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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

HONORABLE TERRY J. HATTER, JUDGE PRESIDING

UNITED STATES OF AMERICA,	)	
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	)	
Plaintiff,	)	
	)	
	)	
	)	
Vs.	)	No. CR 06-221 (B) TJH
	)	
	)	
WILLIAM SHAOUL BENJAMIN,	)	
	)	
	)	
	)	
Defendant.	)	
	)	
	)	

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REPORTER'S TRANSCRIPT OF TRIAL PROCEEDINGS  
LOS ANGELES, CALIFORNIA  
WEDNESDAY, FEBRUARY 6, 2008

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I N D E X

DEFENSE'S WITNESS

WILLIAM SHAOUL BENJAMIN

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1 LOS ANGELES, CALIFORNIA; WEDNESDAY, FEBRUARY 6, 2008

2 9:37 A.M.

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4 (Outside the presence of the jury.)

5 THE CLERK: Please remain seated and come to order.  
6 This Court is once again in session.

7 THE COURT: Good morning.

8 We're outside the presence of the jury.

9 Are there any matters that any counsel wish to  
10 raise?

11 MR. BLATT: No, your Honor.

12 MS. HUDSON: No, your Honor.

13 THE COURT: Let's bring the members of the jury in  
14 then.

15 THE CLERK: Please rise.

16 (Whereupon, at 9:39 a.m. the jury entered the  
17 courtroom.)

18 THE COURT: Please be seated.

19 And good morning, ladies and gentlemen.

20 Ladies and gentlemen, has anything about this  
21 matter come to your attention in any way since you were last  
22 here yesterday? If so please raise your hand.

23 I see no hands being raised.

24 Well, we're going to complete the evidence in this  
25 case today, ladies and gentlemen. And in that regard we'll

1 continue with the cross-examination.

2 Mr. Benjamin, would you, again, repeat your name  
3 for the record and spell your last name, sir.

4 THE DEFENDANT: William Shaoul Gorial Benjamin,  
5 capital B-e-n-j-a-m-i-n. Benjamin, last name.

6 THE COURT: Mr. Benjamin, you are still under oath  
7 in this matter.

8 THE INTERPRETER: Your Honor, the interpreter would  
9 like to make clarification for the record, if you permit me  
10 to.

11 THE COURT: What is the clarification about?

12 THE INTERPRETER: About a term was used yesterday  
13 by the interpreter.

14 THE COURT: Oh, yes. You may.

15 THE INTERPRETER: It has been brought to the  
16 attention of the interpreter that term lady has a derogatory  
17 connotation in American English, which the interpreter did  
18 not realize. The Arabic term used by the witness when  
19 addressing the U.S. Assistant Attorney means and can be  
20 interpreted as Mrs., My Lady, or ma'am. There is no  
21 derogatory or negative implication in the Arabic world.

22 THE COURT: Thank you for that.

23 THE INTERPRETER: Thank you, your Honor.

24 THE COURT: All right. Let's continue.

25 MS. HUDSON: Thank you, your Honor.

**CROSS-EXAMINATION**

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BY MS. HUDSON:

Q. Mr. Benjamin, you testified yesterday that when you came to America in 1992, some family members stayed behind in Iraq; is that correct?

A. Yes.

Q. Who stayed behind?

A. My daughter with her family.

Q. That's your daughter Nahrain?

A. Yes.

Q. And her husband?

A. Yes.

Q. Did they have children?

A. Yes.

Q. How many children?

A. Two.

Q. What were the children's names, if you know?

A. Pibi, and the boy is Lenny.

THE INTERPRETER: Lenny. The boy is Lenny.

BY MS. HUDSON:

Q. It was a boy and a girl?

A. Yes.

Q. And the girl's name was Stevie?

A. No. Pibi.

Q. Pibi?

1 A. Yes.

2 THE COURT: How would you spell that?

3 THE WITNESS: P-i-b-i.

4 BY MS. HUDSON:

5 Q. Was that a nickname?

6 A. (In English) No.

7 THE WITNESS: No.

8 BY MS. HUDSON:

9 Q. That was the full name?

10 A. Yes.

11 Q. And what is your daughter's husband's name?

12 A. Robin Ishoo.

13 Q. Is he known by any other names?

14 A. In Iraqi culture the father is always called by the name  
15 of the first child.

16 Q. Which would be what in this case?

17 A. Abu Pibi.

18 Q. Have you ever heard of anyone named Abu Miriam?

19 A. Yes.

20 Q. Who is that?

21 A. Abu Ahmad himself. And he's, at times, called Abu  
22 Riyam.

23 Q. Abu Riyam?

24 A. Yes.

25 Q. With an "M"?

1 A. "M."

2 Q. All right. Mr. Benjamin, do you recall that on or about  
3 May 4th, 2007, you came to a conference room in this building  
4 for an interview?

5 A. Yes.

6 Q. That was up on the 17th floor of this building; is that  
7 right?

8 A. Yes.

9 Q. Your attorney, Mr. Blatt, was there; is that correct?

10 A. Yes.

11 Q. And your daughter, who is present in court here today,  
12 was there also; is that correct?

13 A. Yes.

14 Q. FBI Special Agent James Rubin and Scott Hill were there  
15 as well; is that right?

16 A. Yes.

17 Q. And Assistant U.S. Attorney Ms. Heinz and I were also  
18 there; is that correct?

19 A. Yes.

20 Q. And the translator who was translating earlier in court  
21 for the witness, Mr. Sargon, was there; is that right?

22 And I'm referring to Gabriel Cartouche.

23 A. I believe so.

24 Q. And your attorneys were satisfied with that interpreter;  
25 is that correct?



1 MR. BLATT: Objection. Speculation.

2 BY MS. HUDSON:

3 Q. As far as you know?

4 MR. BLATT: Objection. Speculation.

5 THE COURT: He can answer to his knowledge.

6 Overruled.

7 THE WITNESS: I do not know.

8 BY MS. HUDSON:

9 Q. And at that time you admitted that you knew some of the  
10 people whose names appeared in your file; is that correct?

11 A. Like what? Like whom?

12 Q. 'Abd Salam?

13 A. Yes.

14 Q. And you said that he was also known as Abu Ahmad; is  
15 that right?

16 A. Yes.

17 Q. And you also said that you knew an individual named  
18 Jamal Hamadi; is that correct?

19 A. Yes.

20 Q. And he is also known as Abu Khalid according to you; is  
21 that correct?

22 A. Yes. He's also known at times as Abu Miriam.

23 Q. So Abu Holland is also known as Abu Miriam? Miriam?

24 A. Miriam as Mary -- Mary -- the Virgin Mary.

25 Q. And that's the same alias that Abu Ahmad also uses at

1 times?

2 A. Which name?

3 Q. Abu Miriam.

4 A. Yes. At times because he has five girls, five  
5 daughters.

6 Q. They both have daughters named Miriam?

7 A. Yes.

8 Q. All right. I'd like to show you Page 68 from Exhibit 1.

9 Do you have Exhibit 1 in front of you?

10 A. Yes.

11 Q. Would you take a look at Page 68.

12 A. Yes.

13 Q. Do you have that document in front of you?

14 A. Where are the page numbers written?

15 Q. They are written either at the top or the bottom of the  
16 page in pencil with a circle around them.

17 A. Yes.

18 Q. This individual 'Abd Salam is someone you knew; is that  
19 correct?

20 A. Yes.

21 Q. And you also knew him as Abu Ahmad?

22 A. Yes.

23 Q. And this individual Jamal Hamadi was someone else you  
24 also knew; is that correct?

25 A. Yes.

1 Q. And you also knew him as Abu Khalid --

2 A. Yes.

3 Q. -- or Khalid?

4 A. Yes. Several names, yes.

5 Q. All right. And it's your testimony that Abu Miriam is a  
6 name that was used by both Abd-al-Salam and Abu Hamadi?

7 A. We used to address them sometimes or address them by  
8 Abu Miriam.

9 Q. Both of them?

10 A. Yes. But I wouldn't meet with them at the same time.  
11 When I would meet with one of them I would call them Abu  
12 Miriam, Abu Ahmad.

13 Q. You didn't say that at your proffer -- what I'm  
14 referring to as your proffer interview on May 4, 2007, did  
15 you? You didn't say that you refer to these individuals as  
16 Abu Miriam?

17 A. Because no one asked me that question.

18 Q. What your testimony was was that Abd-al-Salam was also  
19 known as Abu Ahmad; is that correct?

20 A. Yes.

21 Q. And that Jamal Hamadi was also known as Abu Khalid?

22 A. Yes.

23 Q. And that's correct; isn't it?

24 A. Yes.

25 Q. Could you please turn to Exhibit 6.

1 A. Six?

2 Q. And I direct your attention on Exhibit 6 --

3 A. Is it six you are talking about?

4 Q. Six.

5 A. Yes.

6 Q. -- to the page that is marked in the lower left-hand  
7 corner in pencil 1667.

8 A. Yes.

9 Q. Now, you've previously testified that you wrote this  
10 lawyer; is that correct?

11 A. Yes.

12 Q. And this letter contains information about the  
13 activities of an Assyrian group -- opposition group in the  
14 United States; is that correct?

15 A. Yes.

16 Q. That Assyrian opposition group is called the Bet-Nahrain  
17 Party; is that correct?

18 A. What do you mean by opposition?

19 Q. They were opposed to Saddam Hussein; is that correct?

20 A. Also, besides that, also Bet-Nahrain was opposite --  
21 opposite to my party; it was.

22 Q. Isn't it true that they were opposed to Saddam Hussein?

23 A. The American branch of this party was, yes. And  
24 American was against Saddam Hussein as opposed to Saddam  
25 Hussein. Back in Iraq they could not say that publicly, but

1 we knew they were opposed to Saddam Hussein, the Iraqi branch  
2 of the party.

3 Q. You couldn't say that publicly in Iraq that you were  
4 opposed to Saddam Hussein?

5 A. It's impossible.

6 Q. You wrote in this letter that one of the goals of the  
7 Bet-Nahrain Party that they decided to adopt was to work  
8 diligently to topple the Baath government in Iraq, headed by  
9 Saddam Hussein; is that correct?

10 A. Yes.

11 Q. And you sent this document to Iraq; is that correct?

12 A. (In English) To my cousin, yes.

13 BY MS. HUDSON:

14 Q. Is it your testimony that Abu Khalid is your cousin?

15 A. This was not the one that you are referring to.

16 Q. That's not the Abu Khalid that is Jamal Hamadi?

17 A. This is Khalid Gargis Shamon.

18 Q. And you also mention in the letter your respected cousin  
19 Hisham and your brother Abu Ahmad. That is Abu Ahmad, who is  
20 Abd-al-Salam; isn't that correct?

