

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION
NO. 07-CR-20160

NAJIB SHEMAMI,

Defendant.

_____ /

EXCERPT OF MOTION TO ADMIT DOCUMENTS
BEFORE THE HONORABLE NANCY G. EDMUNDS
United States District Judge
226 Theodore Levin U.S. Courthouse
231 Lafayette Boulevard West
Detroit, Michigan
February 8, 2008

APPEARANCES:

For the Government:

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- - -

Suzanne Jacques, CSR, RMR
Official Court Reporter - U.S. District Court
313-964-5121

I N D E X

Witness/Proceeding Page

Excerpt of Government's Motion to Admit Documents

D. ROBERT SMEGO	
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E X H I B I T S

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Detroit, Michigan
Friday, February 8, 2008
2:08 p.m.

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R O B E R T S M E G O ,

hereinbefore called as a witness, being first duly sworn by the Court to tell the truth, the whole truth, and nothing but the truth, was examined and testified upon his oath as follows:

(2:08 p.m.)

DIRECT EXAMINATION

BY MR. MARTIN:

Q Good afternoon. Could you state your name?

A Robert Smego.

Q And you're currently employed?

A I'm currently employed by a defense contractor for serving the Department of Defense.

Q And where are you physically working?

A I'm physically work in the U.S. Embassy, Baghdad.

Q And you're here in the United States for what reason?

A I was summoned by the court.

Q Let me have you briefly describe to the Court your educational background, starting with your college.

A Certainly. I received a bachelor of science in Administration of Justice from Southern Illinois

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1 University.

2 Q After college, what did you do?

3 A After college, I took two years, I worked for a credit
4 card processor, but, however, in 1998, I joined the U.S.
5 Army serving as an analyst. I was trained in the Arabic
6 language from the Defense Language Institute in Monterey,
7 California for two years.

8 Q And what years were those?

9 A From 1998 to 2000.

10 Q And when you joined the Army, what rank did you have?

11 A As you join the Army, you start out as a private.
12 However, when I left the Army, I was an NCO, I was a
13 noncommissioned officer, sorry.

14 Q Thank you. You said you went to --

15 A Defense Language Institute in Monterey, California. It's
16 a language school.

17 Q What did you learn there?

18 A Learned to read, write, and speak Arabic.

19 Q Are you fluent in Arabic?

20 A I have a degree of fluency, yes.

21 Q After you got out of language school, what did you do?

22 A The military assigned me to Fort George G. Meade,
23 Maryland. I worked there for the remaining of my Army
24 service.

25 Q And were you an analyst there, as well?

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1 A I served as an analyst working on Iraq issues at Fort
2 Meade.

3 Q When did you leave the Army?

4 A I was honorably discharged in June 2003.

5 Q Did you receive any commendations while you were in the
6 Army?

7 A Received two medals specific to my analysis on the Iraq
8 issue.

9 Q After you left the Army in 2003, what did you do?

10 A I joined a defense contractor working for the Department
11 of Defense.

12 Q The same defense contractor you work for now?

13 A That is correct. I've been employed with them for nearly
14 five years.

15 Q And when you began working for the defense contractor,
16 what project or projects were you assigned to?

17 A Immediately upon starting with that company, I was
18 assigned an analyst position, at which point they pointed
19 out that a lot of Iraqi documents were being harvested
20 over in Iraq and --

21 Q If I may interrupt you?

22 A Certainly.

23 Q This is your -- you've started your work at the defense
24 contractor. Do you remember exactly when it was?

25 A I started May 19, 2003 as a defense contractor.

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1 Q And so that was-

2 A By June 4, I was -- literally June 4th, I was told to
3 start working on Iraqi documents.

4 Q And when did the United States' invasion of Iraq take
5 place in 2003?

6 A Baghdad fell on April 9th. The invasion began sometime in
7 February, March.

8 Q Thank you. So your work at the defense contractor post
9 dated the invasion?

10 A That is correct. It was actually convenient for the Army
11 because my target was pretty much done, and there was no
12 hand off when I exited the Army. It was a clean break.

13 Q So getting back to the first project you were assigned to
14 after you joined the defense contractor, what was that
15 project?

16 A The first assignment as I joined the defense contract was
17 as an analyst working on Iraq issues.

18 Q Were you focused on a particular issue?

19 A The type of work was actually defense industries, military
20 industries, but focusing specifically on the Iraqi
21 documents.

