

MLM:JHK:BWB
F.#2006R00688

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

Cr. No. 07-543 (DLI)

RUSSELL DEFREITAS,
also known as "Mohammed,"
KAREEM IBRAHIM,
also known as "Amir Kareem"
and "Winston Kingston,"
ABDUL KADIR,
also known as "Aubrey Michael
Seaforth," and
ABDEL NUR,
also known as "Compton
Eversley,

A F F I D A V I T

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

ROBERT ADDONIZIO, being duly sworn, deposes and states that he is a Detective/Investigator with the Kings County District Attorney's Office assigned to the Joint Terrorism Task Force, duly appointed according to law and acting as such. The source of your deponent's information and the grounds for his belief are as follows:

1. I have been a Detective/Investigator assigned to the FBI's New York Joint Terrorism Task Force ("JTTF") for approximately five years. From 2006 until the present, I have served as a case agent in the matter United States v. Defreitas,

et al., Cr. No. 07-543 (DLI). I submit this affidavit to provide the Court with facts pertaining to issues raised by the defendants in various motions seeking to suppress evidence and obtain other relief.

2. I understand that defendant Abdul Kadir has moved to suppress evidence seized in Trinidad and Tobago and Guyana. Kadir is a citizen of Guyana, as confirmed by immigration records and Kadir's passports. Prior to being extradited to New York in 2008, Kadir's only direct contact with the United States involved passing through Miami International Airport in Miami, Florida in transit during a trip to the Bahamas in 1996. Specifically, Kadir traveled through Miami International Airport on November 14, 1996, arriving in the Bahamas the same day, and traveled back through Miami International Airport on November 18, 1996 on the return leg of his trip, returning to Guyana the same day. The Immigration Records reflecting this trip are attached to this Affidavit as Exhibit A. A copy of Kadir's passport, issued by the government of Guyana on July 23, 1987, is attached to this Affidavit as Exhibit B; the entries reflecting the 1996 trip are contained on pages 22 and 24 of the passport. The United States government has no record of Kadir visiting the United States on any other occasion. In addition, I have reviewed four passports belonging to Kadir, seized during searches abroad, and have found no record of any other entry to the United States.

3. From early 2006 until June 2007, the JTTF engaged

in a careful, in-depth investigation of Kadir, Russell Defreitas, Kareem Ibrahim, Abdel Nur and their co-conspirators as they plotted to commit a terrorist attack at John F. Kennedy International Airport in Queens, New York ("JFK Airport"). The investigation involved the use of numerous law enforcement techniques, including, but not limited to, consensual recording of hundreds of meetings and telephone conversations in Guyana, Trinidad and Tobago and the United States, analysis of travel, employment and telephone records, and surveillance of Defreitas engaging in reconnaissance of JFK Airport, the intended target of the terrorist attack. On or about June 1, 2007, based on a 33-page complaint setting forth probable cause, federal warrants were issued for the arrests of Kadir, Defreitas, Ibrahim and Nur. The warrants were signed by United States Magistrate Judge Steven Gold of the Eastern District of New York. Pursuant to an extradition treaty between the United States and Trinidad and Tobago, the United States requested that the government of Trinidad and Tobago execute provisional arrest warrants against defendants Kadir, Ibrahim and Nur, all of whom were present in Trinidad and Tobago on June 1, 2007.

4. On June 1, 2007, Trinidadian law enforcement officials arrested Kadir at Piarco International Airport in Trinidad, as Kadir was attempting to travel through Venezuela to Iran. Trinidadian law enforcement later advised that it had conducted a search of Kadir incident to arrest. Trinidadian law

enforcement further advised that it had initially turned over Kadir's luggage to a third party, but later had obtained and executed a warrant, issued under Trinidadian law, to seize and search the luggage. The luggage contained, among other items, the thumb drive that is referenced in Kadir's motion to suppress. The United States government did not participate in these searches. In addition, Trinidadian law enforcement advised that the searches were conducted in full compliance with the laws of Trinidad and Tobago, and provided copies of the warrant and an inventory of the items seized pursuant to the warrant, which are attached to this Affidavit as Exhibit C.

5. As discussed above, defendant Abdul Kadir is a citizen of Guyana. As a result of my investigation, I know that Kadir lived at a residence in Linden, Guyana. On or about June 3, 2007 and June 10, 2007, Guyanese law enforcement agents obtained and executed two warrants to search this residence. Among the evidence seized were documents establishing a relationship between Kadir and Moshen Rabbani, an Iranian who has been indicted in Argentina for masterminding a deadly terrorist bombing of a Jewish cultural center in Buenos Aires in 1994. The searches were conducted by Guyanese law enforcement after the public filing of the U.S. complaint detailing the careful, in-depth investigation of Kadir and his coconspirators discussed above in paragraph 3. I was present for the second search of Kadir's residence, and personally observed that it was conducted

in the presence of Kadir's family members. Guyanese law enforcement advised that the searches were conducted in full compliance with the laws of Guyana, and provided copies of the warrants and inventories of the items seized, which are attached to this Affidavit as Exhibit D. As indicated in the inventory, the June 3, 2007 search was also conducted in the presence of Kadir's family members.