21 A. The term of the -- the term Abu Ahmad was used by a lot  
22 of Iraqis. At that time Ahmed Hassan al-Bakr was the  
23 president of Iraq, and people were calling their son after  
24 him because they wanted to feel proud.

25 Q. My question is isn't the Abu Ahmad that you referred to

1 in this letter Abd-al-Salam?

2 A. No.

3 Q. Is this Abu Ahmad another of your relatives, according  
4 to you?

5 A. It's not a relative, but it's a neighbor of my cousin's  
6 workplace.

7 Q. And is Hisham one of your relatives?

8 A. Hisham is a name that's used both by Kaldanians and by  
9 others and is -- is my maternal cousin, and his mother is  
10 Kaldanian.

11 Q. What about Khalid? Isn't that a Muslim name?

12 A. Yes. But the Christians also use it.

13 Q. You testified previously that you copied the information  
14 in this letter out of a magazine; is that correct?

15 A. Yes. Both in the broadcast radio and the magazines --  
16 from magazines.

17 Q. And your testimony was that you wanted to provide  
18 information about the activities of an Assyrian opposition  
19 group in the United States to your relatives in Iraq; is that  
20 correct?

21 A. I don't consider Bet-Nahrain a party opposed to me.  
22 It's Assyrian. It's part of me and my community.

23 Q. They were opposed to Saddam Hussein; is that correct?

24 A. We were all opposed to him, but we were afraid to speak  
25 out.

1 Q. But you weren't afraid to send this letter about their  
2 activities to Iraq, were you?

3 A. I sent it -- I sent it to my attorney. He's well known  
4 among the Assyrian community in Iraq, and I had complete  
5 trust in him. And he was --

6 Q. But first you said that --

7 A. -- supposed to hand it over to the recipient.

8 Q. But didn't you testify yesterday you first sent this  
9 letter directly to Abu Khalid?

10 A. But let me clarify something for you, ma'am.

11 I'm very frank. I'm not trying to hide anything.  
12 If there's a mistake I apologize for that mistake. For  
13 somebody to be in my position here at this stand, it's not  
14 easy to remember everything or recall everything.

15 Q. So does that mean you're changing your testimony now?

16 A. No.

17 Q. So you stand by your testimony that you first sent this  
18 eight-page letter about the activities of a group opposed to  
19 Saddam Hussein in America -- you first sent it to Abu Khalid  
20 in Iraq?

21 A. That is correct.

22 Q. And it's your testimony --

23 A. That's correct, but --

24 THE COURT: Just a minute.

25 ///

1 BY MS. HUDSON:

2 Q. -- that it's apparently --

3 MR. BLATT: Excuse me.

4 THE COURT: Just a moment.

5 BY MS. HUDSON:

6 Q. Is it a coincidence --

7 THE COURT: Did you complete your answer?

8 THE WITNESS: No, I have not yet.

9 MS. HUDSON: Oh, I'm sorry.

10 THE WITNESS: The first letter which I sent -- the  
11 first letter I sent directly to my cousin. He lives in the  
12 Al-Wahda Street -- Al-Wahda area, Number 904 -- that is his  
13 shop address or workplace -- workplace address is Al-Wahda,  
14 904 6th street, and the area 904 -- 906. Sorry.

15 He did not receive the first communication. I sent  
16 him another letter through the attorney, which he did not  
17 receive -- it was not received there. I have a video of  
18 this. If you wanted the video, I would have sent him a video  
19 copy.

20 BY MS. HUDSON:

21 Q. Is it your testimony that fact that the names Abu Khalid  
22 and Abu Ahmad appear in this letter is simply a coincidence  
23 and that they do not refer to the Abu Ahmad and Abu Khalid,  
24 who we saw in all the documents in your file?

25 THE COURT: Well, just a minute. That's compound.



1 MS. HUDSON: I'll withdraw that.

2 THE COURT: Uh-huh.

3 BY MS. HUDSON:

4 Q. Getting back to your copying the contents of this letter  
5 out of a magazine, could you look at Page 4, please.

6 A. Yes.

7 Q. Now, there's a reference at the top of that page to  
8 Johnson Karam.

9 You know that individual, don't you?

10 A. I know what it is, but I can't find it here. I know  
11 it's there, but I can't find it. What's your question? I  
12 can't see it, but what's your question.

13 Q. By translation it should be at the top of Page 4?

14 A. Yes. Yes.

15 Q. Do you see the part that I'm referring to?

16 A. In that -- yes. In the translation, yes. But in the  
17 Arabic I can't find it. I can't find it now.

18 Q. Well, do you agree that it does appear in that letter?

19 A. Yes, it is. It is. It appears. It is there, but I  
20 can't find it now. I can't spot it. It's on Page 5 in the  
21 Arabic text.

22 Q. Have you found it now?

23 A. Yes.

24 Q. Now, what you wrote about Johnson Karam, you didn't copy  
25 that out of a magazine, did you?

1 A. Of course when we send the letter, we have to -- we have  
2 to put our point of view, our feelings. It's not precise  
3 information that you wrote it word to word, exactly like a  
4 conversation between two people. That's the letter, exactly  
5 like that. Same format.

6 Q. So this part was not copied out of a magazine; is that  
7 correct?

8 A. (In English) No. That's my opinion.

9 THE WITNESS: That's my opinion.

10 BY MS. HUDSON:

11 Q. Did you, in fact, ask Johnson Karam to attend the  
12 Bet-Nahrain conference?

13 A. I urged and urged all Assyrians to join Bet-Nahrain and  
14 not to leave it.

15 Q. Didn't you just say that Bet-Nahrain was opposed to your  
16 party?

17 A. Yes. It's, I would say the opposition or the -- they  
18 oppose us in ideas but not in the gains, not in the goals or  
19 the aims, as far as politics is concerned. In politics there  
20 is no permanent friendship, but there is always permanent  
21 interests.

22 Q. Did you ask Johnson Karam to attend the conference so  
23 that you would have the eye and the ear regarding what was  
24 going on?

25 A. (In English) Yes. Yes.

1 THE WITNESS: Yes.

2 BY MS. HUDSON:

3 Q. Did you also encourage your brother-in-law Michel Yunan  
4 to attend the meetings and report --

5 I'm sorry?

6 A. Yes. Yes.

7 THE WITNESS: Both these persons, at that  
8 particular time they had left Bet-Nahrain's party. They had  
9 been kicked out actually. So I urged them to go back, and  
10 I told them, "This is your party. Go and rejoin it."

11 BY MS. HUDSON:

12 Q. Now you're familiar with the leader of the Bet-Nahrain  
13 Party, Sargon Dadisho?

14 A. Yes, I know him.

15 Q. Do you support -- did you support him at the time you  
16 wrote this document?

17 A. At that time, no. But later on I found that he was very  
18 active, very honest, very political, and he was working for  
19 the interest of the Assyrians through his party.

20 Q. You wrote in this letter that Sargon Dadisho took  
21 advantage and controlled properties of the Bet-Nahrain Party  
22 since 1981; is that correct?

23 A. Yes. I said that at that time. At that time -- at that  
24 time when this letter was written, that was how my opinion  
25 was of this person -- as it's written there at that time.

1 Q. And you didn't copy that out of a magazine, did you?

2 A. This is not a political letter or an intelligence type  
3 of letter. This is a letter where a cousin is communicating  
4 with another cousin, a brother is communicating with another  
5 brother. Write your opinion, get his opinion, general. And  
6 we're -- we're in a country a democratic country, a free  
7 country where you can express your opinion, say whatever you  
8 want to say. That's why we came over here, to be able to say  
9 what we wanted to say.

10 Q. But you sent this letter to Iraq, didn't you?

11 A. Yes. To my paternal cousin, Khalid Gargis Shamon.

12 Sorry.

13 MS. HUDSON: Your Honor, there is no question  
14 pending.

15 THE COURT: Yes. There is no question pending.

16 Let's have another question, please.

17 BY MS. HUDSON:

18 Q. You also wrote that Sargon Dadisho was -- took control  
19 of all the media outlets of magazines and party bulletins  
20 through Jewish organizations and Jewish lawyers.

21 Did you write that?

22 A. Yes, I write.

23 Q. Did you copy that out of a magazine?

24 A. Yes. Yes, I did. This is my personal opinion, and  
25 everybody was talking about it.

1 Q. So the answer is no. You did not copy that out of a  
2 magazine?

3 A. It was written or it appeared in the publication of  
4 Bet-Nahrain magazine, exact text, word to word.

5 Q. Bet-Nahrain wrote in its own magazine that they were  
6 controlling the media through Jewish lawyers and Jewish  
7 organizations?

8 A. (In English) Yes.

9 THE WITNESS: Yes. Yes.

10 BY MS. HUDSON:

11 Q. Do you still have that magazine?

12 A. We can also contact Sargon Dadisho and send it to John.  
13 He knows -- he knows about this issue, and he -- it was  
14 published for public knowledge in the magazine, and they  
15 write it in the magazine.

16 MS. HUDSON: Your Honor, I would object to that  
17 answer as nonresponsive and move to strike.

18 THE COURT: It will be stricken.

19 BY MS. HUDSON:

20 Q. Do you still have the magazine?

21 A. No. I do not keep any papers. I don't have it.

22 Q. During your proffer interview you admitted that the  
23 documents that have your signature in the file were signed by  
24 you; is that correct?

25 A. Every document that has my signature on it is my name --

1 my signature.

2 Q. But during your proffer interview in May of 2007, you  
3 said that those pieces of paper that you signed were blank  
4 when you signed them; isn't that correct?

5 A. Some of them, yes.

6 Q. You said in your proffer that you signed blank pieces of  
7 paper and someone else wrote in the rest of the text on the  
8 document later; is that right?

9 A. Some of them, yes.

10 Q. But in your proffer, you didn't say some of them, did  
11 you?

12 A. Because I didn't understand what exactly you are meaning  
13 by your questions at that time.

14 Q. That interview lasted more than two hours, didn't it?

15 A. I really don't know. You probably know better than I  
16 do.

17 Q. Maybe even three hours?

18 A. I do not know.

19 Q. The -- that proffer interview was your opportunity to  
20 tell the Government your side of the story; is that correct?

21 A. I was sure that whatever I said in that meeting was  
22 correct because I'm very correct. I don't hide anything.  
23 I'm forward. And there are no secrets that I should keep  
24 from anybody.

25 The question, for example, what's your name?

1 That's my name. William.

2 Q. During the interview, you told us that you saw your  
3 attorney's name in the file; is that correct?

4 A. Yes.

5 Q. And during the proffer interview, you said your  
6 attorney's name was Youssif Yaquob Al-Barwari, didn't you?

7 A. (In English) Al-Barwari is a family name because he  
8 came from that village, Al-Barwari.

9 THE WITNESS: Family name, Al-Barwari.

10 A. (In English) But his full name is Youssif Al-Barwari  
11 Yakarub al-Diru.

12 THE WITNESS: This is what refers to his clan or  
13 his tribe or where anybody comes from. That's Al-Barwari.  
14 His father was an officer in the British army at the time.

