UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	Crim. No. 13cr 10238 DPW
	)	
v.	)	Violations:
	)	Conspiracy to Obstruct
DIAS KADYRBAYEV (1),	)	Justice - 18 U.S.C. § 371;
AZAMAT TAZHAYAKOV (2),	)	Obstruction of Justice -
and	)	18 U.S.C. § 1519;
ROBEL KIDANE PHILLIPOS (3),	)	Making False Statements -
	)	18 U.S.C. § 1001(a)(2); and
Defendants.	)	Aiding and Abetting -
	)	18 U.S.C. § 2.

SUPERSEDING INDICTMENT

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

1. On April 15, 2013, at approximately 2:49 p.m., while the Boston Marathon, an annual 26.2 mile race, was underway, two explosions occurred in Boston, Massachusetts, on the north side of Boylston Street along the Marathon's final stretch in close proximity to the finish line.

2. The first explosion occurred in the vicinity of 671 Boylston Street and the second occurred approximately one block away in front of 755 Boylston Street. The explosive devices were placed near the metal barriers where hundreds of spectators were watching runners approach the finish line. Each explosion killed at least one person, maimed, burned and wounded scores of others, and damaged

public and private property, including the streets, sidewalk, barriers, and property owned by people and businesses in the locations where the explosions occurred. In total, three people were killed and over two hundred individuals were injured.

3. Immediately following the bombings and continuing until the evening of Friday, April 19, 2013 when Dzhokhar Tsarnaev was arrested, thousands of law enforcement personnel from local police departments, the Massachusetts State Police, and federal agencies conducted an extensive manhunt for the two suspected Boston Marathon bombers, who were initially referred to by law enforcement as "Bomber One" and "Bomber Two," and who were later identified as Tamerlan Tsarnaev (Bomber One) and Dzhokhar Tsarnaev (Bomber Two).

4. The Federal Bureau of Investigation's ("FBI's") Joint Terrorism Task Force ("JTTF") led the investigation of the bombings. As part of this domestic terrorism investigation, numerous interviews were conducted to, among other things: (1) uncover and thwart any other planned attacks; (2) identify, locate, and arrest the bombers; and (3) collect evidence.

5. At approximately 5:00 p.m. on April 18, 2013, the FBI published video and photographic images of Bomber One and Bomber Two on its website. Those images were widely rebroadcast by media outlets all over the country and the world. The FBI asked for the

public's help in identifying the two men pictured in the video and photographs. On Friday, April 19, 2013, the men pictured in these video images and photographs were identified as Tamerlan Tsarnaev and Dzhokhar Tsarnaev.

6. On the evening of Friday, April 19, 2013, Dzhokhar Tsarnaev was arrested in Watertown, Massachusetts. His brother, Tamerlan Tsarnaev, was killed earlier that day following a shootout with police.

7. Defendants DIAS KADYRBAYEV ("KADYRBAYEV") and AZAMAT TAZHAYAKOV ("TAZHAYAKOV") are both nationals of Kazakhstan who entered the United States on student visas in or about September 2011. Until April 20, 2013, KADYRBAYEV and TAZHAYAKOV shared an apartment at 69A Carriage Drive, New Bedford, Massachusetts ("the Carriage Drive apartment").

8. Defendant ROBEL KIDANE PHILLIPOS ("PHILLIPOS") is a United States citizen who lives in Cambridge, Massachusetts.

9. KADYRBAYEV, TAZHAYAKOV, PHILLIPOS, and Dzhokhar Tsarnaev all began attending the University of Massachusetts at Dartmouth ("UMASS-Dartmouth") at the same time in 2011. The four men were friends, spent time together socializing, and often exchanged text messages with each other.

10. During the fall 2012 and spring 2013 semesters, Dzhokhar

Tsarnaev and a roommate were assigned campus housing at Room 7341, Pine Dale Hall, on the UMASS-Dartmouth campus ("Dzhokhar Tsarnaev's dormitory room"). Dzhokhar Tsarnaev was living in his Pine Dale Hall dormitory room during April 2013, the time period of the Marathon bombing.

11. On April 21, 2013, the FBI searched Dzhokhar Tsarnaev's dormitory room pursuant to a search warrant. Three days before the FBI executed its search, on the evening of April 18, 2013, after the FBI posted the photographs of Bomber 1 and Bomber 2, KADYRBAYEV, TAZHAKAKOV, and PHILLIPOS entered Tsarnaev's dormitory room, removed several items from the room, including Tsarnaev's laptop computer and a backpack containing fireworks, and brought them to the Carriage Drive apartment.

12. Subsequently, between approximately 10:00 p.m. on April 18, 2013 and 1:22 p.m. on April 19, 2013, KADYRBAYEV placed Dzhokhar Tsarnaev's backpack, which contained several items including fireworks and a jar of Vaseline, in a garbage bag and placed it in a dumpster outside the Carriage Drive apartment.

