

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

4 UNITED STATES OF AMERICA,)

5 Plaintiff,)

6 vs.)

7 SAMI KHOSHABA LATCHIN,)

8 Defendant.)

Docket No. 04 CR 661

Chicago, Illinois
September 22, 2006
9:50 a.m.

9 TRANSCRIPT OF PROCEEDINGS - Evidentiary Hearing
10 BEFORE THE HONORABLE REBECCA R. PALLMEYER

11 APPEARANCES:

12
13 For the Plaintiff:

HON. PATRICK J. FITZGERALD
UNITED STATES ATTORNEY
BY: MR. JAMES M. CONWAY
 MS. VICTORIA J. PETERS
219 South Dearborn, 5th Floor
Chicago, Illinois 60604

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17 For the Defendant:

FEDERAL DEFENDER PROGRAM
BY: MS. MARY HIGGINS JUDGE
 MR. WILLIAM H. THEIS
55 East Monroe Street, Suite 2800
Chicago, Illinois 60603

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20 Also Present:

Ms. Irene Ishoo, Interpreter

21
22
23 Court Reporter:

FRANCES WARD, CSR, RPR, FCRR
Official Court Reporter
219 S. Dearborn Street, Suite 2118
Chicago, Illinois 60604
(312) 427-7702
frances_ward@ilnd.uscourts.gov

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1 THE CLERK: 04 CR 661, United States versus Sami
2 Khoshaba Latchin for evidentiary hearing.

3 MR. CONWAY: Good morning, your Honor.

4 James Conway and Vicki Peters on behalf of the
5 United States.

6 THE COURT: Good morning.

7 MS. JUDGE: Good morning, your Honor.

8 Mary Judge and Bill Theis on behalf of Mr. Sami
9 Latchin, who's present.

10 THE COURT: Good morning.

11 We are here for a continued evidentiary hearing.
12 The good news for you is that some of the matters that I had
13 scheduled have evaporated. I now just have one sentencing
14 left this morning, so we should have a fair amount of time
15 this morning, if you are ready to go.

16 I do know that Ms. Ishoo will need breaks, so we
17 won't go continuously, but we can certainly get started right
18 now.

19 MS. PETERS: We are ready, your Honor.

20 THE COURT: All right.

21 And, Mr. Al-Dani, good morning, sir.

22 THE WITNESS: Good morning.

23 THE COURT: I will ask that you resume the witness
24 stand. And I want to remind you, Mr. Al-Dani, that you were
25 sworn earlier, and you remain under oath we.

1 We were in the middle of cross-examination. I
2 understood we had at least some time left. So, Mr. Theis, if
3 you would like to proceed.

4 MR. THEIS: Yes, your Honor.

5 MUHAMMAD AL-DANI, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN

6 CROSS-EXAMINATION - Resumed

7 BY MR. THEIS:

8 Q. Mr. Al-Dani, last time we were looking at Government
9 Exhibits Voucher 1 and 2. Do you remember that?

10 A. Yes, sir.

11 Q. I am going to hand both of these exhibits to you,
12 Voucher 1 and Voucher 2.

13 (Documents tendered.)

14 BY THE WITNESS:

15 A. Yes, sir.

16 BY MR. THEIS:

17 Q. First of all, during your time in the IIS, did you ever
18 work within the accounting department of IIS?

19 A. No.

20 Q. And that accounting department was designated M what?

21 A. M12.

22 You mean accounting department?

23 Q. Yes.

24 A. M12.

25 Q. As you look at Voucher 1 and 2, are you able to tell

1 whether those pieces of paper came from a file maintained by
2 the accounting department or from some other department in
3 IIS?

4 A. This, you know -- this, you know --

5 Q. You are referring to Voucher No. 1?

6 A. 1.

7 This is coming from M4, you know, special
8 committee, to M12 in order just to -- you know, to solve the
9 money which, you know, they took it as a loan, you know, in
10 order just to consider it as spend money. And it is regular
11 procedure.

12 I had a lot of things just like this when I was
13 there, many times. When I took money, then I have, you know,
14 just -- they put it as a loan on my account, and then, when I
15 met the source, I have to get the receipt and then send a
16 notification just like this.

17 Q. "Just like this," meaning Voucher 1?

18 A. Yeah, yeah.

19 Notification, and enclose the receipt in order to
20 consider the money is spend money, no longer is register on
21 M4.