15 A. (In English) In Habbaniya.

16 BY MS. HUDSON:

17 Q. You never told us that his name was al-Diru, did you?

18 A. It's like when you ask me what's my name, I say,  
19 "William Shaoul." And you say, "Why didn't you write William  
20 Shaoul Benjamin?" Things like that.

21 Q. During the proffer interview, you never told us that it  
22 was your attorney who is introduced you to Abd-al-Salam, did  
23 you?

24 A. No one asked me about that.

25 Q. Isn't it true that you didn't decide to make that

1 attorney the focus of your story until after your proffered  
2 interview?

3 A. I don't understand the question.

4 Q. You've testified a great deal here in court about your  
5 attorney, who you now call Youssif al-Diru. Isn't it true  
6 that all you said in your proffered interview about him was  
7 that you saw his name in the file?

8 A. At that time I didn't realize or expect it that this  
9 person would be a source of Iraqi intelligence. I had no  
10 idea.

11 Q. So that's altered your -- the way that you present your  
12 story; is that correct?

13 A. I was surprised actually and shocked when I leafed  
14 through the file and I saw his name in that connection. And  
15 I was very surprised. And we call him Abu Ghazwan at times  
16 also.

17 Q. You testified in court that you saw documents from your  
18 file on television before you were indicted in March of 2006;  
19 is that correct?

20 A. Which television?

21 Q. Assyrian television.

22 A. I saw it in Assyrian Justice TV. Not Assyrian TV.

23 Q. You never mentioned that in your proffer interview, did  
24 you?

25 A. I think my attorney has a videotape of all these



1 documentation that was shown on the TV.

2 Q. But you didn't mention that in your proffer interview,  
3 did you?

4 A. I wasn't sure -- absolutely sure of the names.

5 Q. Regarding your testimony about times when you left Iraq,  
6 is it your testimony that every time you would leave Iraq  
7 during the period 1992 to 2001 you would drive from Baghdad  
8 to Trabiel?

9 A. No.

10 Q. Were there other ways that you would leave Iraq during  
11 that period?

12 A. Well, you would either take a taxi or go in a communal  
13 type of taxi.

14 Q. All right. But you would go by car?

15 A. Yes. A public transportation type of a vehicle that it  
16 would have an escort -- an armed escort with it.

17 Q. And the drive from Baghdad to Trabiel, that's about a  
18 five-hour Drive; is that correct?

19 A. More.

20 Q. More than five hours each way?

21 A. Yes. More than five hours.

22 Q. And it's your testimony -- is it your testimony that  
23 every time you left the country Abd-al-Salam would drive with  
24 you to Trabiel?

25 A. Whenever we had sums of money which we wanted to take

1 out of the country, yes. He would accompany me to the  
2 border. And he even accompanied my daughter. I wasn't  
3 there. I asked my attorney for assistance, and he said,  
4 "Okay I'm going to send Abd-al-Salam with her," because as  
5 you may know this is the Road of Death, as it's called.

6 Q. What was Abd-al-Salam's job, as far as you knew?

7 A. As far as -- as far as I know, he was an official at the  
8 directorate of immigration and customs -- of residency and  
9 customs and passports.

10 Q. He's a customs agent?

11 THE INTERPRETER: Passports.

12 I'm sorry. Your question?

13 BY MS. HUDSON:

14 Q. He was a clerk in the customs office?

15 A. No. No.

16 Q. In the passport office?

17 A. Yes. The passport office and the residency.

18 Q. In your testimony yesterday, you talked about your --  
19 a little about your employment when you were living in Iraq.

20 Isn't it true that you worked for the Australian  
21 embassy in Iraq in 1978?

22 A. It was in 1978, yes.

23 Q. What were the dates that you worked for the Australian  
24 embassy in Iraq?

25 A. From 1978 until the end of 1979.

1 Q. Now, you talked about that in your proffer interview; is  
2 that correct?

3 A. Yes.

4 Q. And you said that you had to be interviewed before you  
5 got that job; is that correct?

6 A. Every Iraqi national would like to work or wishes to  
7 work in a foreign embassy in Iraq as to be interviewed and  
8 get the permission of the Ministry of Foreign Affairs in  
9 Iraq.

10 Q. And you also said in your proffer interview that after  
11 the interview you saw things that made you believe that the  
12 person who interviewed you was with the Iraqi Intelligence  
13 Service; is that correct?

14 A. I didn't say those words. I just said I had a suspicion  
15 that he was because he visited me later at the club.

16 Q. Didn't you say that you suspect he was working for the  
17 Iraqi Intelligence Service because he gave you one name and  
18 you later learned that he used a different name on a  
19 different occasion?

20 A. This is a compound -- compounded question, but -- but --  
21 I didn't tell you that he worked in the intelligence office.  
22 I just told you that he sort of misled me by using different  
23 names.

24 Q. But you suspected he worked for the Iraqi Intelligence  
25 Service?

1 A. No. My suspicion is this is not a straightforward  
2 fellow because he misled me. In my job as a manager of the  
3 club, he should have been more respectable and been more  
4 honest and forward with me. But he gave me a name, then  
5 other people visited him and they -- other people came. They  
6 called him with a different name, and I was very surprised.  
7 He gave one name, and then he was called by another name.

8 Q. Well, is it your testimony, as you said in your proffer  
9 session, that you suspected that this man who interviewed you  
10 was with the Iraqi Intelligence Service?

11 A. I did not say that, but I felt -- I was sure that this  
12 guy is from the security.

13 Q. What was your job at the Australian embassy in Iraq?

14 A. I was an administration official.

15 Q. What -- what did you do as an administration official?

16 A. It was an administrative job, but outside the proper  
17 administrative section of the embassy. My role was, for  
18 example, if there was repairs that needed to be done, I would  
19 give the workers to do repair. I would contract with them,  
20 bring them over, any repairs and things like that.

21 To clarify, I did not say that my job was outside  
22 the embassy. It was inside the embassy, within the embassy,  
23 and my duties were, you know, to take care of any repair  
24 works, bring the workers in, et cetera. And there it is  
25 called local employees.

1 Q. Now, isn't it true that you were in a position that if  
2 you had been working for the Iraqi Intelligence Service you  
3 could have been valuable to them?

4 A. This is probably your opinion or your feeling, but we  
5 were the lowest people in their perspective.

6 Q. You were inside the Australian embassy in Iraq; is that  
7 right?

8 A. Yes.

9 Q. You were overseeing repairs to the building; is that  
10 right?

11 A. Yes. Administrative type of work.

12 Q. You were in a position where if you had wanted to plant  
13 a listening device you could have done that; is that correct?

14 A. No one has asked me to do this, and I would never do  
15 such a thing. Because I had the intention to emigrate to  
16 Australia, and I had even filled out a form for immigration  
17 to Australia.

18 Q. Now, you also worked for the Venezuelan embassy; is that  
19 correct?

20 A. Yes.

21 Q. Did you have to interview for that job?

22 A. Well, the second time it would be a very simple type of  
23 interview because we had already been working in a foreign  
24 embassy; so you just go to the administrator of foreign  
25 affairs, submit your name, and you get the agreement to work

1 because you already have a file established with them.

2 Q. Isn't it true that you already, at that time, had a file  
3 with the Iraqi Intelligence Service?

4 A. I don't know for myself personally. But I'm sure that  
5 everyone -- every Iraqi that worked in the foreign embassies  
6 would have a file -- not in the intelligence Iraqi  
7 intelligence, but with the Ministry of Foreign Affairs.

8 Q. Isn't it true that the Iraqi Intelligence Service would  
9 not have allowed you to take that job unless you were working  
10 for them?

11 MR. BLATT: Objection. Speculation.

12 THE COURT: He may answer if he has knowledge.

13 THE WITNESS: Can you repeat the question, please.

14 BY MS. HUDSON:

15 Q. I'll ask a different question.

16 You testified yesterday that you were tortured and  
17 interrogated by officials or police in Iraq in 1979; is that  
18 correct?

19 A. I don't recall the exact date, but they had, you know,  
20 my car -- car was burned up. There was a bomb in my car, and  
21 I was inside it.

22 Q. And that was during the time -- that was after you had  
23 interviewed for and received the job working inside the  
24 Venezuelan embassy in Baghdad; is that correct?

25 A. I was an employee at the Australian embassy at that

1 time.

2 Q. At the Australian embassy?

3 THE COURT: Strike that.

4 BY MS. HUDSON:

5 Q. And your testimony was that the police supposedly  
6 interrogated you about Assyrian opposition groups, groups  
7 opposed to Saddam Hussein; is that correct?

8 A. When -- when -- when I was inside my car and the bomb  
9 exploded, instead of taking me to the hospital for treatment,  
10 they took me to the national security -- general security  
11 directorate, and I was interrogated and stayed there for  
12 two months and four days, and I was tortured every day on  
13 a daily basis to provide information about the party which  
14 I had established, the Assyrian party.

15 Q. And that happened at the same period of time that you  
16 were working for Saddam Hussein's government in a sensitive  
17 position in the Venezuelan embassy; is that correct?

18 MR. BLATT: Objection. Your Honor, misstated the  
19 witness.

20 MS. HUDSON: I'll restate that.

21 BY MS. HUDSON:

22 Q. That happened at the same time you were working for the  
23 government of Saddam Hussein in the embassy -- a foreign  
24 embassy in Baghdad?

25 A. At that time Saddam Hussein was not the head of the

1 state. It was Ahmed Hassan al-Bakr who was the head of the  
2 state.

3 Q. In 1979?

4 A. Yes, I believe so.

5 Q. You don't think Saddam Hussein was in power in 1979?

6 A. Frankly, I don't recall exactly.

7 Q. Now, you were supposedly interrogated by the general  
8 state security; is that right?

9 A. Yes. After the accident -- after the incident.

10 Q. And was that the same directorate general of security  
11 that wrote Exhibit 1 -- Defense Exhibit 1, which I will put  
12 on the overhead?

13 A. What's the question again, please?

14 Q. This refers to -- or this is a document of the  
15 directorate general of security; is that correct?

16 A. Yes.

17 Q. And those are the people who interrogated you; is that  
18 right?

19 A. Which -- which -- it's not the person who signed this  
20 document. He didn't -- he didn't.

21 Q. Well, were you interrogated by persons with the  
22 directorate general of security?

23 A. Yes. Yes.

24 Q. And that's the same directorate general of security who  
25 wrote this to your insurance company to help you file a



1 claim; is that right?

