANOV called Dzhokhar Tsarnaev at approximately 5:04 p.m., but did not connect. Within a minute or so, MATANOV called Tamerlan Tsarnaev and talked for almost one-and-a-half minutes. He then placed a call to Dzhokhar Tsarnaev around 5:35 p.m. that did not connect. At around 6:53 p.m., MATANOV called Tamerlan Tsarnaev again, and talked for about a minute. MATANOV made another call to Dzhokhar Tsarnaev that did not connect on April 17, 2013, a few minutes later, around 6:57

p.m. At some point later that night, MATANOV visited Tamerlan Tsarnaev at his residence in Cambridge, Massachusetts. Around 9:35 p.m. the same night, MATANOV made another call to Dzhokhar Tsarnaev that did not connect.

19. The next day, Thursday, April 18, 2013, at approximately 5:15 p.m., the FBI published on its website photographs of the suspected bombers which were quickly and widely republished, including on CNN's website. Shortly after the FBI released the photographs, MATANOV accessed them and stories about them on the FBI's and CNN's websites several times between approximately 5:42 p.m. and 7:17 p.m. About one hour later, at approximately 8:16 p.m., MATANOV called Dzhokhar Tsarnaev's cellphone, but again did not connect with him.

20. About six hours later, on Friday, April 19, 2013, at approximately 2:00 a.m., the FBI published on its website additional photographs of the two suspects. Again, these photographs were quickly and widely republished throughout the media, including by CNN over its website. A short time after that, from approximately 2:33 a.m. to 2:35 a.m., MATANOV accessed these photographs and stories about them and the bombing investigation on CNN's and the FBI's websites, using his laptop computer.

21. About five hours later, around 7:17 a.m., MATANOV made a final call to Dzhokhar Tsarnaev's cellphone that did not connect, at a time when Dzhokhar Tsarnaev was still evading law enforcement.

C. MATANOV'S COVER-UP

22. On or about April 18, 2013, and continuing thereafter, MATANOV understood that federal investigators were investigating the Tsarnaevs as the suspected Boston Marathon

bombers and that as a part of their investigation, federal investigators would likely want to discuss with MATANOV his friendship, contact, and communication with Dzhokhar and Tamerlan Tsarnaev, especially in the week following the bombings, and any information and views he held related to terrorism and the Tsarnaevs. MATANOV then tried to discourage and impede that investigation.

23. Early in the morning of Friday, April 19, MATANOV, visibly upset, woke up Witness 1. When Witness 1 asked MATANOV why he appeared upset, MATANOV answered that pictures of the bombers had been released and he knew the bombers. MATANOV falsely told Witness 1 that he did not know whether Tamerlan Tsarnaev had any extremist views. Witness 1 suggested that MATANOV contact local authorities or the Federal Bureau of Investigation, rather than wait for them to come for him as a suspect.

24. Around 6:55 a.m., MATANOV received a telephone call from one of his regular taxicab clients, Witness 2 (whose name is known to the Grand Jury), who asked him for a ride. While in the car, Witness 2 and MATANOV listened to the news on the radio and heard the suspected bombers' home address. MATANOV told Witness 2 that he recognized the address as belonging to his friend. When Witness 2 asked how long it had been since MATANOV had been at that address, MATANOV falsely claimed that it had been a while, when in fact he had been at Tamerlan Tsarnaev's apartment less than two days previously, as alleged above in paragraph 18. It was during this taxicab ride that MATANOV made his final call to the cellphone of Dzhokhar Tsarnaev (then still evading law enforcement), as set forth above in paragraph 21.

25. Later that morning, MATANOV visited Witness 3 (whose name is known to the

Grand Jury) and told Witness 3 that Tamerlan Tsarnaev was dead, and that he, Witness 3, had met Tamerlan when MATANOV introduced the two. MATANOV then asked Witness 3 to take some cellphones which were then in MATANOV's possession because, MATANOV said, they were illegal and might be found if the FBI searched his apartment, which MATANOV said could happen due to MATANOV's friendship with Tamerlan Tsarnaev. Witness 3 refused to take MATANOV's cellphones.