22 Q When you say Iraqi documents, what do you mean?

23 A All of the documentation that was captured in Iraq, picked
24 up from streets, offices, buildings, institutions was all
25 gathered up and cataloged into a database. I was

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1 instructed to go through all the documents to see if I
2 could find anything interesting. At that time, I was
3 going through Iraqi Intelligence documents, Military
4 Industrialization Commission. Later on, couple years
5 later, Oil-For-Food documents, as well.

6 Q Are you familiar with how the government, military
7 processed these documents?

8 A Intimately.

9 Q Can you generally sketch out for the Court that process?

10 A Certainly. When documents are collected, they are scooped
11 up by mobile collection teams. They're taken to a central
12 place in Baghdad. It was the Combined Media Processing
13 Center. That place processed, triaged, cataloged,
14 performed a summary of what the documents contained. And
15 then the documents were later shipped down to Qatar.
16 There's a facility down in Doha Qatar that catalogs, well,
17 further catalogs and stores the documents down there.

18 Q And as part of your job, you reviewed these documents that
19 were being collected in Iraq?

20 A My job was to review the documents, correct.

21 Q Have you given any training as part of your job to others?

22 A I have created training as part of my job, to others. As
23 for receiving training, my language training was the only
24 official training that I received on the documents
25 themselves.

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1 Q What training did you give to others?

2 A I identified -- I created a method to identify and
3 recognize counterfeit Iraqi documents.

4 Q And once you developed that method, that was the subject
5 of your training?

6 A That was the standard for recognition of counterfeits, and
7 that was the primary training that I conducted. I have
8 conducted it approximately five times now.

9 Q And who do you give the training to?

10 A The first time, I gave it twice in December of 2004. That
11 was to the contract linguists that worked very closely,
12 they were the first line of triage with the documents.
13 That was in order for them to recognize and make it known
14 to U.S. officials that it might be a suspected counterfeit
15 document.

16 I subsequently gave the lectures and the training
17 to analysts and linguists down in Doha Qatar which is the
18 larger facility, and I've given the presentation, as well,
19 to U.S. forces within the states.

20 Q As part of your work on this project, have you been
21 stationed in Iraq before?

22 A I was stationed in Iraq from April 2004 to January 2005.

23 Q And you came back to the United States?

24 A I came back to the United States at which time I served
25 the U.S. congress committee, it was a house committee on

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1 energy and commerce, studying documentation regarding the
2 Oil-For-Food program.

3 Q Was this project worked on with congress? Did congress
4 request your assistance with this?

5 A Specifically, they called me after my return from Iraq.

6 Q And again, a little bit more specifically, what did they
7 ask you to do?

8 A Specifically, they were given 65,000 pages of Iraqi
9 documents regarding the Oil-For-Food program. They asked
10 me to go through the documents and identify any relevant
11 or pertinent documents to their issues. I went through
12 23,000 pages in approximately two weeks, identified 59
13 pages, translated them, and later testified at an open
14 hearing before the committee.

15 Q Do any other U.S. government agencies seek your assistance
16 with Iraqi government documents?

17 A When it comes to the Iraqi documents, because the field is
18 so narrow, every agency usually gets directed my way when
19 it comes to authenticity of Iraqi documents.

20 Q Since you began on this project in 2003, how many pages of
21 Iraqi government documents would you say you've looked at?

22 A I have had my eyes on and triaged over a million pages.

23 Q Of that million, do you have any sense of how many were
24 Iraqi Intelligence Service documents?

25 A The majority of which are Iraqi Intelligence Service

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1 documents. Second would be military industrialization.
2 Third would probably be Oil-For-Food.

3 Q And of that million, how many forgeries have you
4 identified?

5 A I've identified 239 pages of counterfeit documentation.

6 MR. MARTIN: Your Honor, I'd like to qualify
7 Mr. Smego as an expert in the interpretation of Iraqi
8 Intelligence Service documents.

9 THE COURT: No problem.

10 BY MR. MARTIN:

11 Q Prior to today, when was the first time you saw those
12 documents?

13 A I first saw scanned images of the documents approximately,
14 a couple weeks ago. Time is a little fuzzy, but it was
15 sometime in January.

16 Q And you reviewed them at that time?

17 A At that time, I reviewed them, made comparisons and made
18 judgments on them. I have since seen the original
19 documentations upon arrival here in Detroit.

20 Q When exactly did you see the originals?

21 A The original documentations were seen yesterday afternoon.

22 Q And when did you arrive in Detroit?

23 A I arrived in Detroit yesterday morning.

24 Q I'm going to show you a copy of what's been marked as
25 Government Exhibit 2. Do you recognize that?

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1 A Yes, I do.