2 A. After they found out that I was innocent of actually  
3 putting the bomb in my own car because at first they accused  
4 me that I had planted the bomb in my car. They -- they  
5 issued me with this letter to facilitate repair of my car  
6 because it was insured. But nothing was done physically to  
7 me to cure me. I -- I already have numbness here in this  
8 area.

9 THE COURT: In which area?

10 THE WITNESS: (In English) This area here.

11 THE COURT: Indicating the right side of your neck?

12 THE WITNESS: Yes.

13 THE COURT: Go ahead.

14 BY MS. HUDSON:

15 Q. So they thought you planted the bomb in your own car?

16 A. They said Kurds may have done it.

17 Q. Didn't you just testify that they thought you had  
18 planted the bomb in your own car?

19 A. Well, that's what they implied, but I think they were  
20 trying to get out of the fact that they were the ones who  
21 planted the bomb in my car. They wanted to get out of there.

22 Q. You're aware, aren't you, that it has been widely  
23 believed in the Assyrian community that you did plant that  
24 bomb in your own car?

25 A. This is -- I think this is the belief of the government.

1 Q. And isn't it true that it's widely believed that you  
2 planted the bomb in your own car to make it appear that you  
3 were anti-Saddam Hussein, anti-Iraqi government?

4 A. This is not true. Is it logical for somebody to blow  
5 himself up just for the sake of Saddam Hussein, the criminal?

6 Q. Your car blew up; is that correct?

7 A. Yes.

8 Q. And it's your testimony that were you injured.

9 A. Yes.

10 Q. And the evidence you have of the car bombing doesn't  
11 mention anything about any injuries to you, does it?

12 A. This is a country which the state authorities control  
13 all the citizens. And the thing they wanted to offer me --  
14 for example, they issued me this kind of letter. I  
15 thanked -- I thanked them for it. It's not for just to  
16 repair my car, but to make it well known to the honorable  
17 jury, to you, to the Court, to the Honorable Judge how the  
18 Christians -- the Assyrian Christians were being treated  
19 there. And to whom should I complain about the treatment?

20 Q. Isn't it true that your story about the car bomb helped  
21 you to try and infiltrate Assyrian opposition groups?

22 A. To tell you -- to be honest with you, within the  
23 Assyrian community the Assyrian people, nobody would be  
24 against another Assyrian on this level. Where -- we are a  
25 small community. If you give me the name of an Assyrian

1 person outside the United States, anywhere in the world, I  
2 probably would know him or his family or his mother's name or  
3 father's name because we're such a small, close community,  
4 and they would know us too. We were suffering injustice; so  
5 how would we cause injustice to our own self?

6 Q. I would like to direct your attention to your testimony  
7 yesterday about Tobia Giwargis.

8 Do you know that individual?

9 A. Yes.

10 Q. And you assisted him in visiting Iraq in 1998; is that  
11 correct?

12 A. I didn't urge him to go, but I tried -- I attempted to  
13 help him.

14 Q. You would take a look, please --

15 A. There's another person with the same name as me, William  
16 Giwargis. He's the one who helped him.

17 Q. Would you take a look, please, at Exhibit 2, Page 1754.

18 A. Yes.

19 Q. Do you have that page in front of you?

20 A. Yes.

21 Q. This is a document that you wrote; is that correct?

22 A. Yes.

23 Q. And it's addressed to the comrade in charge; correct?

24 A. This is the phrase we use a lot. It's the same as "to  
25 whom it may concern" practically. That's what we use a lot

1 in -- there.

2 Q. Now, the Baath party is a socialist party; is that  
3 correct?

4 A. Yes.

5 Q. And in the --

6 A. It was, it was.

7 Q. And in the Baath party, they use the term "comrade" a  
8 lot, do they not?

9 A. Yes.

10 Q. You testified yesterday that you sent this letter to  
11 your lawyer; is that right?

12 A. Yes.

13 Q. And you sent that because you wanted the lawyer to find  
14 out whether there was a prohibition against Tobia Giwargis  
15 returning to Iraq; is that right?

16 A. Yes.

17 Q. Now, you wrote that in 1997; is that correct?

18 A. Yes. '97.

19 Q. And according to another document of that same exhibit,  
20 which I have on the overhead, Mr. Giwargis actually did go to  
21 Iraq in September of 1998; is that correct?

22 A. Yes.

23 Q. Or at least flew to Oman?

24 A. (No audible response.)

25 Q. And is it your understanding that Mr. Giwargis did go to

1 Iraq on that occasion?

2 A. I wrote -- I wrote to my attorney to facilitate for him  
3 participation or to go to the Babel or Babelian festival. As  
4 far as the dates when he flew -- when he went there, I'm not  
5 sure about that. I don't know. Because Mr. William  
6 Giwargis, he was in charge of all these kind of trips here in  
7 the U.S.

8 Q. Was there a reason -- if you sent this letter to your  
9 attorney, was there a reason that you addressed it to the  
10 comrade in charge instead of your attorney's name?

11 A. There's a cover to this letter. The cover has a name to  
12 the attorney. He would be taking this letter to the Ministry  
13 of Information and Culture to invite expatriates to come and  
14 participate in the Babelian -- Babel festival. And the man  
15 responsible for organizing this festival was Manir Bashiel,  
16 who is a Kaldanian.

17 Q. Take a look at Page 1743.

18 You wrote that document; is that correct?

19 A. Can I see it in Arabic, please?

20 Q. Certainly.

21 A. Yes.

22 Q. That's your signature?

23 A. Yes. The signature is not complete, but it is my  
24 signature.

25 Q. If you want to look at the original or the most original

1 document we have, it's in Exhibit 2, Page 1743.

2 A. (In English) No. It's okay.

3 THE WITNESS: No. It's okay.

4 BY MS. HUDSON:

5 Q. Now, you wrote this letter on October 10, 1999; is that  
6 correct?

7 A. Yes.

8 Q. And in it you stated that Mr. Tobia Giwargis came to  
9 Baghdad with George Maragoluf; is that right?

10 A. Yes.

11 Q. So he had already come to the Babel festival; is that  
12 correct?

13 A. Yes.

14 Q. And you wrote this letter attaching a magazine in which  
15 Mr. Tobia Giwargis had written some articles; is that right?

16 A. Yes.

17 Q. Who did you send that letter to?

18 A. The first page would be addressed to my attorney,  
19 Youssif al-Diru, and he would take this letter to the  
20 Ministry of Culture and Information and show them that  
21 Mr. Tobia Giwargis had come to Iraq. He's an Assyrian. He  
22 had a magazine in which he published articles on the festival  
23 which he hopes to attend. There's an addition. Mr. Tobia  
24 can -- he wasn't allowed to enter Iraq from -- since 1960 --

25 (In English) The political situation, it was

1 against at that time the kingdom --

2 THE WITNESS: At that time we had -- it was a  
3 kingdom in Iraq, and he was against the regime at that time.  
4 He left for Iran, and --

5 MS. HUDSON: Your Honor, I would ask to strike this  
6 answer. It appears to be nonresponsive.

7 THE COURT: It will be stricken.

8 BY MS. HUDSON:

9 Q. Mr. Benjamin, you sent this magazine after Mr. Giwargis  
10 had already gone to Baghdad; is that correct?

11 A. When he came back from his trip he gave me a copy of the  
12 magazine and he told me to send it to Youssif al-Diru and to  
13 some other -- he gave me about five issues, and he told me to  
14 send them to friends.

15 Q. So you decided to send this to your attorney to forward  
16 to whom?

17 A. To show it -- to show it to the Ministry of Culture and  
18 Information. That's the Ministry that invited these people  
19 to come over.

20 Q. Isn't it true that you were sending this document to  
21 people who were interested in trying to use Mr. Giwargis to  
22 promote the image of Iraq?

23 A. The is a very honorable man. He is the age of my  
24 father. And we wanted good for him, his welfare.

25 MS. HUDSON: Your Honor, I would ask that that

1 answer also be stricken as nonresponsive.

2 THE COURT: It will be stricken.

3 Try to answer the question, please.

4 THE WITNESS: Can you repeat the question.

5 MS. HUDSON: I will ask another one.

6 BY MS. HUDSON:

7 Q. Would you please take a look at Exhibit 2, page -- the  
8 document that starts on Page 1750.

9 You wrote that document, didn't you?

10 A. Yes.

11 Q. That document is addressed to the Honorable Dear Brother  
12 Abu Khalid; correct?

13 A. Yes.

14 Q. Which Abu Khalid were you sending this letter to?

15 A. A lot of Abu Khalids. The name "Khalid" is a name --  
16 the name of the son of Jamal Abu Abdul Nasser. Even Houssini  
17 Mubarak -- his name is Khalid. It's a common and very well  
18 known name in the Arab world.

19 MS. HUDSON: I would ask to strike that answer as  
20 nonresponsive.

21 THE COURT: It will be stricken.

22 Ask it again.

23 BY MS. HUDSON:

24 Q. Mr. Benjamin, which Abu Khalid did you send this letter  
25 to?



1 A. I don't recall.

2 Q. Wasn't it --

3 A. Sorry?

4 Q. -- it the Abu Khalid who was working for the Iraqi  
5 Intelligence Service?

6 A. I don't think so. I don't believe so.

7 Q. You wrote in this letter eight years ago, "The media  
8 coverage about our country in America is almost nonexistent."

9 You were talking about Iraq when you said "our  
10 country."

11 Is that right?

12 A. Can I see the Arabic text, please?

13 Q. Yes.

14 A. Yes. Okay.

15 Q. "Our country" there refers to Iraq; is that right?

16 A. It could either mean at times Iraq, per se, or the  
17 Assyrians.

18 Q. And you also wrote, "As for the media networks, that  
19 belonged to members of the Iraqi community from Arabs, Kurds,  
20 Turkish, and Assyrians -- they're all opposing our country."

21 "Our country" refers to Iraq, doesn't it, in that  
22 sentence?

23 A. These are letters between the friends. This Abu Khalid  
24 could be my cousin. I'm not sure.

25 Q. You also --

1 A. I'm writing general -- general time of things.

2 Q. You think you might have written this to your cousin?

3 A. Yes, could be.

4 Q. Well, you wrote, "During my last visit to Baghdad last  
5 year I consulted with you about Tobia Ibrahim's wish to visit  
6 his family and relatives in Iraq without objections on your  
7 part. I informed him and arranged with him to come to  
8 Baghdad."