22 Q. So when the case officer receives the money from the
23 accounting department, he has got to sign a receipt of some
24 kind; is that correct?

25 A. Yes.

1 Q. And that receipt is then maintained by the accounting
2 department; is that right?

3 A. Yes.

4 Q. Before the case officer receives the money and signs the
5 receipt, there would be paperwork requesting the accounting
6 department to make this disbursement to the case officer; is
7 that correct?

8 A. The procedure is, first, you know, got the approval of
9 general director or the number one in IIS to approve spending
10 money. And then, you know, the M4 wrote to M12 saying that,
11 you know, the money is -- you know, the number one, number
12 two approve such amount of money.

13 Q. So a piece of paper goes from M4 to M12 granting --

14 A. No. This is -- only this notification, just like this
15 notification before, when they took the money, it's the same
16 notification send.

17 Q. Are you referring to Voucher No. 1?

18 A. Yeah.

19 Q. Voucher No. 1 is a piece of paper that's created once
20 the receipt is turned back into the accounting department,
21 correct?

22 A. Yes.

23 Q. But before we get to the point of returning something to
24 the accounting department, is there a piece of paper that
25 goes to accounting that says it is permitted to give a

1 certain amount of money to the case officer?

2 A. In other cases, but this case, it is, you know, salary.

3 It is already approved before maybe ten years. And the
4 accounting department, because they said here, you know --

5 Q. You are referring to Voucher No. 1 when you say "here"?

6 A. Yeah. And I understand from both voucher, it is salary
7 which is approved maybe before five years, ten years. No
8 need to approve it again.

9 If they just want to increase it, then that's when
10 they need 30,000. They say, why? Because his salary is 24 a
11 year, you know.

12 But when you like to get a new approval, you need
13 to tell the account department, we will get approve to spend
14 money to this source, 10,000, you know. And this is approved
15 by number one.

16 And then they send, also, the same notification to
17 M12.

18 Q. But at the very beginning, somebody sends a piece of
19 paper to accounting that says to accounting, you have
20 permission to disburse money to the case officer for a
21 particular project; is that correct?

22 A. Yes.

23 Q. And what we have been looking at, Voucher No. 1, that is
24 not the piece of paper that gives the original approval, is
25 it?

1 A. Yeah. You see, they mention it. There is a previous
2 notification. There is a reference to all our notification,
3 5260, you know, dated July 26th, 2001. That means there is a
4 notification to take the money. And this notification to,
5 you know, just to tell them we already spent the money.
6 There is a notification.

7 Q. So the approval, you say, would be found in this
8 document, 5260, of July 26th, 2001?

9 A. Yes.

10 Q. Have you ever seen a copy of that notification, 5260?

11 A. I don't think so, but maybe I don't remember. But I
12 don't think so. I never -- I see only two this.

13 Q. So the only two pieces of paper that you have seen with
14 regard to this payment are Voucher 1 and Voucher 2?

15 A. Yes, but -- I saw lot of paper, but I don't think they
16 are before the same paper.

17 Q. Do you know whether accounting would keep in its records
18 something like a Notification 5260?

19 A. Yes.

20 Q. That would be the proper procedure?

21 A. Proper procedure, but, you see, as we said last time,
22 accounting office, they don't have file separate to each
23 case. They have, you know, bunch of papers, a lot of papers,
24 for each year. Not easy maybe to locate each notification.

25 Q. When the accounting department disburses the money to

1 the case officer, you said he signs a receipt for that money;
2 is that right?

3 A. Yes.

4 Q. In effect, it's treated as a loan to the case officer?

5 A. Exactly. But sometimes -- you see, it's not necessary
6 to sign a receipt. They put a note here, where it say --

7 Q. "Here" being on Voucher 1?

8 A. Yeah. On Voucher 1 they put, you know, a note, you
9 know, that -- and the case officer sign that I received on
10 the same notification. They don't sign another receipt, you
11 see. In the down, they say, you know, the receipt for giving
12 money.

13 Q. Voucher No. 1 has a notation on it about a disbursement
14 receipt, 672, dated August 5, 2001. Do you see that on
15 Voucher 1?

16 A. August 5? Yes. Yeah. Yes.

17 Q. So from that, we could conclude that somewhere there
18 should have been a separate piece of paper with the number
19 672 and the date of August 5th, 2001 on it, correct?

20 A. This is -- this receipt --

21 Q. Voucher No. 1?

22 A. Voucher No. 1, it is the receipt to receive money and
23 receive -- and receipt also to tell them, you know, just to
24 solve the money and consider it spent.