2 Q What is that?

3 A This would be scanned images of the original documents
4 along with what appears to be translations by the FBI.

5 Q These were the documents that you originally saw a few
6 weeks ago?

7 A That is correct.

8 Q Now I'm going to show you what's been marked as Government
9 Exhibit 1. Do you recognize those?

10 A Yes, these are the original documentation which I saw
11 yesterday.

12 Q Now, based on your review of Government Exhibit 1 and
13 Government Exhibit 2, have you formed an opinion about the
14 authenticity of Government Exhibit 1?

15 A Yes, I have. Every page within there is authentic.

16 Q Can you describe for the Court how you came to that
17 conclusion?

18 A Certainly.

19 With verifying the authenticity of an Iraqi
20 document, I teach and practice the same method; starting
21 from the outside working in, starting with the borders,
22 the paper itself, the letterhead, symbology at the top,
23 followed by routing issues and where the documents come
24 from, to make sure they're in accordance with the
25 signatures at the bottom.

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1 Q All right. Go ahead.

2 A I'll look at the signatures, I pick out key signatures and
3 confirm them, compare them to known samples of authentic
4 documents. For example, if I'm looking for a signature of
5 a certain director, I will find documentation from that
6 same department near that date regarding the different
7 subject matter, whether it be officer transfers, general
8 administration correspondence, and compare it to suspected
9 document.

10 Q I'm going to ask you to -- you've mentioned a number of
11 factors. Let's go through some of those together --

12 A Certainly.

13 Q -- with the documents. I'm going to ask you first, for
14 example, to turn to --

15 MR. MARTIN: Your Honor, this is Page 17 and 18 in
16 your binder.

17 BY MR. MARTIN:

18 Q Mr. Smego, if you look on the back of Exhibit 1, each page
19 has a number. Your numbers are different, unfortunately,
20 from the Court's, so I ask the Court's indulgence. But in
21 your version of the originals, the number is going to be
22 32.

23 A I have it in front of me.

24 Q You mentioned one of the things you look at is the
25 framework, the borders. Can you use this as an example to

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1 elaborate what you mean?

2 A Is this the document you're referring to?

3 Q That's correct.

4 MR. WISHNOW: Excuse me, Your Honor, what number?

5 BY MR. MARTIN:

6 Q. On the back there should be a sticker. If you could read
7 that for the Court.

8 A Sticker on the back says Government Exhibit 1-32. In my
9 hand is a fax document, it has a border, it has address to
10 it. There are --

11 THE COURT: I'm sorry, which -- I thought you said
12 Page 17.

13 MR. MARTIN: Yes, Your Honor, if I just might, to
14 clarify.

15 THE COURT: This is the translation, right?

16 MR. MARTIN: Yes, 17 and 18, Your Honor, in your
17 binder. 17 is the translation, 18 is the original.

18 THE COURT: Okay. And the one is talking about the
19 original obviously.

20 MR. MARTIN: Correct.

21 A If you wish to show me a copy of the binder, you can make
22 sure we're all on the same page.

23 BY MR. MARTIN:

24 Q We're all on the same page.

25 A Very well.

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1 Q What about the binder or the general framework of this
2 document indicates to you it's authentic?

3 A With this document that's in front of me, it's, the format
4 of the paper, the format of the address, how the letter is
5 addressed to somebody as well as who it's from. For
6 example, this document tells me that it's from M53/1/3.
7 Down at the bottom it's signed by the director of M53. We
8 also look at the signatures and compare those to known
9 authentic signatures.

10 Q Let me ask you this, there's a pattern along the border.

11 A Yes, sir.

12 Q What does that show to you? Does that have any meaning to
13 you?

14 A Known counterfeits, for example, this pattern, we've seen
15 this pattern. There was a lot of different patterns, from
16 bow ties, squiggles, flowers, what have you. What really
17 jumps out is when you have a counterfeit document and they
18 try to use a different pattern, that's what really slaps
19 you in the face. Counterfeit documents are very easy to
20 identify quickly.

21 MR. MARTIN: Your Honor, it's Page 51 and 52 in your
22 binder.

23 BY MR. MARTIN:

24 Q Mr. Smego, it's 1-11 in your originals. This document has
25 a different border.

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1 A Yes, it does, but there's nothing unusual about it.
2 Different organizations with different sub directorates
3 within the intelligence apparatus, the IIS, there was
4 differences between each one because they were usually
5 supplied by different vendors. There was no -- while
6 there were many different variations, they did not all
7 agree with the overhead organization. The headquarters
8 had very distinguished stationery.