13. On April 19, 2013, the Carriage Drive apartment complex's dumpster was emptied and its contents were moved to a landfill in New Bedford, Massachusetts. Over the course of two days, April 25, 2013 and April 26, 2013, more than 30 federal agents searched this

landfill for the evidence KADYRBAYEV had placed in the trash. On April 26, 2013, Dzhokhar Tsarnaev's backpack was found at the landfill. Inside the backpack, the agents recovered fireworks, a jar of Vaseline, a thumb drive, and a UMASS-Dartmouth homework assignment sheet.

14. Between on or about April 19, 2013, and April 25, 2013, federal agents assigned to the JTTF and FBI special agents interviewed PHILLIPOS concerning material facts related to the terrorism investigation of the Boston Marathon bombing and one of the suspected bombers, Dzhokhar Tsarnaev. During these interviews, PHILLIPOS concealed the fact that he, KADYRBAYEV, and TAZHAYAKOV had gone into Dzhokhar Tsarnaev's dormitory room on the evening of April 18, 2013, and removed Dzhokhar Tsarnaev's backpack from his room. In so doing, he made numerous false and misleading statements to the agents.

COUNT ONE: **(18 U.S.C. § 371 - Conspiracy to Obstruct Justice)**

The Grand Jury further charges that:

The allegations contained in paragraphs 1-14 are hereby re-alleged and incorporated by reference as if fully set forth herein.

From on or about April 18, 2013, and continuing until on or about April 20, 2013, in the District of Massachusetts,

DIAS KADYRBAYEV and
AZAMAT TAZHAYAKOV,

defendants herein, did knowingly conspire, combine, confederate and agree with each other and with another conspirator known to the Grand Jury to commit an offense against the United States, to wit, Obstruction of Justice, in violation of 18 U.S.C. § 1519, by agreeing to knowingly alter, destroy, conceal, and cover up tangible objects belonging to Dzhokhar Tsarnaev, namely a laptop computer and a backpack containing fireworks and other items, with the intent to impede, obstruct, and influence an investigation and proper administration of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States Government, and in relation to and contemplation of such investigation and matter.

OVERT ACTS

In furtherance of the conspiracy, and to effect its objects,

the defendants and their co-conspirator committed overt acts, including, but not limited to, the following:

a. At approximately 10:00 p.m. on April 18, 2013, KADYRBAYEV, TAZHAYAKOV, and their co-conspirator entered Dzhokhar Tsarnaev's dormitory room at UMASS-Dartmouth.

b. On the evening of April 18, 2013, KADYRBAYEV showed TAZHAYAKOV a text message he had received from Dzhokhar Tsarnaev, which read, "If yu [sic] want yu [sic] can go to my room and take what's there☺ but ight [sic] bro [sic] Salam aleikum."

c. While inside Dzhokhar Tsarnaev's dormitory room on the evening of April 18, 2013, KADYRBAYEV searched Dzhokhar Tsarnaev's belongings and found a backpack containing fireworks. The fireworks containers had been opened and manipulated. As a result, some of the explosive powder was visible.

d. While inside Dzhokhar Tsarnaev's dormitory room on the evening of April 18, 2013, KADYRBAYEV showed TAZHAYAKOV the backpack containing fireworks, which KADYRBAYEV had found with Dzhokhar Tsarnaev's belongings.

e. While inside Dzhokhar Tsarnaev's dormitory room on the evening of April 18, 2013, KADYRBAYEV showed TAZHAYAKOV a jar of Vaseline he had found among Dzhokhar Tsarnaev's belongings and KADRYBAYEV told TAZHAYAKOV that he (KADYRBAYEV) believed Dzhokhar

Tsarnaev had used the Vaseline "to make bombs" or words to that effect.

f. When they left Dzhokhar Tsarnaev's dormitory room on the evening of April 18, 2013, KADYRBAYEV and TAZHAYAKOV removed several items, which they believed belonged to Dzhokhar Tsarnaev, including a backpack, fireworks, a jar of Vaseline, and a laptop computer from the room and together with their co-conspirator, took those items back to the Carriage Drive apartment.

g. While at the Carriage Drive apartment, KADYRBAYEV discussed with TAZHAYAKOV and their co-conspirator getting rid of Dzhokhar Tsarnaev's backpack and fireworks by placing those items in the garbage. TAZHAYAKOV agreed.

h. On the evening of April 18, 2013, KADYRBAYEV and TAZHAYAKOV removed the laptop computer from Dzhokhar Tsarnaev's backpack and then KADRYBAYEV, with the knowledge and agreement of TAZHAYAKOV, placed Dzhokhar Tsarnaev's backpack with the fireworks inside a black garbage bag. KADYRBAYEV then took the garbage bag containing Dzhokhar Tsarnaev's backpack and placed it into the garbage dumpster outside the Carriage Drive apartment.

i. On the evening of April 18, 2013 and the morning of April 19, 2013, KADYRBAYEV and TAZHAYAKOV watched television news reports about the persons suspected of committing the Marathon bombings.