25 The notification before, it should be for the same

1 subject, but I don't know for what. Maybe other money.

2 When we read this -- but it should be for the same
3 source, for the same subject. But what contain, it should be
4 the same -- maybe for the same money or other monies. But I
5 assume it is -- the previous notification is also for the
6 same money which they received. Or maybe they forwarded
7 approval, you know, for number one to spend the money. That
8 means it is for the same subject.

9 Q. But the reference in Voucher No. 1 to Receipt 672 tells
10 us that there should be another piece of paper dated
11 August 5th, 2001, correct?

12 A. No, not August 5th. This is the date that case officer
13 received the money.

14 Q. Correct.

15 A. Yeah.

16 Q. And when he received the money --

17 A. Yes.

18 Q. -- he had to sign a receipt with the number 672 on it,
19 correct?

20 A. Maybe, yeah. Because I don't have this notification,
21 but I think it is the same -- for the same money.

22 Q. When you say "this notification," you are referring to
23 document 5260 of July 26th, 2001, correct?

24 A. Yes.

25 Q. Now, once the case officer gives out the money and gets

1 a signed receipt, the case officer has to bring that signed
2 receipt back to accounting, correct?

3 A. Yes, sir.

4 Q. The signed receipt, you say, in this case is Voucher
5 No. 2; is that right?

6 A. No. This is the receipt from the source.

7 Q. Okay. And you are holding Voucher No. 2.

8 A. Voucher No. 1. Now, this is the -- here they say, you
9 see, the attachment is receipt of, you know, giving money,
10 not, you know, to give somebody money. To receive money.
11 That mean case officer receive the money on this
12 notification, Voucher No. 1.

13 From the beginning, the first words that are
14 written here, yeah, "payment receipt." It is translated
15 correct.

16 Q. ~~Voucher No. 1, among other things, tells accounting that~~
17 ~~the case officer is returning, along with Voucher No. 1,~~
18 ~~Voucher No. 2, correct?~~

19 A. Yes.

20 Q. Now, when the case officer sends that paperwork to
21, accounting, what happens with the papers that the case
22 officer signed when he got the money in the first place?

23 A. Maybe the first notification, but I think this is for
24 both. This is, you know --

25 Q. And you are pointing to Voucher No. 1?

1 A. Voucher No. 1. It is, you know -- also there is 5260
2 notification, but in this receipt -- in this notification,
3 Voucher No. 1, we understand this is the receipt when case
4 officer receive the money and when he also, you know, send
5 them back that he already, you know, give the money to the
6 source.

7 Q. But I think we agreed that at the time the case officer
8 receives the money, he has got to sign a loan paper for the
9 accounting office?

10 A. No, not necessary.

11 Q. Well, when does he and when does he not?

12 A. No. Always, as a procedure in IIS, we signed a receipt
13 on the same notification. When M4 send notification, when I
14 took it to accounting office, that I can -- they give me
15 10,000 and I sign, yes, I received from such so-and-so
16 10,000, and sign on the same notification, it is fine.

17 Q. Right. And when you say sign the notification, you are
18 referring to a document like Notification 5260 of July 26th,
19 2001?

20 A. No. I mean this notification, Voucher No. 1.

21 Q. So you are saying that when the case officer got the
22 money back in August of 2001, the case officer signed Voucher
23 No. 1?

24 A. Yes.

25 Q. Which signature on Voucher No. 1 indicates that the case

1 officer got that money?

2 A. You know, this is --

3 Q. Sir, excuse me for a second.

4 Can you show us where it is that the case
5 officer --

6 A. This is on the right -- on the right corner. His name
7 Ismaiel Mahmoud Ibrahim. He received the money, and he
8 wrote, you know, "payment receipt."

9 Q. Is he signing here (indicating)?

10 A. No. When they translate it, they put it in the left
11 corner, you know, "payment receipt."

12 Q. Here (indicating)?

13 A. Yes. This one in Arabic, yes.

14 THE COURT: In the translation, they put it on the
15 left side of the sheet in English.

16 THE WITNESS: Yes. He say "payment receipt." That
17 mean he received the money, case officer Ismaiel Ibrahim
18 Mahmoud.

19 BY MR. THEIS:

20 Q. When it says in there "receipt," is that talking about
21 the receipt that Sarmad signed or the receipt that Mahmoud
22 signed?