9 Q You mentioned routing information. Let's talk about that
10 in more detail for the Court.

11 MR. MARTIN: Judge, Pages 71 through 74 in your
12 binder.

13 BY MR. MARTIN:

14 Q Mr. Smego, it's Exhibit 1-2 in yours.

15 A 1-2I.

16 Q Routing information. What is the routing information on
17 this document?

18 A For example, in the upper right-hand corner, it comes from
19 the Presidency of the Republic, the Intelligence
20 Apparatus, and the line right below that states M5/4/13/3.

21 Q So when you say routing information, what are you
22 referring to specifically?

23 A The M5 code that I gave you with the slashes, that is the
24 office designation from where this letter came from.

25 Q So, in other words, it's sort of, in written form,

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1 organizational chart?

2 A Absolutely. M5 designates the fifth directorate which is
3 counter intelligence. The 4 represents the fourth
4 division underneath M5. 13 is the section, 3 is the
5 department.

6 Q So if you were looking for a counterfeit, in your
7 experience, would that designation tend to be accurate or
8 inaccurate in the counterfeit?

9 A In the counterfeits, it's amusing because a counterfeiter
10 will often know enough to be dangerous, in which they will
11 throw an M and a bunch of numbers after it, but not having
12 an understanding of what it actually comprises of, so
13 you'll often have up there, M3/12/27, random numbers that
14 don't mean anything, and then they will disagree with the
15 actual context of the letter. And then when you got down
16 to the bottom of the letter, it's signed by somebody from
17 M2, which does not corroborate the letter or the routing
18 information at all.

19 Q You mentioned signatures.

20 A Yes, sir.

21 Q Did you look at all the signatures in this file?

22 A I looked at the, I don't want to say the most important,
23 but some of the larger signatures. For example --

24 Q Larger, what do you mean?

25 A By larger, I mean the directors of the directorates, some

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1 of the sub directorates. I did not look at every
2 signature that's on there because sometimes it's signed by
3 small administrative staff. But for the signature blocks,
4 I looked at a majority signature, and compared them to
5 known authentic samples.

6 Q So turning to, staying on this document, 1-2.

7 A Certainly.

8 Q If we look on the last page, which is Page 74 in the
9 Court's binder, did you look at these signatures?

10 A The signatures at the bottom of Government Exhibit 1/3,
11 the signature is by the director general of M5. I
12 confirmed that signature with other samples of his
13 handwriting, as well as one of the other signatures which
14 is in the middle, is the signature of the deputy director
15 of the IIS.

16 Q Now, when you say signature, can you describe to the Court
17 when you say signature what you mean in terms of people
18 from Iraq signing documents?

19 A Certainly. The easiest way to explain it is a signature
20 in Iraq is make your mark, whereas commonly, if I asked
21 you to sign something, you will perhaps sign your name to
22 where, to a legible degree, we can actually make out your
23 name. However, in Iraq, the majority of the time, it goes
24 back to the old saying of make your mark. It's a design
25 with the pen. It's consistent for each individual until

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1 they decide to change it.

2 But what we do is we actually look up
3 documentation from right around the same time period to
4 make sure that we have the same style.

5 Q Let me ask you to turn to 1-29. That's page 33 and 34 in
6 the Court's binder.

7 A 1-29 in front of me.

8 Q Correct. This document has a logo at the top?

9 A Certainly.

10 Q Did that in any way factor into your opinion?

11 A The logo at the top is the symbol of the Iraqi
12 Intelligence Service. Its nickname is IIS. It's composed
13 of a circle, a globe in the middle, with an outer band,
14 much like an eyeball, much like the Pinkerton detectives
15 keeping an eye on you. That is the authentic symbol of
16 the IIS.

17 Q Does this logo appear on some documents throughout this
18 file?

19 A Absolutely. The symbol is used as a water mark on some
20 IIS documentation. It appears here and there. It
21 certainly doesn't appear on every piece of IIS
22 documentation, but it's very common.

23 Q Does the fact that it doesn't appear on some pages affect
24 your opinion on whether it's authentic?

25 A No, not at all. The fact that -- the fact that it does

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1 not appear on some pages is -- there is not a problem with
2 that whatsoever. As I said, it wasn't necessary to be on
3 every piece of information.

4 For example, if a document was being routed
5 through the Department of Justice, certainly if it was
6 being sent up to the president, you would have an official
7 seal on it. However, if it was just an interoffice memo
8 at a lower level, there would not be a need for such
9 ornate documentation.