9 A. Yeah.

10 Q. Was your cousin in a position to grant permission for  
11 Tobia Giwargis to come to Iraq?

12 A. He has a position, but not that high position. But this  
13 is a general -- general talk.

14 Q. Doesn't it appear unlikely that you wrote this letter to  
15 your cousin?

16 A. We talk about these things in general and more than  
17 this, more than what appears here.

18 MS. HUDSON: Ask that that answer be stricken as  
19 nonresponsive.

20 THE COURT: If you desire, certainly.

21 MR. BLATT: I think it should remain, your Honor.  
22 It was responsive to the question.

23 MS. HUDSON: I'll leave it --

24 THE COURT: It will stand.

25 MS. HUDSON: -- but I will reask the question.

1 BY MS. HUDSON:

2 Q. Doesn't it appear unlikely that you wrote this letter to  
3 your cousin?

4 A. My cousin is a member of the same party that I had set  
5 up; so we would communicate between ourselves.

6 Q. On Page 2, which is Page 1751 --

7 A. Yes.

8 Q. -- you wrote, "I, personally, support the idea of  
9 inviting them because as journalists they influence many  
10 people by informing them the truth about their mother  
11 country."

12 "Their mother country," you were referring to Iraq?

13 A. (In English) Yes.

14 THE WITNESS: Yes.

15 BY MS. HUDSON:

16 Q. Would you look please at Exhibit 5, and I would direct  
17 your attention to Page 1889.

18 A. Yes.

19 Q. You wrote that, didn't you?

20 A. Yes.

21 Q. And I believe it was your testimony --

22 This is another document addressed to "Comrade in  
23 charge."

24 Isn't that correct?

25 A. Yes. We always use that expression to any friend --

1 with any friend, especially if you don't know his name.

2 Q. And I believe you testified yesterday that you wrote  
3 this document -- you were asked to write this document by  
4 some police who came to your club; is that right?

5 A. I didn't say a police. I said there were two officials  
6 who came.

7 Q. Two officials?

8 A. Yes.

9 Q. What -- who were those officials?

10 A. They just said we are officials. And we wanted -- we  
11 have some questions for you. Because all the Christian clubs  
12 pertain to the Government, and I was a manager of the club.

13 Q. And you answered their questions about John Yukhanna; is  
14 that right?

15 A. In fact, I answered more than they asked me because he  
16 is an Assyrian and I wanted to help him.

17 Q. Did you tell these officials that John Yukhanna  
18 claims -- first of all, you told them that he was a -- strike  
19 that.

20 First of all, you told them that he was a United  
21 States citizen; is that correct?

22 A. No. They knew that he was. They already knew.

23 Q. Well, why did you write that in this letter?

24 A. They asked me to write down what they were dictating to  
25 me. I would like to give an idea to the jury and to members

1 of the -- and all persons here, we, as Christians in Iraq --

2 MS. HUDSON: Your Honor, I would ask that -- that  
3 the witness be instructed to simply answer the question and  
4 not to make the speech he appears to be about to make.

5 THE COURT: Would you please try to answer the  
6 question that's put to you, Mr. Benjamin.

7 THE WITNESS: Can you please repeat it.

8 BY MS. HUDSON:

9 Q. I'll rephrase my question.

10 Is this document, as written, what was dictated to  
11 you by the officials who came to the club?

12 A. Yes.

13 Q. Is this document, as written -- does it contain  
14 information that you gave to the officials who came to the  
15 club in response to their questions?

16 A. As a manager of the club, I would bring the register,  
17 which has all that information in it. They would read it,  
18 and they would tell me, please copy all that information on  
19 a piece of paper.

20 Q. Did the register at the club have the information that  
21 John Yukhanna had a secret group of approximately 160 persons  
22 in America working to break the morale of the Bet-Nahrain  
23 Party?

24 A. It was not written, but it doesn't appear in the  
25 register. But when he was at the club, and he would sit with

1 his friend and he would start drinking, he would talk about  
2 this. And with me also he would mention this subject.

3 Q. So this is information that you told the officials who  
4 came; is that right?

5 A. That -- that would be actually done in his favor because  
6 he -- he had been or he was being accused at that time of  
7 kidnapping a girl in Iraq, and he married her later on.

8 Q. Mr. Benjamin --

9 A. I did that to help him.

10 Q. Excuse me. My question is it is this -- is that  
11 information that you told the officials who came to the club?

12 A. Yes.

13 Q. And after you told it to them, they then dictated to you  
14 what you had to write on this piece of paper?

15 A. Yes.

16 Q. Did you have any objection to writing this information  
17 down?

18 A. Well, you can judge from the writing that I was in a  
19 nervous state when I was writing it. I wasn't happy.

20 Q. You felt that this information was going to help  
21 Mr. Yukhanna; is that correct?

22 A. Hundred percent.

23 Q. But you didn't want to have to write it down; is that  
24 correct?

25 A. Well, I mean, when I wrote it, I was actually ordered.

1 And they ordered me in a very stern voice, in a very severe  
2 voice, "write it down."

3 So I was not being very happy or relaxed when I  
4 wrote it.

5 Q. Did you also tell the officials that John Yukhanna of  
6 America wants to join the party here or establish a contact  
7 in the U.S.?

8 A. The truth is what I wrote in this letter was -- was --  
9 was in his favor to allow him to leave the country because he  
10 had a U.S. citizenship. As an Assyrian I had to help him in  
11 every way and means possible.

12 Q. So you wrote this letter to help John Yukhanna leave  
13 Iraq? Is that your testimony?

14 A. He was not allowed. He was prohibited from traveling.  
15 The same day when this officials came to me I had -- I had  
16 invited John Yukhanna and his wife to stay at my house for  
17 two days to protect them -- to give them protection.

18 (In English) You can ask.

19 THE WITNESS: You can ask.

20 BY MS. HUDSON:

21 Q. Mr. Benjamin, did you write this document voluntarily?

22 A. No.

23 Q. You were forced to write it?

24 A. Yes.

25 Q. And you wrote it to help John Yukhanna?

1 A. Yes.

2 Q. So you didn't want to help him, but you were forced to;  
3 is that right?

4 A. I didn't know at that time what his problem was, what  
5 problem he was in.

6 Q. So you wanted to help him?

7 A. Of course. He's an Assyrian, from us.

8 Q. And you wanted to help him come to Iraq?

9 A. No. I only saw him in Iraq, and he -- he said, "I've  
10 come over here to get married," and we gave him a welcome  
11 party.

12 Q. Isn't it true that you wrote that document back in  
13 approximately 1980 or '81?

14 A. I believe that the date is on the document.

15 Q. Well, it's not on the --

16 THE COURT: Well, strike that.

17 BY MS. HUDSON:

18 Q. It does not appear on the translation.

19 THE COURT: Strike that.

20 MS. HUDSON: Sorry.

21 BY MS. HUDSON:

22 Q. Do you see it on the Arabic version, which is --

23 A. Can -- can you show it -- publish it for us, please.

24 Can you scroll it down.

25 Furthermore, yes. Further up. I think there's



1 another copy. There's another page.

2 Up, please scroll it. More.

3 There is no date. But -- but as soon as I wrote  
4 this document, they took it from me.

5 Q. Well, do you recall that this incident occurred while  
6 you were president of the Sinhari Club in Baghdad?

7 A. Yes.

8 Q. Do you recall that this occurred in approximately 1980  
9 or '81?

10 A. Yes.

11 Q. Isn't it true that you were working for the Iraqi  
12 Intelligence Service as early as 1980 or '81?

13 A. I have never or at all worked for them or with them. As  
14 far as I know, as far as the way I think, I have never worked  
15 for them.

16 Q. Take a look at this document. It's Page 1888.

17 THE COURT: Of what exhibit?

18 MS. HUDSON: Of Exhibit 5.

19 THE WITNESS: Yes.

20 What?

21 BY MS. HUDSON:

22 Q. That's a document of the Iraqi Intelligence Service,  
23 isn't it?

24 A. Can we see the Arabic text?

25 Yes.

1 Q. And that document begins, "After meeting our Assyrian  
2 agent, who works for the Assyrian club Sinhari, he provided  
3 us with the following information."

4 That Assyrian agent who works for the Sinhari Club,  
5 that's you; is that right?

6 A. I was a director of the board of the Sinhari Club.

7 Q. Isn't this the information you provided about John  
8 Yukhanna?

9 A. The -- this official had come to my place, and they  
10 asked me this information -- for this information, yes.

11 These are the information I gave them. Not those, but the  
12 other ones. I'd like to know what is this.

13 Q. This is a document from John Yukhanna's file of the  
14 Iraqi Intelligence Service.

15 A. I don't know.

16 Q. I'd like to direct your attention to Exhibit 1, Page 13.

17 THE COURT: Let's hold that. We'll take a  
18 midmorning recess at this time, about 15 minutes.

19 Everyone, please rise for the jury.

20 (Whereupon, at 11:06 a.m. the jury exited the  
21 courtroom.)

22 THE COURT: You may step down, Mr. Benjamin.

23 Please be seated. We're outside the presence of  
24 the jury.

25 Any matters that any counsel wish to raise at this

1 time?

2 MR. BLATT: No, your Honor.

3 MS. HUDSON: No, your Honor.

4 THE COURT: Well, let me ask you, Ms. Hudson, how  
5 much more do you have of this witness?

6 MS. HUDSON: I really am almost finished, your  
7 Honor.

8 THE COURT: We'll take 15 minutes.

9 THE CLERK: This Court is in recess.

10 (Whereupon, from 11:07 a.m. to 11:30 a.m. a break  
11 was taken.)

12 THE CLERK: Please remain seated and come to order.  
13 This Court is again in session.

14 THE COURT: Again, we're outside the presence of  
15 the jury.

16 And any matters that any counsel wish to raise?

17 MR. BLATT: No, your Honor.

18 MS. HUDSON: No, your Honor.

19 THE COURT: All right. We'll bring the jury back.

20 THE CLERK: Please rise.

21 (Whereupon, at 11:30 a.m. the jury entered the  
22 courtroom.)

23 THE COURT: Please be seated, ladies and gentlemen.

24 Mr. Benjamin, once more, would you repeat your name  
25 for the record and spell your last name.

1 THE DEFENDANT: William Shaoul Gorial Benjamin.  
2 B-e-n-j-a-m-i-n, Benjamin.

3 THE COURT: And you understand that you are still  
4 under oath?

5 THE DEFENDANT: Yes.

6 THE COURT: Go ahead, please, Ms. Hudson.

7 MS. HUDSON: Thank you, your Honor.

8 BY MS. HUDSON:

9 Q. Mr. Benjamin, I would like to direct your attention to  
10 Exhibit 1, Page 13.

11 Do you have that document in front of you?

12 A. Yes.

13 Q. You've previously testified that you wrote that  
14 document; is that correct?

15 A. Yes.

16 Q. And that document pertains to your desire to correct the  
17 information on your Iraqi citizenship certificate; is that  
18 correct?

19 A. Yes.

20 Q. That document is addressed to Mr. Abu Ahmad; is that  
21 right?

22 A. Yes.

23 Q. And that was the same Abu Ahmad that we saw on the  
24 previous documents in your file as the person that you  
25 indicated you believed was a customs officer?