23 A. You see, he see -- they say, you know, attachment, you
24 know, they say (inaudible), and then say it is a loan given
25 to Ismaiel Ibrahim Mahmoud, you know, just the salaries, the

1 annual salaries for the symbol Sarmad for 2000.

2 Q. Mr. Al-Dani, if you look at Voucher No. 1 in the main
3 text of the document, it says -- and I am reading the English
4 translation -- "Enclosed is a payment received in the amount
5 of \$24,000 for symbol Sarmad from Mr. Shakur Subhi."

6 A. Yes.

7 Q. So is this letter referencing a receipt that is signed
8 only by Mr. Subhi, or is it referencing some other receipt?

9 A. You see, there is two case officer for notification. I
10 understand Ismaiel, you know, down, Ismaiel Ibrahim received
11 the money, and the case officer who give the money is, you
12 know, Shakur Subhi, to the symbol Sarmad.

13 Q. My question is, in this letter, when it refers to the
14 receipt that is enclosed, is it referring to Voucher No. 2 or
15 is it referring to some other receipt?

16 A. It refers to -- you know, to two things.

17 First, the receipt to Voucher No. 1, that the money
18 is already, you know -- that is, you know, the case officer,
19 Shakur Subhi, give the money, and this is the receipt from
20 symbol Sarmad.

21 Q. When you say "this is the receipt," I can't see what you
22 are holding. Are you holding Voucher No. --

23 A. Voucher No. 2.

24 Q. So when Voucher No. 1 talks about the receipt, you are
25 telling us it's referring to Voucher No. 2?

1 A. Yeah.

2 And also that means there is two case officers.
3 You know, Ismaiel Ibrahim receive the money as a loan. And
4 it is also a notification, which I read it to you, in Voucher
5 No. 1.

6 But the case officer Subhi, you know, give the
7 money to symbol Sarmad, and he get the receipt signed by the
8 source, by the symbol Sarmad.

9 Q. So you are saying that the money is handed to Mahmoud by
10 Ibrahim, and Ibrahim then gives it to Subhi. Is that what
11 you are testifying?

12 A. Yeah. This is what I understand.

13 Q. And that understanding is based on what? Your analysis
14 of the documents?

15 A. No. It is written here. You know, it say -- here
16 written, "reference to our notification 52" ---

17 Q. Where are you reading from?

18 A. I am reading from Voucher No. 1.

19 "Reference to our Notification 5260, dated
20 July 26th, 2001, enclosed" -- you know, receipt and amount
21 24,000 given to symbol Sarmad from Shakur Subhi. This is
22 clear in this Voucher No. 1.

23 Q. So according to Voucher No. 1, Mr. Subhi is the one who
24 actually places the cash in Sarmad's hands; is that correct?

25 A. Yes.

1 Q. And Mr. Mahmoud, he could have been someplace else at
2 the time the cash is put in Sarmad's hands; is that right?

3 A. Yes.

4 And then, I just like, sir, to clear to you, in IIS
5 sometime we don't need only this paper. We don't need
6 anything. If number one say, give Mr. Al-Dani 10,000, the
7 accounting office, they don't say, give me paper or
8 something. Once they give me, as a bonus -- number two in
9 the IIS say, "Give Al-Dani 3,000." And then I went and just,
10 you know, signed and I took 3,000 without any paperwork,
11 because, you know, it is approved by phone.

12 In IIS it is -- you know, I think all
13 intelligence -- I don't know, you know. But in IIS there is
14 so much -- when number one or number two say something,
15 that's it. No one tell him, okay, I need this paper or --
16 you know, this is good because there is a document very clear
17 that who receive the money and who give the money and the
18 receipt from the source. Sometimes you don't find anything
19 just like this. Just say, give the money.

20 Sometimes, you know, we have around hundred of
21 thousand given to, you know, some people, you know, outside,
22 you know, just like a minister or, you know, president
23 (inaudible), and Saddam Hussein say, "Give him 2 million."

24 Q. \$2 million?

25 A. Yes.

1 No one say, I saw, you know, my boss carrying one
2 million to some president or 2 million or 3 million. Only
3 say, give him. That's it.

4 Q. And so someone could get \$2 million and there would be
5 no paperwork?

6 A. Nothing. It is not, you know -- it is not, you know,
7 good to tell the president or the minister, "Give me a
8 receipt." I saw many cases give millions of dollars without
9 any receipt, without any paperwork.