10 Q What about the content of the document, does the content
11 of the document tell you anything, give you any clues as
12 to whether it's authentic?

13 A Certainly. Usually, the content of the document is the
14 last item that we'll look at because we're more concerned
15 with and it's more obvious, the issues outside the
16 content. But the content itself, for example, will often
17 detract from what the outside of the routing and signature
18 information, so it will contradict. It's easy to pick up
19 a counterfeit, such as --

20 Q Could you just give an example of how it would contradict?

21 A Certainly. As an example, we had a document that once
22 stated that an intelligence officer was going to meet a
23 source, and please inform Directorates M11, M7 and M3
24 accordingly.

25 Well, again, the counterfeiter knew enough about

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1 the organization to make it look authentic, but when you
2 look at it, M11 is training and preparation, M7 was a
3 prison, and M3 was like the computer department. It had
4 nothing to do with what would actually be meeting an
5 intelligence source.

6 Q What about -- it's difficult for the Court to see this in
7 the binder, copies in the binder, but if we turn, for
8 example, to Page 76, Your Honor, in the binder.

9 This is 1-41 in Exhibit 1, Mr. Smego.

10 A 1-41.

11 Q Are there hole punches in this document?

12 A There are hole punches on the right margin of the
13 document.

14 Q And what does that indicate to you?

15 A It indicates that at some point in time, this document was
16 bound together in a larger collection.

17 Q And is that consistent with how you know the IIS to keep
18 its documents?

19 A There's nothing inconsistent with it. However, the holes
20 are on the right side of the margin. It's very common
21 that the wire holes are on the right side. It's because
22 Arabic is read from right to left, thereby necessitating
23 the need to punch on the right side.

24 Q What about there are some small holes in the --

25 A In the upper right corner there are holes. It indicates

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1 the documents were bound together most likely by the
2 following pages. It's not a staple hole, however, it's a
3 pin hole.

4 Q How do you know it's a pin hole?

5 A Because that's how Iraqis kept their documents together.
6 There were no staples there.

7 Q But can you tell just from the --

8 A Oh, the mark on the paper is fairly clear that it was a
9 pin that was approximately an inch long. The head of the
10 pin, I can't remember what the head of the pin, but the
11 pointy part of the pin is on the left-hand side. The top
12 of the pin with the little ball is on the right hand side.
13 It left an indent on the paper.

14 MR. MARTIN: Your Honor, may I show that to the
15 Court?

16 THE COURT: You may. I don't know how much more of
17 this particular type of testimony we need. I mean --

18 MR. MARTIN: I'm finished, Your Honor.

19 THE COURT: Okay.

20 Mr. Wishnow.

21 **CROSS EXAMINATION**

22 BY MR. WISHNOW:

23 Q Mr. Smego, good afternoon.

24 A Good evening.

25 Q After leaving the military and being honorably discharged,

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1 you started working for a defense contractor, correct?

2 A That is correct.

3 Q And you now work out of the embassy in Baghdad.

4 A That is correct.

5 Q And how long have you been physically in Baghdad?

6 A From January -- excuse me -- from April 2004 until
7 January 2005, and most recently from December 4 until my
8 trip to Detroit.

9 Q So you started in '04, did you say?

10 A Correct, April '04.

11 Q And the war concluded when again, what month and year?

12 A Depends on what your definition of conclusion of war is.

13 Q Well, when the -- that's a good point.

14 THE COURT: Is it over?

15 BY MR. WISHNOW:

16 Q When the military took over Baghdad.

17 A Baghdad fell April 9th. No, excuse me. April 9 of 2003,
18 that is correct.

19 Q So you went there the following year.

20 A That is correct, April of 2004.

21 Q And before you got there, you were aware, were you not,
22 that there was a problem in securing IIS files?

23 A Why don't you be a little bit more clear on that.

24 Q. You were aware that IIS headquarters and the different
25 directorates had gotten rid of their files by putting them

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1 in safe houses, correct?

2 A That's a very common thing for the IIS to do. They did
3 that for years, not necessarily just before the war.

4 Q And if not safe houses, sometimes they went to the
5 officer, handler's homes?

6 A That is correct, documents went everywhere.

7 Q And you were aware that shortly after the invasion and
8 sometimes even before, many of the documents were burned
9 on purpose by IIS officials?

10 A Documents are routinely destroyed by IIS.

11 Q I don't mean purge files because of age, I mean files that
12 have some current value but were destroyed because of the
13 invasion. You're aware of that?