26. Later that morning, MATANOV picked up Witness 2 again in his cab. In the course of driving Witness 2, MATANOV stated that he wondered whether he should go to the police. Witness 2 suggested that they speak to a police sergeant that Witness 2 knew. After they were unable to reach that individual, MATANOV and Witness 2 drove to the Braintree Police Department, where they told the police that MATANOV knew Tamerlan Tsarnaev.

27. MATANOV was then interviewed by a Braintree Police detective, in the presence of Witness 2.

28. At the start of the interview, the detective informed MATANOV and Witness 2 that the Braintree Police Department would likely pass their information on to federal investigators, which MATANOV acknowledged.

29. Although MATANOV acknowledged knowing the Tsarnaevs, their telephone numbers, and certain other details about them, MATANOV also told the detective some information that he intended to be false and misleading.

30. MATANOV told the detective that he had not seen the photographs of the Tsarnaev brothers released by the FBI the previous night, which MATANOV intended to be false, misleading, and to conceal the fact that MATANOV had seen the photographs soon after

they were released on April 18 and April 19.

31. MATANOV also told the detective that he mostly knew the Tsarnaevs through a common place of worship and through playing soccer, which MATANOV intended to be false, misleading, and to conceal the fact that MATANOV was Tamerlan Tsarnaev's friend and had seen him twice that week on occasions unconnected with soccer or worship.

32. MATANOV also told the detective that he knew that Tamerlan Tsarnaev had a wife and a daughter, but claimed not to know whether they lived with Tamerlan, which MATANOV intended to be false, misleading, and to conceal the fact that MATANOV knew that Tamerlan Tsarnaev lived with his wife and daughter and that MATANOV had even exchanged greetings with Tamerlan's wife and played with his daughter while he visited the Tsarnaev residence less than two days previous.

33. MATANOV also told the detective that he had not "participate[d] with" Tamerlan Tsarnaev at a house of worship since 2011, which MATANOV intended to be false, misleading, and to conceal the fact that MATANOV had been at a house of worship with Tamerlan at least as recently as August 2012.

34. At the end of the interview, in a discussion of whether MATANOV should contact the FBI himself, MATANOV said that his information would not assist the FBI in conducting their investigation, which he knew, he said, because he had studied law.

35. The detective nevertheless told MATANOV that the FBI might still want to talk to him, and MATANOV agreed to talk with the FBI.

36. At some point before or around noon on April 19, 2013, MATANOV told Witness 1 that he had visited the police and might be contacted by the FBI.

37. MATANOV then asked Witness 1 to keep one or two of his cellphones. Witness 1 refused, telling MATANOV that to do so would be illegal.

38. MATANOV also asked Witness 1 to reformat or help reformat MATANOV's computer, which Witness 1 understood as a request to delete all of the computer's data. Witness 1 refused. MATANOV then asked Witness 1 to just help him delete a few things from his computer. Witness 1 refused again, saying that Witness 1 did not want to delete any evidence that someone else might need later on. MATANOV responded that Witness 1 was not a good "brother."

39. MATANOV nevertheless deleted a large amount of information from his computer, some of which the FBI has been able to restore in an ongoing forensic review.

40. The information that MATANOV deleted included his computer's Internet cache, which his default Internet browser, Google Chrome, used to speed up the program's operation by storing some Internet information, such as references to past Internet searches on Google or snapshots of webpages that MATANOV had visited. Between April 18, 2013, and approximately 6:00 a.m. on April 19, 2013, MATANOV deleted a large amount of information from his Google Chrome Internet cache. The deletions included references to the video of the suspected bombers (later identified as the Tsarnaevs) released by the FBI on April 18, 2013, at approximately 5:15 p.m., two of the photographs of the bombers released at approximately the same time, and a photograph of Officer Sean Collier, who had been allegedly killed by Dzhokhar and Tamerlan Tsarnaev on the evening of April 18, 2013. MATANOV deleted his Google Chrome activity selectively, leaving behind Google Chrome activity from other days during the week of April 15, 2013.