1 A. Yes.

2 Q. And you wrote here in this document, "Allah is my  
3 witness. I have worked very devotedly for the party and the  
4 division."

5 What party had you worked very devotedly for?

6 A. Can I see the Arabic text, please.

7 Can you please arrange this.

8 A little lower. A little more down. A little  
9 further down please. It's not here. You go up a little  
10 please.

11 Q. Up?

12 A. Can you raise it, yes. A little further up. Yes.

13 Q. Would you like me to restate the question?

14 A. Yes.

15 Q. You wrote, "Allah is my witness. I have worked very  
16 devotedly for the party and the division."

17 Weren't you referring to the Baath party when you  
18 wrote that?

19 A. At that time the Baath party was in power.

20 Q. So you were referring to the Baath party; is that  
21 correct?

22 A. Yes. Decorate the letter.

23 Q. That's a yes?

24 A. Yes.

25 Q. You wrote, "I have worked very devotedly," meaning the

1 Baath party?

2 A. Yes.

3 Q. The party of Saddam Hussein?

4 A. No. It's the Baath party.

5 Q. That was the party of Saddam Hussein?

6 A. He's not the founder of the party. Michel Alfaq is the  
7 founder of the party.

8 Q. But that was his party?

9 A. He was a member of the party, yes.

10 Q. That was his government, isn't that right it?

11 THE INTERPRETER: Excuse me?

12 BY MS. HUDSON:

13 Q. And you wrote that you worked very devotedly for the  
14 division.

15 What division had you worked very devotedly for?

16 A. I was an employee for the transportation division, the  
17 public transportation division.

18 Q. In what year?

19 A. From 1960 to approximately 1930.

20 Q. You're mentioning that for the first time here today,  
21 aren't you?

22 A. No one has asked me about it.

23 Q. So it's your testimony that you weren't talking about  
24 the division of the Iraqi Intelligence Service that you had  
25 worked so devotedly for; is that right?

1 A. No. It's -- no.

2 Q. You were talking about your work 30 years earlier in  
3 public transportation; is that right?

4 A. Yes.

5 Q. You testified yesterday that you had given your lawyer  
6 some documents related to this case, and those are the  
7 defense exhibits; is that correct?

8 A. I don't understand the question.

9 Q. You're familiar with the defense exhibits in this case?

10 A. Some of them, yes.

11 Q. Some of them?

12 A. I don't recall all of them.

13 Q. Didn't you give them to your lawyer?

14 A. This is the attorney's file.

15 Q. Did you give these -- the defense exhibits to your  
16 lawyer?

17 A. I didn't have this in my possession, this file. This is  
18 the attorney's file. It is in his possession.

19 Q. I'm going to show you the first page of Exhibit 3.

20 A. Yes. I'm sorry.

21 Q. Isn't that a document you gave your lawyer?

22 A. Yes. Yes.

23 Q. And the next page of Exhibit 3, isn't that a document  
24 that you gave your lawyer?

25 A. Yes.

1 Q. Is it your testimony that some of the documents in the  
2 defense exhibits are documents that you did not give your  
3 lawyer?

4 A. Whatever is here in this file is the one I gave to my  
5 attorney.

6 Q. And looking at the last page of Exhibit 3, is this a  
7 document that you gave your attorney?

8 A. Yes. Yes.

9 Q. That's an article from an Iraqi newspaper; is that  
10 right?

11 A. Yes. It's a sport newspaper.

12 Q. An Iraqi sport newspaper? Is that an Iraqi newspaper in  
13 Iraq?

14 A. What's the name of this newspaper?

15 Q. I would ask you the same question.

16 Do you know what newspaper this is from?

17 A. Is there any other text? I mean, can you show us more  
18 of this, please.

19 Q. I just have the one page. If you have the defense  
20 exhibit book, you can take a look. It's the last page of  
21 Exhibit 3.

22 Do you see any indication of what newspaper that  
23 was from?

24 A. It's more probable a regular newspaper, the daily.  
25 I believe it's called *Al-Ta'akhi* newspaper, and this is the



1 sports section of it where they wrote articles about sports.

2 Q. Is that a newspaper that's published in Iraq?

3 A. Yes.

4 Q. And do you see a date here that appears to be 1996?

5 It's not a date of the article, but it's a date on a page.

6 A. Yes.

7 Is this the one you mean on the lecture -- yes,  
8 1996.

9 Q. Is this an interview -- is this an article -- a report  
10 of an interview with you in approximately 1996?

11 A. Yeah. I mean these interviews would be held. But when  
12 they are published, it depends on when they have a space for  
13 it, when they think it is appropriate to publish it.

14 Q. Do you remember when you did this interview for this  
15 article?

16 A. No. Frankly, no.

17 Q. Now, that's a picture of you, isn't it?

18 A. Yes.

19 Q. On the defense exhibit.

20 And it appears to be the same photo that's on  
21 Page 11 of your file, which is Exhibit 1; is that correct?

22 A. Yes.

23 Q. In this article, the article at -- if you look at the  
24 beginning of the article, it quotes you as saying that you  
25 were a soccer player for the Assyrian team; is that correct?

1 A. Yes.

2 Q. And that's a correct quote, isn't it?

3 A. Yes.

4 Q. And the article also quotes you as saying that you named  
5 your daughter Nahrain after two rivers in Iraq; isn't that  
6 correct?

7 A. Yes.

8 Q. And that's a correct quote?

9 A. Yes.

10 Q. And doesn't this article also quote you as saying,  
11 "There is no real democracy in America."

12 A. Well, they -- they would interview the person, but what  
13 they wrote down is not exactly what the person has said to  
14 them. They would add to it or subtract from it.

15 Q. So you're saying you never said that, that there is no  
16 real democracy in America?

17 A. No.

18 MS. HUDSON: I have nothing further, your Honor.

19 THE COURT: Redirect, Mr. Blatt?

20 **REDIRECT EXAMINATION**

21 BY MR. BLATT:

22 Q. Mr. Benjamin, in reference to the money that you had in  
23 Iraq, what has happened to it?

24 A. I have no idea of what happened to them because in the  
25 last few years there have been a lot of robberies, burnings.

1 Q. To your knowledge, that -- does the bank that held that  
2 money -- does it still exist?

3 A. Frankly, I don't know, but there have been so many  
4 changes in Iraq in the last few years.

5 Q. In reference to your real estate, what has happened to  
6 that?

7 A. I have no -- I get information about it, but as far  
8 as -- my knowledge is that all unoccupied properties have  
9 been taken over by the militias, the different militias.

10 Q. Do you think at this time that you'll ever receive  
11 anything from your money or properties again?

12 A. No. I lost everything.

13 THE WITNESS: No. I lost everything.

14 BY MR. BLATT:

15 Q. When you had the exchanges of money, when you gave the  
16 money to the Abd-al-Salam and the other handler, you signed  
17 some receipts.

18 What did you think was going to happen to those  
19 receipts after you signed them?

20 A. My main concern at the time was just to get out.

21 Q. But I'm asking you --

22 A. I didn't care about the receipts, what happened to them.

23 Q. But what did you think was going to happen to the  
24 receipts? You signed these receipts. What did you think the  
25 Government was going to do with them? Abd-al-Salam?

1 A. Well, Abd-al-Salam should -- or would be receiving  
2 moneys in exchange for these receipts.

3 Q. Did you think that was going to happen?

4 A. What I saw from the files, yes. That's what happened,  
5 it seems.

6 Q. In your experience with the Government, was there a lot  
7 of corruption?

8 A. Yes. They stole all the banks. Nothing remained.

9 Q. When the Assistant U.S. Attorney was asking you  
10 questions concerning your naturalization process, you  
11 indicated that you didn't tell or write down that you had  
12 gone on these trips to Iraq.

13 Do you recall that, sir?

14 A. Yes.

15 Q. Was that a mistake?

16 A. At the time I believed Iraq was my country. And I had  
17 no intention of not stating it, but that it was my country.

18 Q. When you took the oath as a citizen, did you turn in  
19 your passport at that time that indicated the trips to Iraq?

20 A. Yes.

21 Q. Did you ever think at the time that you were talking  
22 about or writing concerning the trips to Iraq you were doing  
23 anything wrong?

24 A. No.

25 Q. Did you think you were doing something wrong if you

1 didn't say you were working as a messenger boy in America?

2 You didn't disclose that?

3 A. When I filled out these forms and I had recently arrived  
4 to this country -- my English was very poor at that time.  
5 And I filled them out personally, so....

6 Q. After you came to this country, how long did it take you  
7 to obtain a green card?

8 A. I obtained the green card in less than a month.

9 Q. Were you waiting to obtain the green card to return to  
10 Iraq?

11 A. Yes. I wanted to go back.

12 Q. Why did you want to go back after you had left?

13 A. When -- when -- when I left Iraq, I did it in a very  
14 semi-secret way so that nobody or very few people would know  
15 my intentions. So when I was able to go back to Iraq I  
16 wanted to see, first of all, my daughter, see her children,  
17 see her situation; and, secondly, to see if I can -- what  
18 happened to my money in the bank and my properties.

19 Q. Were you able to move your daughter to your house?

20 A. Yes. As soon as I arrived, I made her move into my  
21 house.

22 Q. And any time during the first trip were you able to  
23 obtain any money from your bank or properties or equipment to  
24 get out of Iraq?

25 A. I tried. I attempted to, but I could not. I was not

1 able to.

2 Q. When had you the proffer session with the Assistant U.S.  
3 Attorney, did you have the information in reference to  
4 Exhibit 4 that your attorney was working as a source for the  
5 IIS?

6 A. No.

7 Q. Isn't it a fact that you received that information  
8 through me in September of last year when we received that  
9 information from the Assistant U.S. Attorney?

10 THE COURT: Well, just a minute. That's leading.

11 BY MR. BLATT:

12 Q. When did you become aware of that information concerning  
13 your attorney acting as a source for the IIS?

14 A. I knew that I became aware of that from the document  
15 which my attorney gave to me.

16 Q. And was that after the proffer session?

17 A. Before.

18 Q. Well, do you remember receiving something from your  
19 attorney concerning the file where your attorney in Baghdad  
20 received money?

21 A. I saw it in the file.

22 Q. After that, did you have an opportunity to look at an  
23 exhibit -- that was Exhibit Number 4 -- where it indicates  
24 your lawyer was acting as an IIS source? Did you observe  
25 that after the proffer session?