14 A There's intentional destruction of documents.

15 Q How many others do what you do now?

16 A Depends on what you define as do what I do.

17 Q Analyzing these different documents, you indicated some
18 were IIS, some were Military Industrialization, some were
19 Oil-For-Food. How many are involved in that type of work?

20 A I don't have a firm count of how many analysts.

21 Q Are you a supervisor over a group of people, analysts who
22 do this?

23 A No, I'm not a supervisor. I previously was a supervisor
24 of people, but not at this position that I currently hold.

25 Q Are other analysts working with you in the position you

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1 now have?

2 A There are other analysts working in the position that I
3 now have.

4 Q How about going back to, when you -- in '04 after being
5 discharged, were you the only personal doing this?

6 A No, not at all.

7 Q Are you familiar with an address, 50 El Kadah street?

8 A I think you mean 50 El Kradah(sp) Street.

9 Q K-a-d-a-h.

10 A Sounds like a misspelling of 50 El Kradah, but I'll go
11 with that.

12 Q Are you familiar?

13 A I'm familiar with 50 El Kradah Street, yes.

14 Q What is that?

15 A Was a collection point where many documents were obtained.

16 Q And who obtained those documents?

17 A They were collected by what was then the Iraq Survey
18 Group. That -- the Iraq Survey Group was supervised by
19 Mr. Charles Duelfer in the hunt for Iraqi weapons of mass
20 destruction. It was captured I want to say late 2004.

21 Q Was this a IIS storage facility?

22 A It stored a lot of material, meaning I'm not sure if
23 you're familiar with a five-ton truck, but a five-ton
24 truck is intended to haul five tons. There were 12 trucks
25 required to remove the documents from there.

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1 Q So it wasn't just IIS, it was other agencies or bureaus of
2 the Iraqi government?

3 A There was a lot of high level documents in there.

4 Q You indicated that all these millions of documents would
5 come from different sources in different ways, including,
6 I think you used the word scooping them up?

7 A Absolutely.

8 Q And so was it that any document that had some potential
9 value was retained and ultimately got to you and your
10 colleagues?

11 A Documents that were collected were, they came from
12 specific collection missions where they intentionally went
13 out to seek documents. They came out where people would
14 bring documents to us in rice bags and leave them at our
15 door step. Documents would come from all sorts of
16 different places. It was usually the ones that people
17 tried to sell us that were always the counterfeit issues.

18 Q You've seen IIS files, whole files, have you not?

19 A Absolutely.

20 Q And whole files are put together with some kind of thread?

21 A Yeah, at some time they are.

22 Q And typically, a IIS file would have two individual files,
23 what's called an administrative file, an intelligence
24 file?

25 A Perhaps by SOP.

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1 Q You're -- that's a fair statement, correct?

2 A It's a fair assumption that that's what they intended to
3 do.

4 Q But you've seen many that were that way and that were in
5 tact, correct?

6 A There are, as I said, yes, there are many different file
7 types.

8 Q The documents you've looked at for this case and that you
9 looked at I guess this morning and a couple weeks ago by
10 scanning, those were parts and fragments of files, is that
11 a fair statement?

12 A It's a collection of documents all around the same
13 subject.

14 Q By no means a complete file, correct?

15 A Depends on what your definition of a complete file is.

16 Q Well, file sometimes that had copies of sources -- well,
17 let's assume the individual volunteers a source, according
18 to the government's theory, okay.

19 A All right.

20 Q Assuming a person is the source, a source's file would
21 usually contain a copy of the person's passport, would it
22 not?

23 A Maybe.

24 Q You've seen that, have you?

25 A I've seen copies of passports.

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1 Q Source's file would also have some kind of pledge or oath
2 that the person made to the government of Iraq?

3 A Never seen that.

4 Q You've never seen that?

5 A Never seen that in a file.

6 Q The files would also contain information if there was any
7 cash moneys given to the source?

8 A Sometimes.

9 Q You've seen that.

10 A Sometimes, yeah.

11 Q And the file also contain information if there was any
12 expenses given back to the source for reimbursement for
13 money spent, you've seen that, have you not?

14 A Occasionally, but rarely.

15 Q And in fact there's channels that the IIS had to go
16 through to get authorization to reimburse small amounts of
17 money even, isn't that true?

