

Boston Marathon bombing suspect's defense demands prosecutors turn over evidence on 2011 murders

By Nick Barrickman
15 October 2014

Defense attorneys representing Dzhokhar Tsarnaev have demanded that the US government turn over all information relating to claims that the younger Boston Marathon bombing suspect knew of older brother Tamerlan's alleged involvement in a 2011 murder case, according to a court filing submitted last Friday. The triple homicide took place in Waltham, a Boston suburb, on September 11, 2011.

"Simply put, information and evidence tending to show that Tamerlan Tsarnaev participated in a triple homicide in 2011, and information depicting the brutality of those murders, is critical to the defense case in mitigation," said the statement, adding that prosecutors had indicated previously that "Dzhokhar had such an awareness" of the slayings.

Tsarnaev's attorneys are asserting that information proving the younger brother's knowledge of the earlier crime would support their claims that Tamerlan, who was killed days after the April 15, 2013, bombings in a shootout with police, was the driving force in the decision to carry out the terrorist attack.

Dzhokhar, 21, is currently facing capital charges for his role in the bombings which killed three people and injured over 260. In the immediate aftermath of the bombings, residents of Boston and its suburbs were given a "shelter in place" order while heavily armed law enforcement officials went door to door and armored vehicles and helicopters patrolled the streets and sky.

Efforts by Dzhokhar's attorneys to ascertain the truth of these allegations have been rebuffed by federal prosecutors, who have dismissed the defense's right to such information. Prosecutors assert that the investigation into the perpetrators of the 2011 murders

is irrelevant to Dzhokhar's case and that they are entitled to keep secret all material from an "active, ongoing investigation."

The linking of Tsarnaev to the 2011 Waltham murders by US prosecutors deals a further blow to the narrative, inasmuch as there is one, of law officials and media outlets about the causes of the 2013 Boston Marathon events.

The 2011 Waltham murders took place on the tenth anniversary of the 9/11 terrorist attacks; all three victims in the homicide were Jewish. Despite the fact that Tamerlan Tsarnaev was reportedly "best friends" with Brendan Mess, a victim in the homicides, he was never interviewed by police. The grisly deaths were eventually classified as drug-related and the case went cold.

After the April 2013 Boston Marathon bombings, law enforcement officials promptly revisited the case, alleging Tamerlan's involvement. On May 22, 2013, Ibragim Todashev, a friend of Tamerlan and like him an ethnic Chechen, was gunned down in his Florida apartment while being questioned by the FBI about his relationship with the suspect. According to officials, Todashev was in the process of confessing that he and Tsarnaev had committed the 2011 killings.

It has been established that in this same period, the FBI-run Boston Joint Terrorist Task Force (JTTF) had conducted a threat assessment of the elder Tsarnaev after receiving alerts from Russian intelligence officials, ending the investigation less than a month prior to the Waltham murders on claims that "nothing derogatory" had been uncovered. Dzhokhar's attorneys have insisted that FBI officials may have placed pressure on Tamerlan to become an informant inside

the Muslim community during this time.

In October 2011—a month after the murders occurred—Tsarnaev’s name was placed on a federal “no-fly” list, requiring that he be detained “immediately” if attempting to leave the country after Russian officials again raised concerns about him, asking they be contacted if the older brother should travel to Russia.

Despite this history, Tamerlan was permitted to board a flight to Russia in early 2012, after which he spent six months in the embattled Northern Caucasus region, attempting to establish connections with Chechen separatists and Islamic fundamentalist groups linked to Al Qaeda. (See: Congressional report whitewashes government’s role in Boston Marathon bombing)

Prosecutors’ claims of Tamerlan Tsarnaev’s involvement in the 2011 slayings raise a number of questions:

- Why didn’t the murder of a close friend of the bombing suspect on the anniversary of 9/11 raise suspicions at the time, if during the same period he was under investigation by the FBI for potential ties to Islamic terror?
- Why was he then permitted to fly out of the country despite being placed on a federal no-fly list?
- Why weren’t Russian officials contacted by the FBI despite having specifically requested they be so should Tsarnaev enter Russia?
- Why didn’t his more than six months of involvement with Islamic jihadists in the Northern Caucasus prompt his immediate detainment upon his trip home?

In addition, the Tsarnaevs have a number of family connections to the US intelligence community. For years, Ruslan Tsarni, Tamerlan and Dzhokhar’s uncle, ran an organization that funneled funds and equipment to Islamist separatists in Russia’s Caucasus region. Tsarni based his operation in the home of Graham Fuller, former vice-chairman of the US National Intelligence Council and ex-CIA station chief in Kabul, Afghanistan.

Likewise, Zubeidat Tsarnaev, Tamerlan’s mother, has insisted that her elder son was “controlled” by the FBI for a period of “three to five years” prior to the bombings.

Officials have placed considerable pressure upon friends and associates of the Tsarnaevs. In addition to

the killing of Todashev, a number of Tamerlan Tsarnaev’s friends have been forcibly deported from the US.

Azamat Tazhayakov, a friend of Dzhokhar’s, was found guilty in a federal court for obstructing officials’ investigation into Tsarnaev last July. Another friend, Dias Kadyrbayev, pled guilty to similar charges. Both men are due to be sentenced in the coming months and could face up to 25 years imprisonment. According to reports in the *Boston Globe*, Tazhayakov has engaged in “minor discussions” with the US Attorney’s office, expressing willingness to testify against Tsarnaev at his trial early next year in exchange for a reduced sentence.

To contact the WSWS and the
Socialist Equality Party visit:

<http://www.wsws.org>