41. The data that MATANOV deleted included approximately 902 out of 903 folders/files from his computer's "VIDEOS" folder, and approximately 377 out of 402 folders/files from its "Documents" folder. MATANOV deleted all these files at some point between 2:36 a.m. on April 19, 2013 (right after MATANOV viewed the Tsarnaevs' pictures on the Internet) and approximately 7:56 p.m. on April 20, 2013 (when the FBI obtained MATANOV's computer). MATANOV deleted at least about 300 of those files on Friday, April 19, approximately between 12:12 p.m. and 12:13 p.m., shortly after MATANOV was told by the Braintree detective that he might be contacted by the FBI.

42. The files that MATANOV deleted included some files that contained violent content or calls to violence.

43. By deleting his Internet cache and other files, MATANOV obstructed the FBI's determination of his Internet activity during the night of April 18 and the day of April 19, 2013, and the extent to which he shared the suspected bombers' philosophical justification for violence, among other topics of interest. MATANOV's deletions have thus obstructed the FBI's investigation of the bombings and the suspected bombers, and have caused the FBI to expend considerable additional resources during its investigation of the bombings and the suspected bombers.

44. Beginning on April 20, 2013, MATANOV spoke with federal investigators on several occasions. Although MATANOV soon dropped the pretense that he and Tamerlan Tsarnaev had not seen each other much, he continued to falsify, conceal, and cover up evidence of the extent of his friendship, contact and communication with the Tsarnaevs during the week of the bombings, especially during the hours following the bombings.

45. One subject about which MATANOV misinformed federal investigators concerned his interactions with the Tsarnaevs on April 15, 2013, the afternoon and evening of the bombings.

a. As discussed above, about 42 minutes after the Marathon was bombed on April 15, 2013, MATANOV called Tamerlan Tsarnaev, and they talked for approximately two minutes.

b. During an April 20, 2013 interview, MATANOV told members of the FBI's JTTF that he called Tamerlan at this time to discuss the Sunday night soccer game that Tamerlan had not attended. MATANOV then falsely claimed that on Monday evening, after the bombing, he was alone at a restaurant that he and the Tsarnaev brothers frequented, when the Tsarnaev brothers walked in. By this, MATANOV intended to give investigators the false impression that this was a chance meeting. MATANOV falsely claimed that the brothers had been sitting outside and that he had not seen the car in which they had arrived. MATANOV falsely claimed that he had not driven them to the restaurant or given them a ride at all that day. MATANOV admitted, however, that after the Tsarnaevs ordered their dinner at the restaurant, he paid for their food. MATANOV did not mention discussing the bombing with Tamerlan during the afternoon telephone call, but falsely and misleadingly said that at the restaurant when he first mentioned the bombings, he could not recall the brothers' response, and when he mentioned the bombings again, neither brother seemed interested in talking about them.

c. These statements and representations were intentionally false and

misleading because during the April 15, 2013 telephone call, MATANOV had, in fact, invited Tamerlan to dinner that evening and had even specified the time and the restaurant; on the way to the restaurant, MATANOV saw the Tsarnaevs and picked them up and drove them to where he parked his cab; the three discussed the bombings at the restaurant, and Tamerlan had said that he did not believe that Al Qaeda was responsible because Al Qaeda usually issues a statement accepting responsibility within two hours of an event, and had not made a statement about the bombing; and after eating, MATANOV drove the Tsarnaevs from the restaurant.