10 Q. I would like you to look at Voucher No. 2; please.

11 A. Yes, sir.

12 Q. Now, on Voucher No. 2 --

13 A. Yes.

14 Q. -- at least the translation says the words "Abu Sarmad,"
15 August 8, 2001.

16 A. August 8th, yeah.

17 Q. Now, can you look at that document and tell me that
18 someone has printed in Arabic the words "Abu Sarmad"?

19 A. Yes.

20 Q. Can you show me where that is?

21 A. It is, you know, down -- you know, down, his signature.

22 Q. I am asking about printing, and then I am going to ask
23 you about a signature in a minute.

24 A. Yeah. There is the name, yeah, here. You see
25 (indicating)? Abu Sarmad. It's written very clear.

1 Q. Is it written or printed?

2 A. No. It is written in his hand -- handwriting.

3 Q. Are you referring to here (indicating)?

4 A. Yes.

5 THE COURT: The middle of those three lines?

6 THE WITNESS: Yes, Judge.

7 BY MR. THEIS:

8 Q. On the left-hand side of the page?

9 A. Abu Sarmad signature, date (indicating).

10 Q. Now, the signature above the hand-printed name of Abu
11 Sarmad, can you read that to mean Abu Sarmad, or is it just
12 someone's handwriting?

13 A. I don't know who write this.

14 Q. But can you distinguish the words "Abu Sarmad" in that
15 squiggle there that's above the printing?

16 A. ~~Abu Sarmad is a symbol, but the signature for name.~~ You
17 know, you see, when you call me Abu Ali, but I am signing,
18 you know, Muhammad Al-Dani, not Abu Ali. This is just -- use
19 it for symbol.

20 Q. Just so we are clear, of those three lines, the bottom
21 line is a date, correct?

22 A. Yes, sir.

23 Q. And then right above that is some handwritten Arabic
24 language which you read to say "Abu Sarmad"?

25 A. Yes.

1 Q. And then above that is a signature, correct?

2 A. Yes.

3 Q. Now, do you read that signature to be someone trying to
4 write the words "Abu Sarmad," or is that person trying to
5 write their real name?

6 A. Write real name, not "Abu Sarmad."

7 Q. Let's, if we could, go back to Voucher No. 1.

8 A. Yes, sir.

9 Q. And toward the bottom, in one of the corners, at least
10 the English is translated -- the English translation is the
11 letter R, the letter Q, 1. And then someone has put in
12 brackets, chief of first station, close the brackets, above
13 the date 10-9-2001.

14 THE COURT: I think it's "chief of first section."

15 MR. THEIS: You are correct, your Honor.

16 THE WITNESS: Chief of section, yes.

17 BY MR. THEIS:

18 Q. What component of the IIS are we referring to when we
19 say RQ 1?

20 A. Yeah. That means the section. You know, the first
21 letter, R, you know, that means, you know, chief, you know,
22 in Arabic Rai'ies. And "of," that is (inaudible) section.
23 And this is just, you know, abbreviation of chief of section.

24 Q. Do we know which directorate this person is in?

25 A. I just, you know, it is his own accounting office.

1 Q. So it's your opinion, that's a reference to the
2 accounting office?

3 A. Yeah, accounting office.

4 Q. Also in that Voucher 1, in the middle, where it says,
5 "Kindly review and settle the account with appreciation, paid
6 11-26," what is that referring to? Did something happen on
7 November 26th?

8 A. No. This is for audit, you know. There is another
9 section for audit the account. It is written in red ink, and
10 this is -- all red ink belong to the audit when they, you
11 know, just like to check the money and the spending, if there
12 is any mistake in payment or in figures. And he approve if
13 this is right.

14 Q. So should we conclude that the auditors performed their
15 audit in November of that year?

16 A. Yes, sir.

17 Q. Okay.

18 Voucher 1 and 2, would copies of these papers be
19 kept in Sarmad's file?

20 A. This should be a copy, you know, especially for
21 notification. It should be a copy, because usually they
22 print it in two copies and -- or duplicate copy should be one
23 and in his file, private file, you know.

24 And receipt, it depends about case officer. It
25 should be a copy, but sometimes they don't keep a copy of

1 receipt, because, you know, accounting office need, you know,
2 the original receipt.

3 Q. The last time we were here, we looked at a number of
4 paper files. I will just pick the first one Mr. Conway
5 handed me.

6 Zakerya Group 1.

7 A. Yes, sir.

8 (Documents tendered.)