18 A Just as any organization would.

19 Q And you've seen that?

20 A Occasionally.

21 Q And files had a cover, did they not; they weren't just
22 loose papers?

23 A Sometimes they were.

24 Q Stuck together?

25 A Loose papers, sometimes they were sewn together with a

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1 loose string. Occasionally a string might snap, and the
2 next thing you know you have loose papers all over the
3 place. There are some that fell into envelopes, and some
4 just fell into manila folders. There was no
5 well-organized system for filing.

6 Q Did you yourself ever go to any of these so-called safe
7 houses to look at files that were recovered there?

8 A No, the files always came to me.

9 Q So you never went to locations where files were, they came
10 to you?

11 A That was not my job.

12 Q Do any of the files in this case, were any of those files
13 sent to the director of any of the directorates or to the
14 director of the IIS?

15 A Actually, one of the files, one of the pieces of
16 correspondence was sent to the deputy director for
17 operations of the IIS.

18 Q And do you know which that file is?

19 A I can look and identify it if you wish.

20 Q Yeah, could you please.

21 A It would be Government Exhibit 1-2, and the second page is
22 Government Exhibit 1-3. It is addressed to the deputy
23 director of the Apparatus for Operations.

24 Q That document is all in black, is it not?

25 A That's is correct.

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1 Q Isn't it true that when documents are sent to high
2 officials such as this, the border are usually gold or in
3 some type of color?

4 A No, it's not true, actually. This appears to be a Xerox,
5 number one. Number two, if it's interoffice
6 correspondence, it doesn't have to be on some fancy gold
7 leaf paper.

8 Q Oh, this is interoffice? You said this was to a deputy
9 director.

10 A That is correct, it is to a deputy director. It came from
11 M5/13/3.

12 Q And it came from M5?

13 A Yes.

14 Q To where?

15 A To the deputy director of intelligence, to the IIS.

16 Q And you're saying that type of document does not have a
17 colored border.

18 A That is correct.

19 Q You also acknowledge that this is a photocopy.

20 A Yes, it appears to be a photocopy.

21 Q Many of the documents in the batch that you've looked at
22 this morning that are present in court, the ones that are
23 black in color, some have blue ink, notations, correct?

24 A Yes, such as the second page because of the signatures.

25 Q The ones that are photo colored -- I'm sorry, the ones

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1 that appear in black oftentimes have a faded black patina
2 or image to them?

3 A Okay.

4 Q Does that indicate to you that those are photocopies?

5 A Well, it indicates that the original document, the letter
6 itself is a photocopy, and signed in person, obviously in
7 ink, by the directors and all the people that have passed
8 through up to the deputy director.

9 Q Directing your attention to that particular document, that
10 document does not have the IIS eye on it in middle?

11 A It does not have the symbol at the top of it.

12 Q And isn't it true that documents that went to high
13 officials such as this deputy director would have the IIS
14 eye on it?

15 A No, it would not be a fair assessment to say that.

16 Q Can you tell if this document has a water mark on it?

17 A No, you cannot tell because it's not the actual stationery
18 that would have the water mark.

19 Q Isn't it also a fair statement that documents that would
20 go to high officials would have the water mark on it?

21 A No, it's not a fair assessment to say that.

22 Q You indicated some of the documents that you looked at had
23 a signature of the various directors of the directorate
24 that sent the correspondence?

25 A Correct.

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1 Q Isn't it true that if the director of a directorate send a
2 correspondence, they just use M5, M4, whatever it is, and
3 do not sign the document?

4 A Actually, what happens is at the bottom, at the signature
5 block, it will say what will appear in your translations
6 as MA or MM5. What that stands for is madir or madir
7 ahm(sp), M, whatever. In English what that means is madir
8 is director, madir ahm is director general, M4 and M5
9 director.

10 Right above that typed MA or M5 or MM5 is the
11 signature. It looks like a little squiggle. It's a
12 design, it's not a legible name, but it's them making
13 their mark.

14 Q I'm not sure if we got an answer to my question. I guess
15 the question was if a document is signed by a director of
16 a directorate is it not true that that person will not
17 sign the legible signature, that including the scribble
18 that is used in Iraq?

19 A I think I understand where you're going. Sometimes
20 they're signed by the director themselves, sometimes
21 signed on behalf of the director.

22 Q This exhibit pile you looked at closely this morning, the
23 ones sent by directors, do they contain signatures?

24 A The example on 1-2 and 1-3 is the director general of 1-5,
25 and it is also signed by the deputy director of the IIS

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1 showing that he received it.

