

ANOTHER ATTORNEY- CLIENT CONVERSATION SPIED ON

Last month, I laid out the several attorney client conversations to which Raez Qadir Khan was party that the government wiretapped. Among the 7 privileged conversations wiretapped by the government was a January 2010 conversation he had with his immigration attorney after being told by the FBI he could not travel to see his family.

One of the defendants in a key CO terrorism case just revealed in a filing that he, too, was wiretapped when conversing with his immigration attorney's office.

Bakhtiyor Jumaev, who through co-defendant Jamshid Muhtorov was the first to get notice his prosecution stemmed from FISA Amendments Act collection, revealed in a filing that a conversation he had with his retained immigration counsel's paralegal was recorded even after the FBI had first questioned him.

FBI agents interrogated Mr. Jumaev at his Philadelphia apartment on February 14, 2012; at that time, Mr. Jumaev had been charged with an immigration violation, had posted bond that included electronic monitoring, was represented by an immigration attorney, Francois Mazur, Esq., and for approximately two years, unbeknownst to him, had also been under investigation for activities related to this case.¹⁵ The next day, February 15, 2012, Mr. Jumaev called Mr. Mazur and spoke with the attorney's paralegal, seeking legal advice relating to Mr. Jumaev's having been questioned the day prior by the FBI. A copy of the recording of the call, labeled as S2675971321_20120215194017_416.WAV, has been provided in discovery.¹⁶

15 The criminal Complaint filed against Mr. Jumaev notes that the FBI had been investigating him in this matter since shortly after his arrest in February 2010 for immigration charges. See Doc. 1 at ¶ 13.

16 Based upon information and belief, to date, the government has not provided all of Mr. Jumaev's intercepted communications. It is therefore currently unknown whether other communications between Mr. Jumaev and his immigration attorney were intercepted.

As the footnotes make clear, at this point the FBI had already been investigating him for years, but didn't have the caution to avoid recording his conversations with his immigration attorney (something which, in the Khan case, the government admitted should have been treated as a privileged conversation).

Call me crazy, but this is beginning to look like a pattern – the FBI wiretapping the earliest privileged conversations after their targets get alerted to the FBI investigation into them.