These reports showed pictures of a suspected bomber who was later publicly identified (by approximately 6:50 a.m. on April 19, 2013) as Dzhokhar Tsarnaev. On the morning of April 19, 2013, multiple news reports identified Dzhokhar Tsarnaev as one of the two Marathon bombers.

j. On April 19, 2013, after Dzhokhar Tsarnaev had been identified on news reports as one of the two Marathon bombers, TAZHAYAKOV and KADYRBAYEV watched as a garbage truck came to their apartment complex and emptied the contents of the dumpster where TAZHAYAKOV knew KADYRBAYEV had discarded Dzhokhar Tsarnaev's backpack.

All in violation of 18 U.S.C. § 371.

COUNT TWO: **(18 U.S.C. § 1519 - Obstruction of Justice)**
(18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

The allegations contained in paragraphs 1-14 are hereby re-alleged and incorporated by reference as if fully set forth herein.

Between on or about April 18, 2013 and on or about April 20, 2013, in the District of Massachusetts,

DIAS KADYRBAYEV and
AZAMAT TAZHAYAKOV,

defendants herein, did knowingly alter, destroy, conceal, and cover up tangible objects with the intent to impede, obstruct, and influence an investigation and proper administration of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States Government, and in relation to and contemplation of such investigation and matter.

All in violation of 18 U.S.C. §§ 1519 and 2.

COUNT THREE: (18 U.S.C. § 1001(a)(2) - False Statements)

The Grand Jury further charges that:

The allegations contained in paragraphs 1-14 are hereby re-alleged and incorporated by reference as if fully set forth herein.

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

ROBEL KIDANE PHILLIPOS,

defendant herein, in a matter involving domestic and international terrorism within the jurisdiction of the executive branch of the Government of the United States, did knowingly and willfully make a materially false, fictitious and fraudulent statement and representation, which PHILLIPOS then knew to be false, to wit: (1) he did not remember going to Dzhokhar Tsarnaev's dormitory room on the evening of April 18, 2013; (2) he returned to the door of Dzhokhar Tsarnaev's dorm room on the evening of April 18, 2013 at approximately 10:00 p.m. with Kadyrbayev and Tazhayakov (PHILLIPOS admitted that he had gone to Dzhokhar Tsarnaev's dormitory room earlier in the afternoon), but no one entered the dormitory room; and (3) on the evening of April 18, 2013, he knocked on the door of Dzhokhar Tsarnaev's dormitory room but no one answered; he then checked the door handle to see if the door was locked and because the door was locked, he, Kadyrbayev, and Tazhayakov left the area.

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

COUNT FOUR: **(18 U.S.C. § 1001(a)(2) - False Statements)**

The Grand Jury further charges that:

The allegations contained in paragraphs 1-14 are hereby re-alleged and incorporated by reference as if fully set forth herein.

On or about April 25, 2013, in the District of Massachusetts,

ROBEL KIDANE PHILLIPOS,

defendant herein, in a matter involving domestic and international terrorism within the jurisdiction of the executive branch of the Government of the United States, did knowingly and willfully make a materially false, fictitious and fraudulent statement and representation, which PHILLIPOS then knew to be false, to wit: (1) he only entered Dzhokhar Tsarnaev's dormitory room on one occasion on April 18, 2013, which was sometime in the afternoon when he spoke to Dzhokhar Tsarnaev for approximately ten minutes; (2) he did not observe anyone take a backpack out of Dzhokhar Tsarnaev's dormitory room on April 18, 2013; (3) he did not see a backpack inside Dzhokhar Tsarnaev's dormitory room on the evening of April 18, 2013; (4) he did not see any fireworks inside Dzhokhar Tsarnaev's dormitory room on the evening of April 18, 2013; (5) neither he, Kadyrbayev, or Tazhayakov took a backpack from Dzhokhar Tsarnaev's dormitory room on the evening of April 18, 2013; (6) he was not aware of Kadyrbayev or Tazhayakov removing anything from Dzhokhar Tsarnaev's dormitory

room on the evening of April 18, 2013; and (7) he did not engage in any conversation with Kadyrbayev and Tazhayakov regarding plans to discard in the trash a backpack, which had been taken from Dzhokhar Tsarnaev's room on the evening of April 18, 2013.

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

A TRUE BILL

Edward Adams
FOREPERSON OF THE GRAND JURY

JOHN A. CAPIN
B. STEPHANIE SIEGMANN
Assistant United States Attorneys

DISTRICT OF MASSACHUSETTS, Boston, MA August 29, 2013

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

Deputy Clerk 1:00 pm
8/29/13