1 MS. HUDSON: Objection. Asked and answered.

2 THE COURT: He may answer it again.

3 THE WITNESS: Can I continue?

4 THE COURT: Go ahead.

5 BY MR. BLATT:

6 Q. Did you observe it after the proffer session?

7 A. Yes.

8 Q. In your testimony you talked about various men, and they  
9 each seem to have a variety of names.

10 A. Yes.

11 Q. Could you explain the Iraqi custom of how all these  
12 names are used through an individual's life.

13 A. Let's -- let's take myself as an example, an Iraqi  
14 Christian. My name is William.

15 (In English) My daughter, first daughter --

16 BY MR. BLATT:

17 Q. In Arabic use the interpreter, please.

18 THE COURT: Again, I ask you not to attempt to  
19 instruct the witness.

20 MR. BLATT: I apologize.

21 THE COURT: I have noticed throughout the trial  
22 that the witness goes back and forth between Arabic and  
23 English. And I've determined that -- for the jury to  
24 determine whether or not they would wish to have him only  
25 speak in one language or the other; and, therefore, he may

1 continue to do as he's doing.

2 MR. BLATT: Yes, your Honor.

3 BY MR. BLATT:

4 Q. You may -- I'm sorry. Please continue.

5 A. Can you repeat the question, please.

6 Q. Could you explain, based upon your knowledge, the Iraqi  
7 custom of men having different names during different times  
8 of their life.

9 A. Yes. A person before he gets -- before he's married has  
10 a name, his real name. After he's married, if he has a  
11 daughter, first daughter, they -- they would call him Abu.  
12 And then -- then the name of the daughter. Abu means the  
13 father of. If it's a boy, then it would be the father of the  
14 boy name.

15 If he has an -- if he has a -- if his first child  
16 is a daughter or a girl, then the second is a boy, then the  
17 boy would have precedence, and he would be called after his  
18 boy's name and not the girl's name.

19 Q. Is it common for men to have a number of names  
20 throughout their lifetime in Iraq?

21 A. Of course, yes. As far as I am concerned, for example,  
22 Abu Nahrain, my first daughter, Abu Sinhari my son.

23 And so on.

24 Q. In reference to Mr. Tobia Giwargis, this was a friend of  
25 yours, am I correct?



1 A. He was a supporter when I was a member of the soccer  
2 team.

3 Q. Did you want anything negative to happen to him when he  
4 went to Iraq?

5 A. Do you mean when he went back?

6 Q. When he went back to Iraq.

7 A. Yes. I didn't want to.

8 Q. And to your knowledge, did he have a serious crime  
9 alleged against him before he went back to Iraq?

10 A. He told me -- frankly, he told me that, all the story.

11 Q. To your knowledge, did he have a death sentence against  
12 him before he went back to Iraq?

13 A. Yes.

14 Q. Did you have a discussion with him about this?

15 A. Yes.

16 Q. And did you write letters on his behalf so he could have  
17 a safe visit?

18 A. Yes.

19 Q. And did he request you to write these letters?

20 A. Not only from me. He asked other people also to write  
21 such letters. He ordered people to help him so he could go  
22 and visit his brother.

23 Q. After he came back from Iraq did you have an opportunity  
24 to talk to him?

25 A. No.

1 Q. Did you ever see him again after he came back from Iraq?

2 A. I didn't know when he left and when he came back, what  
3 dates he left and what dates he came back.

4 Q. But did he come back to America and did you see him  
5 again?

6 A. No.

7 Q. Have you spoken to him since this time since you've been  
8 indicted in this case?

9 A. No.

10 Q. Do you have knowledge that he lives in California?

11 A. I believe -- I believe he lives out either in Modesto or  
12 Turlock, maybe.

13 Q. Did you hear his name as a prosecution witness in this  
14 case?

15 MS. HUDSON: Objection.

16 MR. BLATT: What's the nature of the --

17 THE COURT: Just a minute.

18 MS. HUDSON: Irrelevant, your Honor.

19 THE COURT: Sustained.

20 BY MR. BLATT:

21 Q. If he was brought here by the prosecution, would he  
22 relate, to your knowledge, that he asked you for assistance?

23 MS. HUDSON: Objection. Calls for speculation.

24 Calls for hearsay. Lack of foundation.

25 THE COURT: Sustained.

1 BY MR. BLATT:

2 Q. Do you want him to come here?

3 A. Oh, yes.

4 Q. In reference to Exhibit 2 -- Exhibit 2, Page 1754, do  
5 you recall writing this letter? Is that correct?

6 A. Yes.

7 Q. And to your knowledge --

8 A. Can you show me the Arabic text, please.

9 Q. 1375?

10 A. Yes.

11 Q. Is this your letter?

12 A. Yes.

13 Q. Do you recall who you wrote it to?

14 A. I sent it to my attorney, Youssif al-Diru.

15 Q. Did you have any knowledge until Mr. Sargon testified in  
16 the Government's case that your attorney had been turned in  
17 the early '80s to work with the IIS?

18 A. No.

19 Q. In reference to Exhibit 2, Page 1750, I'll show you the  
20 Arabic. In reference to who it's addressed to --

21 A. Can you lower it, please.

22 Q. Can you see who it's addressed to, sir?

23 A. To Abu Hollett.

24 Q. To the best of your recollection, was this letter mailed  
25 to this person or to your attorney?

1 A. No. It was sent to the attorney, for him to give it to  
2 the person.

3 Q. And who is this Abu Hollett?

4 A. He used to work in the customs.

5 Q. Is he any connection to the other individual whom you  
6 transferred the money to?

7 A. It's his friend.

8 Q. How did you know this person?

9 A. I had this office for facilitating the -- the  
10 clearance -- custom clearance of items, and he would help  
11 him -- him being in the customs, he would help me in this  
12 process.

13 Q. In reference to Abu Khalid -- is that a common name in  
14 Iraq?

15 A. Yes, a lot of people use the term Abu Khalid.

16 Q. Why?

17 A. It's in reference of in respect of Jamal Abdul Nasser,  
18 whose son was called Khalid.

19 Q. Showing you Exhibit 4, 1798, I'm going to turn it for  
20 the Arabic version.

21 Do you see that, sir?

22 A. Yes.

23 Q. Do you see the part of the sentence there -- I believe  
24 it's the third paragraph -- where it talks about your lawyer?

25 A. Yes.

1 Q. Did you have that information before you saw the  
2 Assistant U.S. Attorneys in the proffer session?

3 A. No.

4 Q. In reference to John Malki Yukhanna -- this is in  
5 reference to Exhibit Number 5. I'm showing you Exhibit 5,  
6 Page 1888, in English.

7 Do you see where it's indicated re meeting with  
8 confidante, and then afterwards that's encircled. And then  
9 after meeting our Assyrian agent --

10 Do you see that encircled?

11 A. Yes.

12 Q. I'm now showing you in Arabic.

13 Do you see the two circled parts in the top of the  
14 page, Page 14 -- Page 1888?

15 A. Yes.

16 Q. In reference to Exhibit 5.

17 A. Yes.

18 Q. On the second sentence to the top, where I'm pointing,  
19 do you see that word? Where it's circled?

20 A. Yes.

21 Q. What does that word mean?

22 A. Confidante.

23 Q. And do you see the exact same word circled again in the  
24 third sentence?

25 A. Yes. Our confidante.

1 Q. It doesn't say our agent. It says "our confidante"; is  
2 that correct?

3 THE COURT: Again, you're leading. If you ask --  
4 your witness --

5 MR. BLATT: I didn't hear an objection, your Honor.

6 THE COURT: -- if something is correct.

7 MR. BLATT: All right. I'm sorry.

8 BY MR. BLATT:

9 Q. Is what is circled there the same word that is on the  
10 first line, second line?

11 A. Yes.

12 Q. Do they both say "confidante"?

13 A. Yes.

14 Q. Now, in reference to Mr. Yukhanna, this particular  
15 incident happened in the early '80s; is that correct?

16 A. Yes.

17 Q. Was he a friend of yours?

18 A. He was -- he was -- he was a friend, say, of the family.  
19 They knew him.

20 Q. Was he in trouble?

21 A. Big one.

22 Q. Did you help him? That could be yes or no.

23 THE COURT: No. Again --

24 THE WITNESS: Yes.

25 THE COURT: -- you don't tell a witness how to

1 answer. Just ask your question.

2 MR. BLATT: Yes, your Honor.

3 THE WITNESS: Yes.

4 BY MR. BLATT:

5 Q. How was he in trouble?

6 A. According to what he told me, he had kidnapped a woman  
7 or a girl. He was afraid. So he came to the club, my club.  
8 He asked for my help. I invited him and the girl he was  
9 supposed to get married to to my house. They remained with  
10 me for two days. Then he did his necessary paperwork, and  
11 then left.

12 Q. Did you ever turn him in to the officials?

13 A. No. On the contrary. I took him. I invited him and  
14 kept him at my house to protect him.

15 Q. Do you want him to testify in this case?

16 A. If the Court wants him, yes. Why not.

17 Q. And in reference to the report that you wrote, why do  
18 you think that -- what was your purpose in writing that  
19 report at that time?

20 A. It's not a report. I was asked questions. They asked  
21 after him. They asked about him, and I attempted to protect  
22 him through what I wrote in that letter.

23 Q. There were negative things in that letter about him --

24 THE COURT: Well, just a minute.

25 MR. BLATT: I'll rephrase it.

1 THE COURT: It's not a question.

2 BY MR. BLATT:

3 Q. When you wrote that letter, was he staying in your  
4 house?

5 A. No. He came -- within less than two weeks he came to my  
6 home.

7 Q. Why did you write the letter?

8 A. As a manager of the club, I was being asked by officials  
9 of the arterial ministry.

10 Q. Were you afraid?

11 A. Of course.

12 Q. Were you afraid enough to turn him in?

13 A. No. It would be impossible for me -- to them -- I tried  
14 to help to assist him.

15 Q. Did you have any knowledge afterwards that he signed an  
16 oath to become an IIS agent?

17 A. No, I don't.

18 MR. BLATT: May I have a moment, your Honor.

19 THE COURT: Of course.

20 MR. BLATT: I'm going to try and finish.

21 BY MR. BLATT:

22 Q. Sir, I'm showing you Exhibit 1, Page 13. I have it in  
23 red here where it says, "Allah is my witness. I have worked  
24 very devotedly for the party and division."

25 Do you see that section?



1 A. Yes.

2 Q. And then it goes on to state, "But the only thing that  
3 makes me always feel slighter is that on the citizen  
4 certificate."

5 A. Yes.

6 Q. Now, turning the page, sir, what you read in English --  
7 do you see anything in Arabic on the next page?

8 A. Can you ask the question again, please.

9 Q. What I just explained to you in English, do you see  
10 similar words in Arabic on the next page?

11 A. Yes.

12 Q. Where are they?

13 A. I don't understand. I'm not understanding that  
14 question.

15 Q. I'm going to change the page, sir, to the English, where  
16 it says, "Allah is my witness. I have worked very devotedly  
17 for the party and the division."