46. Another subject about which MATANOV misled investigators concerned when he first suspected and learned that the Tsarnaevs were suspected as the bombers, including how he learned this, where he was at the time, and with whom he had discussed his suspicions.

a. During the April 24 interview, MATANOV claimed to members of the FBI's JTTF that he first learned that Tamerlan Tsarnaev was a suspect in the Marathon bombings while he was in line at an unspecified location, and that he then told the woman behind him in line that he knew Tamerlan and Dzhokhar. This was false and misleading, because MATANOV viewed the Tsarnaevs' pictures on CNN's and the FBI's websites during the evening of April 18 and the early morning of April 19 and told Witness 1 that he knew the suspected bombers before leaving his apartment that morning.

b. During an interview on May 3, MATANOV claimed to members of the FBI's JTTF that the first time he thought that the Tsarnaev brothers were the

bombers was after hearing the phrase “Chechnyan brothers” from a policeman at the Quincy Adams T stop while driving Witness 2 on the morning of April 19. This was false and misleading, because MATANOV viewed the Tsarnaevs’ pictures on CNN’s and the FBI’s websites during the evening of April 18 and the early morning of April 19 and told Witness 1 that he knew the suspected bombers before leaving his apartment that morning.

c. During an interview on May 31, MATANOV claimed again to members of the FBI’s JTTF that the first time he suspected that the Tsarnaev brothers were the bombers was when the police at the T station told him that the suspects were Chechen brothers. This was false and misleading for the same reasons given in the prior sub-paragraph.

d. During an interview on July 8, MATANOV claimed to the FBI’s JTTF that after he reviewed the pictures of the suspected bombers on April 18, he did not look at the Internet again before he left for work on Friday morning. This was false and misleading. MATANOV looked at the Internet around 2:30 a.m. using his laptop and then again around 6:55 a.m. on his cellphone, the latter of which occurred about 15 minutes before he started work that morning.

e. Also during the July 8 interview, MATANOV falsely claimed that after he reviewed photographs of the suspected bombers from the Internet and suspected that the Tsarnaevs were the bombers, he did not discuss his suspicions with anyone, including Witness 1. However, as set forth above, after MATANOV reviewed the pictures, he discussed his suspicions with Witness 1.

47. Yet another subject about which MATANOV misled investigators concerned whether he had watched videos on his computer.
- a. As set forth above, MATANOV had deleted the vast majority of videos on his computer.
 - b. During the July 8 interview, MATANOV falsely claimed that he had not watched videos on his computer.
 - c. Ongoing forensic analysis indicates that he had opened dozens of videos on his computer, including as recently as January 2013, at least some of which depicted militaristic action.

COUNT 1
18 U.S.C. § 1519
**Destruction, Alteration, and Falsification of Records, Documents, and a Tangible Object in
a Federal Investigation**

48. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1 through 47 above, and further charges that:

From on or about April 19, 2013, through on or about April 20, 2013, in the District of Massachusetts, the defendant,

KHAIRULLOZHON MATANOV,

knowingly altered, destroyed, concealed, and covered up records, documents, and tangible objects, specifically, information on his computer, with the intent to impede, obstruct, and influence an investigation and the proper administration of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States Government, and its Joint Terrorism Task Force, and in relation to and contemplation of such investigation and matter.

All in violation of 18 U.S.C. § 1519.

COUNT 2
18 U.S.C. § 1001(a)(2)
**Making a Materially False, Fictitious, and Fraudulent Statement in a Federal Investigation
Involving International and Domestic Terrorism**

49. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1 through 47 above, and further charges that:

50. On or about April 20, 2013, in the District of Massachusetts, the defendant,

KHAIRULLOZHON MATANOV,

in a matter within the jurisdiction of the executive branch of the Government of the United States, specifically, the investigation of the Boston Marathon bombings conducted by the Federal Bureau of Investigation and its Joint Terrorism Task Force, knowingly and willfully made materially false, fictitious and fraudulent statements and representations, specifically, that MATANOV did not arrive at the restaurant with Tamerlan and Dzhokhar Tsarnaev on April 15, 2013; and that he had not driven them on the way to the restaurant or given them a ride at all that night. As KHAIRULLOZHON MATANOV there and then well knew, during a telephone call approximately forty minutes after the Boston Marathon bombings on April 15, 2013, he invited Tamerlan Tsarnaev to dinner that night; arrived at the restaurant with Dzhokhar and Tamerlan Tsarnaev; drove the Tsarnaevs on the way to and from the restaurant; and discussed the bombings with the Tsarnaevs while at the restaurant.