2 Q Do any of the documents you looked at have the eagle?

3 A Yes, that's the falcon salat elbeen(sp).

4 Q That is --

5 A Common crest at the top of Iraqi documentation. It is,
6 when it is in color, it is a golden falcon with a shield
7 in the middle of it. The shield bears the flag of Iraq.
8 Underneath that, the eagle is holding a little banner that
9 says Jumhunyat al-Iraq which is Republic of Iraq.

10 Q Isn't it true that in correspondences that have the, the
11 eagle, that eagle will be in some color and sometimes in
12 gold color?

13 A Occasionally, the eagle is colored, occasionally it just
14 appears in black and white copies.

15 Q Did you see any colored or gold eagles on any of the
16 correspondences you had?

17 A I don't recall seeing any color copies, but I'd be happy
18 to look if you wish.

19 Q I believe there aren't any, if you take my --

20 A I'll take your word for it.

21 Q But then again, if any of these documents were photo
22 copied it wouldn't appear anyway, correct?

23 A The color really doesn't indicate anything.

24 Q Do any of the documents identify the IIS as the Iraq
25 Intelligence Service as opposed to Iraqi Intelligence

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1 Service?

2 A I understand your question. No, I do not recall seeing
3 any of the documents within this batch having English on
4 them saying Iraq Intelligence Service as opposed to Iraqi
5 Intelligence Service. The reference you're making to
6 Iraqi Intelligence Service is from a known counterfeit
7 document.

8 Q Do all the documents contain dates in the upper-left
9 corner?

10 A I didn't look to see if there was a date on every single
11 document in the upper-left corner. The fact that a
12 date -- it is not always necessary on a document.

13 Q The date in the upper-left corner, isn't that a date
14 that's utilized to show when that document is received or
15 sent?

16 A Occasionally be on the upper left, sometimes it's on the
17 upper right.

18 Q And wouldn't all documents have such a date on them?

19 A No.

20 Q Routing date?

21 A No.

22 Q No? Did any of the documents you looked at appear to have
23 any of the red stamps that are prevalent in IIS documents?

24 A Actually, red stamps aren't prevalent in IIS documents.

25 Are you referring to the round, red stamp with the spiky

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1 borders?

2 Q I'm not that familiar with the red stamps. But any red
3 stamp, did any of the documents appear to have that?

4 A All right. Well, I am -- the red stamp that's usually
5 seen above the signature blocks is usually an indicator of
6 a counterfeit document. No, there were not any within
7 here.

8 Q During the course of your looking at IIS files, and you
9 looked at apparently hundred of thousands of pages?

10 A Yeah, anywhere, topping over a million, or actually going
11 on 1.1.

12 Q Did you learn about the differences in originals versus
13 fakes, forgeries, or whatever you want to call them by
14 hands-on experience that you yourself undertook in looking
15 at these documents?

16 A Yes. Within the community, I'm considered the pioneer on
17 the IIS counterfeits because we had to identify false
18 information that was being sold to coalition forces.

19 Q Did you work with any IIS officers in your task of trying
20 to evaluate documents?

21 A No, I did not.

22 Q Who did you work with, if anybody, that was knowledgeable
23 in intelligence gathering or counter intelligence
24 gathering to give you some help in deciphering what
25 documents may be valid and what may not be valid? Or did

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1 you not utilize any such individuals?

2 A We utilized some linguists, simply as walking lexicons to
3 help us identify some of the Arabic, but as for the nature
4 of the documents themselves, it was easier to compile how
5 the IIS did their documentation by looking at all of their
6 files. That's why we looked at so many.

7 It's fairly easy to pick out a counterfeit
8 document when you look at a couple hundred thousand
9 authentic ones and then you've got one that does so
10 obviously not fit the profile.

11 Q You've discussed today in your testimony, and given some
12 conclusions about the M directorate stamp and signatures,
13 about the eagle, about the awakening eye, about the dates,
14 about the borders, about the thread and the like, correct?

15 A That is what I'm here for, yes, sir.

16 Q And those conclusions that you've given us today, that's
17 based on your examining these documents and conclusions
18 that you came to yourself, is that correct?

19 A No one came to these conclusions for me.

20 Q Those are your conclusions?

21 A That's what I said, sir.

22 MR. WISHNOW: That's all I have of this witness.

23 Thank you.

24 THE COURT: Okay.

25 MR. MARTIN: Nothing further, Your Honor.

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(Witness Smego excused 3:00 p.m.)

(End of excerpt.)

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CERTIFICATE OF COURT REPORTER

I certify that the foregoing is a correct transcript
from reported proceedings in the above-entitled matter.

SUZANNE JACQUES, CSR, RMR
Official Court Reporter
Eastern District of Michigan

Date