6. Among the items seized by Guyanese law enforcement during the searches of Kadir's residence in Linden, Guyana were two computer hard drives. Guyanese law enforcement turned over the hard drives and other evidence to JTTF and FBI agents present in Guyana, including myself, and the FBI shipped the evidence to New York. The hard drives were never searched in Guyana. In an abundance of caution, the JTTF sought and obtained a warrant to search the hard drives, issued by United States Magistrate Judge Joan M. Azrack of the Eastern District of New York on July 5, 2007. Copies of the warrant and supporting affidavit are attached to this Affidavit as Exhibit E. With the assistance of FBI computer forensics experts, JTTF agents, including myself, conducted the search of the hard drives, looking specifically for those items listed on Attachment A of the search warrant, namely, documents, video clips, photographs and other files relevant to Kadir's material support of terrorists and the plot to conduct a terrorist attack at JFK Airport.

7. I understand that defendant Russell Defreitas has

moved to suppress evidence obtained during a search of his residence in Guyana. According to information provided by the government of Guyana, Guyanese law enforcement executed a warrant, issued under Guyanese law, to search the residence on June 6, 2007. United States government agents did not participate in this search. Guyanese law enforcement advised that the search fully complied with the laws of Guyana, and provided copies of the search warrant and an inventory of the items seized, which are attached to this Affidavit as Exhibit F. According to the warrant, the search was conducted during the daytime, in the presence of Karen Nero, whom I know to be a close friend of Defreitas. In addition, as discussed above, the search was conducted by Guyanese law enforcement after the public filing of the U.S. complaint detailing the careful, in-depth investigation of Defreitas and his coconspirators discussed above in paragraph 3.

8. I understand that Defreitas also has moved to suppress evidence obtained during a search of Apartment 6G at 740 Euclid Avenue, Brooklyn, New York. Based on my involvement in this investigation, I know that Defreitas resided at this apartment at various times between January 2007 and his arrest on June 1, 2007. As set forth in the affidavit in support of a warrant to search the apartment, the apartment was provided to Defreitas by a confidential source working under the direction of the JTTF. The apartment is owned by New York City, which

provided it to the JTTF with authorization to make it available to Defreitas. Defreitas was arrested on June 1, 2007, and the apartment remained locked and inaccessible between June 1 and February 28, 2008. On February 28, Magistrate Judge Lois Bloom issued a warrant to search the apartment. Copies of the warrant and supporting affidavit are attached hereto as Exhibit G. JTTF agents executed the warrant on March 5, 2008, although the agents inadvertently failed to write the execution date on the warrant itself. A copy of the FBI 302 report describing the search is attached to this Affidavit as Exhibit H. JTTF agents, including myself, seized various items of evidence described in the warrant, and also removed the remaining property from the apartment, which, as noted, is owned by New York City. JTTF agents inventoried both the evidence and the remaining property. Defreitas's personal property is being held for safekeeping by the JTTF and remains available for pick-up by a representative of Defreitas.


9. I further understand that Defreitas has moved to suppress post-arrest statements and a consent search of his backpack seized at the time of his arrest. As discussed above, JTTF agents arrested Defreitas on June 1, 2007. Prior to speaking with Defreitas, JTTF agents, including myself, advised Defreitas of his Miranda rights by reading aloud an Advice of Rights form and instructing Defreitas to read the form to himself. Defreitas never gave any indication at any time that he

was unable to read or understand the form. To the contrary, based on my personal observations, it was clear that Defreitas understood the Advice of Rights form and freely and voluntarily consented to waive his Miranda rights. In my presence, Defreitas initialed each line of the form and signed at the bottom of the form, indicating that he understood his Miranda rights and wished to waive them and speak with the agents. A copy of the Advice of Rights form is attached to this Affidavit as Exhibit I. After Defreitas waived his rights, JTTF agents asked Defreitas questions, and Defreitas provided answers freely, voluntarily and without any difficulty in communication. After a period of questioning, Defreitas stated that he did not want to answer further questions about the charges without a lawyer present. The agents ceased the interview at this time.

10. Thereafter, JTTF agents, including myself, asked Defreitas whether he would consent to a search of a backpack he had in his possession at the time of arrest. The agents orally read to Defreitas a consent to search form. Defreitas expressed his understanding of the consent to search form. In my presence, Defreitas then consented to the search of his backpack, initialed each line of the form and signed it. A copy of the consent to search form is attached to this Affidavit as Exhibit J. Based on

my personal observations, it was clear that Defreitas understood the form and freely and voluntarily consented to the search.

Dated: January 4, 2010
Brooklyn, New York

A handwritten signature in black ink, appearing to read "Robert Addonizio", written over a horizontal line.

ROBERT ADDONIZIO
Detective/Investigator
Joint Terrorism Task Force