The offense involved domestic and international terrorism as defined in 18 U.S.C. § 2331.

All in violation of 18 U.S.C. § 1001(a)(2).

COUNT 3
18 U.S.C. § 1001(a)(2)
**Making a Materially False, Fictitious, and Fraudulent Statement in a Federal Investigation
Involving International and Domestic Terrorism**

51. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1 through 47 above, and further charges that:

On or about April 24, May 3, May 31, and July 8, 2013, in the District of Massachusetts, the defendant,

KHAIRULLOZHON MATANOV,

in a matter within the jurisdiction of the executive branch of the Government of the United States, specifically, the investigation of the Boston Marathon bombing conducted by the Federal Bureau of Investigation and its Joint Terrorism Task Force, knowingly and willfully made materially false, fictitious and fraudulent statements and representations, specifically, on or about April 24, 2013, MATANOV stated and represented that he first learned that Tamerlan and Dzhokhar Tsarnaev were the suspected bombers while he was at work driving a taxi at some time in the morning of April 19, 2013; on or about May 3, 2013, MATANOV stated and represented that the first time he thought that the Tsarnaevs were the bombers was at the Quincy Adams T stop, when he heard the phrase “Chechnyan brothers;” on or about May 31, 2013, MATANOV stated and represented that the first time that he suspected that the Tsarnaevs were the bombers was at the T station when hearing that the suspects were Chechnyan brothers; on or about July 8, 2013, MATANOV stated and represented that after he reviewed the photographs of the suspected bombers on April 18, 2013, he did not look at the Internet again before he left for work on April 19, 2013; and on or about July 8, 2013, MATANOV stated and represented that

after he reviewed photographs of the suspected bombers from the Internet, he did not discuss his suspicions with Witness 1. As MATANOV there and then well knew, MATANOV suspected, learned, and thought that Tamerlan and Dzhokhar Tsarnaev were the suspected bombers when he reviewed the suspected bombers' photographs in the afternoon and evening of April 18, 2013, and the early morning of April 19, 2013; after MATANOV reviewed the photographs on April 18, 2013, he looked at the Internet again early in the morning of April 19, 2013 on his laptop and once again on his cellphone as he left for work later that morning; and after MATANOV reviewed photographs of the suspected bombers on the Internet, he did discuss his suspicions that he knew the suspected bombers with Witness 1.

The offense involved domestic and international terrorism as defined in 18 U.S.C. § 2331.

All in violation of 18 U.S.C. § 1001(a)(2).

COUNT 4
18 U.S.C. § 1001(a)(2)
**Making a Materially False, Fictitious, and Fraudulent Statement in a Federal Investigation
Involving International and Domestic Terrorism**

52. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1 through 47 above, and further charges that:

On or about July 8, 2013, in the District of Massachusetts, the defendant,

KHAIRULLOZHON MATANOV,

in a matter within the jurisdiction of the executive branch of the Government of the United States, specifically, the investigation of the Boston Marathon bombing conducted by the Federal Bureau of Investigation and its Joint Terrorism Task Force, knowingly and willfully made materially false, fictitious and fraudulent statements and representations, specifically, that MATANOV did not watch certain video files that had been downloaded onto his computer. As KHAIRULLOZHON MATANOV there and then well knew, he had opened dozens of videos on his computer, including as recently as January 2013, most of which had been deleted.

The offense involved domestic and international terrorism as defined in 18 U.S.C. § 2331.

All in violation of 18 U.S.C. § 1001(a)(2).

A TRUE BILL

Foreperson of the Grand Jury

Scott L. Garland
Aloke S. Chakravarty
Assistant United States Attorneys

DISTRICT OF MASSACHUSETTS, Boston, MA May 29, 2014

Returned into the District Court by the Grand Jurors and filed.

Deputy Clerk