9 BY MR. THEIS:

10 Q. And, of course, you got a chance to look at the paper
11 files, right?

12 A. Yes.

13 Q. Have you ever seen a microfilm version of that file?

14 A. Yeah. This is for microfilm. This is the application.

15 Q. And you are referring -- you got to state what page we
16 are on.

17 A. It is 4. Maybe it is -- yeah. This is for microfilm.

18 Q. So we are looking at Pages 4 through 7?

19 A. Yeah.

20 Q. And you say they are for microfilm. What does that
21 mean? Are they directions to microfilm?

22 A. No. This is when transfer. You know, when they started
23 to put the papers in microfilm, we send them the whole file.
24 They put, you know, the file and application, just, you know,
25 the summary of what they put in microfilm section.

1 And this is -- that means they put these things,
2 you know, in order -- when they like to return back to the
3 information, they know they have the number of the
4 application and all this stuff.

5 Q. So these Pages 4 through 7 are a record that this file
6 has been microfilmed; is that what you are saying?

7 A. Yes, sir.

8 Q. When was this file microfilmed?

9 A. I don't know. You know, it should be -- it is on --
10 yeah. It is on December 30, '93 here. Yeah.

11 Q. When someone was recruited to be a source, would they
12 receive a code name?

13 A. Code name?

14 Q. Yes.

15 A. Yes, sir.

16 Q. ~~And that's something that would happen at the very~~
17 beginning; is that right?

18 A. No. You see, this is -- you know, there is numbers and
19 code always given to the source. But, you know, again, it
20 depend about case officer and how serious is the case. If it
21 is good recruitment, high-level agent, it should give, you
22 know, number or code; but, you know, some -- just like when
23 recruit Iraqis, in my experience, we kept the name as it is.

24 Sometimes the source, you know, have code and
25 number or number, but we still keep him Abu Ali, Abu Ali

1 so-and-so, or his real name, because, you know, especially
2 for Iraqis, we don't consider it is important recruitment.

3 Q. So the source would have to prove himself before he
4 would get a code name. Is that what you are saying?

5 A. You mean?

6 Q. The source would have to prove he was valuable before he
7 was given a code name?

8 A. Sir, in IIS any source or any friend, as a procedure,
9 should be a code or number. But this is, again, depend for
10 the case officer.

11 I can tell you, you know, we had a source working
12 for us 30 years in U.S., just like Iraqis or other, but no --
13 when I became a director of American desk, I found there is
14 no, you know, regular paperwork application for recruitment.
15 There is no numbers.

16 And then I start to -- I did a lot of files, you
17 know, but I told them, why you waiting almost, you know, ten
18 of years and there is nothing here to show that he is a
19 source? Okay. Because they are careless.

20 Q. To stick with the example you just gave us, are you
21 telling us that this person, who had been a source for over
22 ten years, did not have a code name?

23 A. Yes. Sometimes. Sometimes. Not usually. The
24 procedure should give a code or name. But, again, depends on
25 case officer, you know.

1 If he likes his job to be well organized, he should
2 fill the application, get the pictures, get everything, you
3 know, as administration, you know, work for the file. But
4 some case officer, they don't do anything, you know. Until
5 now there is -- sometimes there is no application for some
6 sources.

7 Q. We have talked about code names and we have also talked
8 about symbols.

9 In the IIS world, is there a difference between a
10 code name and a symbol?

11 A. No, it is the same. It depends, you see, either to give
12 a code, a numbers, or symbols. One of them, not both.

13 Q. So when you say "symbol," you are referring to a code
14 name, correct?

15 A. Yeah, a code, just like Abu Sarmad, Abu Ali, the bird,
16 the lion, just like this, you know.

17 But when it is number, it is just like 2, 3, 4, 5,
18 or just like . . .

19 Q. Would people get a code name or a symbol and then later
20 on get a number?

21 A. Maybe.

22 Q. Well, when would they and when wouldn't they?

23 A. You see, case officer and director of the desk can
24 change the symbol and the name any time; can change the
25 symbol to number and can change the number to symbol. It

1 depends. When it become known, everyone know this number, he
2 say, no, no, no, it is better, you know, to change it to
3 symbol. When the symbol is known, he say, no, no, it's not
4 good. It's better to put number. You know, it depends, you
5 know, just as a matter to keep the work secret.

6 Q. Well, if Mr. Latchin were known in the IIS as Abu
7 Sarmad, why was Abu Sarmad chosen as a symbol for
8 Mr. Latchin?

9 A. You see, I can't tell you. Maybe it depends about case
10 officer again, you know. Maybe they -- it is maybe easy to
11 recognize, you know.

12 This is, you know -- these papers it is, you know,
13 kept in private committee. It is not anyone can see these,
14 you know, files. It is very, you know, private and, you
15 know, I think, kept in secret place even in IIS.

16 Q. Was Mr. Latchin the only employee of the IIS who was
17 known by the name of Sarmad?

18 A. I just -- I know him, but I don't know who is other.
19 Really, I don't know.

20 THE COURT: We should take a recess. I have got
21 another matter now scheduled, and I want to give Ms. Ishoo a
22 break.

23 Why don't we resume at about five minutes before
24 11:00.

25 MR. THEIS: Thank you, your Honor.

1 (A brief recess was taken at 10:28 a.m. until 11:05
2 a.m.)F

3 THE COURT: You may proceed, Mr. Theis.

4 MR. THEIS: Thank you.

5 BY MR. THEIS:

6 Q. Mr. Al-Dani, did the IIS have any plans for what to do
7 with its files in case Baghdad were attacked in any way?

8 A. Yeah. I was there in the Gulf War, 1991 until 1996.
9 Usually, there is we call -- you know, there is contingency
10 plan to remove, you know, the files from headquarters. And
11 in the first -- there is an experience. In the first Gulf
12 War they removed only the important files. And there is, you
13 know, another attack after '91, 1991. They removed -- you
14 know, usually, we removed only the important files in the
15 safe houses, important cases, you know.

16 But after, you know, I left, I don't know what is
17 the plan. Either they kept it in safe houses or they remove
18 only important file. But there is a plan at least to remove
19 the important file and equipment, you know, from headquarters
20 to the safe houses.

21 Q. Was this plan in writing?

22 A. Yes.

23 Q. With regard to M4's files, where would those files have
24 been taken under this plan?

25 A. There is safe houses for each D. You know, each -- we

1 call directorate. Each office in M4, there is four, five
2 section, D1, D2, D3, D4, D5. Each D has one safe house,
3 sometimes two. It depends about the size of the office.

4 Q. For the files of the Americas desk within M4, where was
5 the safe house or houses for those?

6 A. Yeah. When I was there, there is one in Mansour area,
7 very nice area.

8 Q. Could you spell Mansour for the court reporter.

9 A. M-a-n-s-o-u-r.

10 Q. Any other safe houses for the Americas desk records?

11 A. I don't know. You know, as I am telling you, in 1991 we
12 don't remove so many files. And there is a lot of file
13 damages through, you know, bombing. But I know the important
14 file in 1991, we removed a lot of important files, but
15 American desk with D4, it is in Mansour area, safe house.

16 Q. ~~And what about the files for this planting program that~~
17 you have talked about? What would happen to them in case of
18 an attack on Baghdad?

19 A. I can tell you, these files -- you know, these files
20 should be kept with the people who responsible for private
21 committee. You know, there is private committee responsible.
22 No one has access for these files. Only the people who are
23 responsible for these files. Yeah.

24 Q. Do you know what that private committee was supposed to
25 do with those files in order to protect them if Baghdad were

1 attacked?

2 A. You know, in this war, maybe they destroy the files.

3 Q. When you say "this war," you are referring to --

4 A. The last war, you know, after the fall of Baghdad 2003,
5 because maybe they understand this is, you know, serious.

6 Maybe this is destroyed, your know, burn the files.

7 MR. CONWAY: Judge, I am going to impose an
8 objection as far as speculation. If he wants to lay a
9 foundation that he would particularly know, then he can
10 provide an answer, yes or no. But now he is asking the
11 witness to guess.

12 MR. THEIS: No.

13 MR. CONWAY: I think we have gone a little bit far.

14 THE COURT: I didn't understand Mr. Theis to be
15 asking the witness to guess.

16 Why don't you ask another question, Mr. Theis.

17 BY MR. THEIS:

18 Q. You were on the committee, you say, to pick people for
19 the planting program; is that right?

20 A. I was in the beginning; and after that, you know,
21 because -- I told you before, you know, two, three weeks, I
22 think, maybe one month. These committee, they said there is
23 no more committee. In the beginning I was as a member. But
24 after that, I am not a member.

25 And until I left in 1996, I don't know what, you

1 know, this. Only on the first month, on the beginning, it
2 becomes general so many branches. We selected the people,
3 officers, sources. And then after, I think, almost a month,
4 you know, one month or two months, we received an order, no,
5 no, we don't need any planting and this committee is
6 finished, because, you know, Saddam heard that planting, you
7 know, committee is going to be known by everybody in IIS.
8 And he get mad, you know, at that time.

9 Then they said, no, there is no committee. And
10 they kept it very, you know, low profile with high-level, you
11 know, officers.

12 Q. During the month or so that you were on that committee,
13 did you have any understanding as to what should be done with
14 the committee's files if Baghdad were to be attacked?

15 A. No, I don't know.

16 Q. When was it that you were on the committee? What year?

17 A. This is in 19 -- I think middle of -- after the war
18 finish -- middle of 1991. Yeah.

19 Q. So sometime in the middle of 1991?

20 A. Yes, sir. Summer 1991.

21 Q. If someone -- for case officers within the IIS, would
22 they have a file that would tell who their sources were that
23 they were handling?

24 A. Which sources?

25 Q. Yes.

1 A. You mean for case officer?

2 Q. Would each case officer have a file --

3 A. No, no.

4 Q. -- that would tell anyone who looked at it who that case
5 officer's sources were?

6 A. Case officer, they don't have file. Only special
7 committee. They assign case officer. You know, maybe took
8 the file when he like something to do with the files, and he
9 should return it to the private committee.

10 You see, it depends, you know, the case officer,
11 some of them, they are very talkative. And they -- mostly, I
12 feel in IIS, there is no secret, you know. When there is
13 some cases, there is a lot of people knows, because he talk
14 to one, the one talk to two, and two talk to three, and
15 distribute, you know.

16 Q. ~~Were you still on this special committee when you say~~
17 Mr. Latchin was chosen for the planting program?

18 A. No. After, you know -- after they, you know, say the
19 committee is no longer exists, I hear the case of
20 Mr. Latchin. He is selected, and they assign case officer
21 for him, and he is my friend.

22 Q. Now, according to you, his name had come up as someone
23 to be planted while you were still on the committee; is that
24 right?

25 A. No. Each committee -- each committee there is --

1 because there is, you know -- you know, the head of committee
2 is number one, number two. And there is a lot of branches,
3 you see. Each branch is responsible for, you know, couple of
4 cases. And we started to select some officers, but after --
5 you know, I told you one month or six weeks, we heard, no,
6 no. This committee is no longer exists. And we become just
7 work as independent. Each case officer has one case or two
8 case to work with the, you know, head or the big, you know,
9 committee.

10 And when they selected Mr. Latchin, I understand --
11 I know the committee still exists. But his case officer
12 handle his case and, you know, discuss it with his boss.
13 It's not related to American desk or something.

14 The committee -- sometimes there is a case officer
15 from Kuwait, you know, desk but handle case in United States.
16 ~~It is nothing related with -- each case officer, you know,~~
17 handle -- as American desk, I don't know anything about his
18 file in the desk. I know his file when I was -- you know,
19 work with the general director, and I know his file from my
20 friend who is the case officer.

21 Q. Was there a time when you told the other members of the
22 committee that you felt Mr. Latchin should not be picked?

23 A. I told the case officer, you know. In the beginning, I
24 told, you know -- because we have a lot of friend in United
25 States, and we don't need planting. This is my idea, you

1 know.

2 And I told the general director, you know, and
3 other, because he is known as an IIS officer and he has a lot
4 of sources -- he run a lot of sources in U.S., and how select
5 him as a planting officer in U.S. But they don't convince,
6 you know.

7 Q. They don't want?

8 A. I am not able to convince them. They insist, you know,
9 to plant him.

10 Q. But were you still on the committee at the time you were
11 telling other people --

12 A. No, no, no. It is not on the committee. I told you,
13 the committee, we are not serious discussing. Just start it
14 and then they finish it, just finish it as a fake finishing.

15 MR. THEIS: That's all I have, your Honor. Thank
16 you.

17 THE COURT: Redirect examination?

18 MR. CONWAY: No, your Honor.

19 THE COURT: Mr. Al-Dani, thank you. We appreciate,
20 your testimony. You are excused.

21 THE WITNESS: Thank you.

22 (Witness excused.)

23 THE COURT: Are there additional witnesses that the
24 government will be calling?

25 MR. CONWAY: Yes and no. If I can just tell the