18 A. Can you show me the Arabic now.

19 Q. I want to turn the page to see if you can find that  
20 sentence, those words in Arabic on the next page.

21 MS. HUDSON: Objection, your Honor. Counsel has  
22 already stipulated to the accuracy of the translations.

23 THE COURT: Sustained.

24 MR. BLATT: Well, he has not -- your Honor, may we  
25 approach then.

1 THE COURT: Not at this time.

2 BY MR. BLATT:

3 Q. Do you see those words on the back of the page?

4 MS. HUDSON: Same objection, your Honor.

5 MR. BLATT: It's not the same question, your Honor.

6 THE COURT: You may answer it.

7 MR. BLATT: Thank you.

8 THE COURT: Strike "thank you."

9 THE WITNESS: No.

10 BY MR. BLATT:

11 Q. Do you see any word "Allah" on the back of that page?

12 A. Yes.

13 Q. Where is it connected to?

14 MS. HUDSON: Same objection, your Honor.

15 THE WITNESS: What I am talking about --

16 THE COURT: You may have a continuing objection.  
17 It's overruled. Let's just get this over with, please.

18 THE WITNESS: Allah is my witness to what I'm  
19 saying.

20 BY MR. BLATT:

21 Q. In reference to your work in Iraq, could you briefly  
22 describe your work in the trans- -- well, from the  
23 transportation department to the time you left, could you  
24 briefly describe your work history.

25 A. After I retired from the transportation department,

1 public, I worked at the Australian embassy; at the Venezuelan  
2 embassy, both times as a local employee; then I started  
3 contracting, general contracting because life became -- life  
4 became more expensive in Iraq and -- with a large family. So  
5 I started the free enterprises so I would earn more income.  
6 Then I opened -- I set up a commercial office, and I also  
7 worked as a general contractor and then worked in the  
8 customs -- at customs as a custom clearance agent private.  
9 There were a lot of foreign companies working in Iraq at that  
10 time. Until I finalized the paperwork to be able to make my  
11 way to America.

12 Q. You talked about other fellow Assyrians. While in  
13 America, what was your feelings toward Assyrians in this  
14 country?

15 A. When -- when I was a student in the university we formed  
16 an underground student movement. We had -- we had very high  
17 ideal -- thoughts about the Assyrians in America, and we  
18 wanted to work with them, to cooperate with them. I formed  
19 an underground Assyrian party, which was -- which was a very  
20 dangerous enterprise because if they had taken or captured  
21 anybody, they would have been finished. They were all from  
22 the university students.

23 Q. Excuse me. My question to you, sir, is while were you  
24 in this country, what were your feelings toward Iraqi  
25 Assyrians?

1 A. If -- if you look at me as a person who formed or  
2 established an Assyrian party back then, what do you think my  
3 feelings would be for them here?

4 Q. I'm asking you the question, sir.

5 A. It's a very friendly, brotherly feeling.

6 THE COURT: Do you have anything further?

7 MR. BLATT: One moment, please, your Honor.

8 BY MR. BLATT:

9 Q. In reference to the party that you founded and  
10 participated in in Iraq and America, are some of those  
11 members of your party now members of the Iraqi parliament?

12 A. Yes.

13 Q. How many?

14 A. We have one minister, and the rest -- they occupy higher  
15 positions in the Iraqi Government's structure.

16 Q. Did that happen after the fall of Saddam Hussein?

17 A. Of course.

18 Q. Thank you.

19 MR. BLATT: Nothing further.

20 THE COURT: Is there to be any recross?

21 MS. HUDSON: No, your Honor.

22 THE COURT: Thank you, sir.

23 You are excused.

24 Do you have any further witnesses?

25 MR. BLATT: No, your Honor.

1 THE COURT: Do you rest?

2 MR. BLATT: Yes, your Honor.

3 THE COURT: Thank you.

4 Ladies and gentlemen, I'm going to ask that you go  
5 out for the lunch and recess and return at 1:30. And we'll  
6 have the final arguments at that time.

7 Everyone, please rise for the jury.

8 (Whereupon, at 12:21 p.m. the jury exited the  
9 courtroom.)

10 THE COURT: Please be seated. I'm sorry. I was  
11 being presumptuous. I assumed that there was to be no  
12 rebuttal.

13 MS. HUDSON: Your Honor, we would like to briefly  
14 recall Mr. Sargon. I apologize.

15 THE COURT: For what purpose?

16 MS. HUDSON: The defendant testified that he had  
17 worked in foreign embassies in Baghdad, and I believe the  
18 witness would state that he is familiar with the use of Iraqi  
19 employees at foreign embassies in Baghdad and that only  
20 persons who were working for the Iraqi Intelligence Service  
21 would be allowed to hold those positions.

22 THE COURT: Very well. All right. 1:30.

23 THE CLERK: This Court is in recess.

24 (Whereupon, from 12:23 p.m. to 12:36 p.m., a break  
25 was taken.)

1 (Out of the presence of the jury.)

2 THE CLERK: Please remain seated and come to order.  
3 This Court is again in session.

4 THE COURT: We're outside the presence of the jury.  
5 I understand the Government is requesting two  
6 witnesses. Who is the second witness?

7 MS. HEINZ: Your Honor, the second witness will be  
8 Roland Lyons. I would -- the Government would ask him just  
9 two questions about whether or not citizenship and  
10 immigration services accept foreign passports.

11 THE COURT: All right.

12 Also, I received a supplemental proposed  
13 instruction from Government.

14 Have you seen it, Mr. Blatt?

15 MR. BLATT: Yes, your Honor.

16 THE COURT: All right.

17 MR. BLATT: No objection, your Honor.

18 THE COURT: All right. Let me ask if there are any  
19 defense motions before we move to rebuttal.

20 Are there any?

21 MR. BLATT: Except for the exhibit list, nothing.

22 THE COURT: You have some motion regarding the  
23 exhibit list?

24 MR. BLATT: No, your Honor.

25 THE COURT: All right. Let's bring the jury back

1 now.

2 THE CLERK: Please rise.

3 (Whereupon, at 1:38 p.m. the jury entered the  
4 courtroom.)

5 THE COURT: Please be seated.

6 And good afternoon ladies and gentlemen.

7 Ladies and gentlemen, I was being presumptuous when  
8 I said to you after lunch we would move to the closing  
9 arguments. As I told you at the beginning of the case, while  
10 the defense does not have to put on any evidence at all but  
11 they have a right to do so if they choose so, in the same  
12 fashion the Government does not have to put on a rebuttal  
13 case but it has a right to do so if it chooses to, and the  
14 Government does choose to do so.

15 So you may call your first witness.

16 MS. HEINZ: Yes, your Honor.

17 At this time the Government calls Roland Lyons.

18 THE COURT: Very well.

19 Mr. Lyons, would you return to the witness stand,  
20 sir, and have a seat.

21 Please repeat your name and spell your last name  
22 for the record.

23 THE WITNESS: Roland Edward Lyons. Last name is  
24 L-y-o-n-s.

25 THE COURT: And you understand you are still under

1 oath in this matter.

2 THE WITNESS: Yes, your Honor.

3 THE COURT: All right. Go ahead, Ms. Heinz.

4 **DIRECT EXAMINATION**

5 BY MS. HEINZ:

6 Q. Mr. Lyons, at the oath of allegiance ceremonies do the  
7 applicants turn in their foreign passports?

8 A. No, they do not.

9 Q. And does Citizenship and Immigration Service ever accept  
10 foreign passports?

11 A. No, we do not. We have no authority to accept documents  
12 from a foreign government.

13 MS. HEINZ: I have no further questions, your  
14 Honor.

15 THE COURT: Any questions?

16 MR. BLATT: No, your Honor.

17 THE COURT: Thank you, sir. You are excused.

18 THE WITNESS: Okay. Thank you.

19 THE COURT: You may call your next witness.

20 MS. HUDSON: Thank you, your Honor.

21 The Government calls Mr. Sargon.

22 THE COURT: You may return to the witness stand,  
23 sir.

24 Please be seated.

25 Please repeat your nickname and spell it for the



1 record, please.

2 THE WITNESS: My name is Sargon, S-a-r-g-o-n.

3 THE COURT: And do you understand you are still  
4 under oath in this case?

5 THE WITNESS: Yes.

6 **MR. SARGON,**

7 called as a rebuttal witness by counsel for the Government  
8 having been previously duly sworn, testified as follows:

9 THE COURT: All right.

10 Go ahead, Ms. Hudson.

11 MS. HUDSON: Thank you, your Honor.

12 **DIRECT EXAMINATION**

13 BY MS. HUDSON:

14 Q. Mr. Sargon, are you familiar with the relationship  
15 between the Iraqi Intelligence Service and foreign embassies  
16 in Baghdad prior to 2003?

17 A. Yes.

18 Q. What is that familiarity or knowledge based on?

19 MR. BLATT: Objection. Excuse me. Objection.  
20 Limitation should be '79 to '80 when he was working at the  
21 embassy, not the entire time.

22 THE COURT: Well, you can go into that if you care  
23 to.

24 MR. BLATT: Thank you.

25 THE COURT: If you would care to change your

1 question, you may do so.

2 MS. HUDSON: I'll leave the question as it is, your  
3 Honor.

4 Thank you.

5 THE COURT: Overruled.

6 BY MS. HUDSON:

7 Q. What is your familiarity based on?

8 A. Well, I previously worked in the anti-spying general  
9 department, which had the symbol M-5, and the job of such  
10 agency is to follow up with activities of foreigners and  
11 foreign entities in Iraq.

12 And usually embassies have the foreign intelligence  
13 services or stations. Therefore, we consider embassies as  
14 one of the most important of the anti-spying services.

15 Q. During what period of time were you in that position?

16 A. From middle of '79 until '89.

17 Q. Based on your experience, would the staff working at a  
18 foreign embassy in Baghdad consist entirely of foreigners, or  
19 did some Iraqis work at foreign embassies at Baghdad?

20 MR. BLATT: Objection. Compound.

21 THE COURT: Sustained.

22 Please rephrase it.

23 BY MS. HUDSON:

24 Q. Would -- based on your experience, would the staff  
25 working at a foreign embassy in Baghdad include some Iraqi

1 citizens?

2 A. Yes.

3 Q. Did the Iraqi Intelligence Service control which Iraqis  
4 were allowed to work at foreign embassies in Baghdad?

5 A. Yes.

6 Q. In order to get a job as an Iraqi working at a foreign  
7 embassy in Baghdad, did that person have to be working for  
8 the Iraqi Intelligence Service?

9 A. Well, I think probably your question should be a little  
10 bit corrected. Not -- not necessarily that he was working  
11 with the Iraq Intelligence before getting the position, but  
12 in general, any person who would work in a foreign embassy  
13 should get the approval of the Iraqi Intelligence, and the  
14 Iraqi Intelligence would gather information and meet with him  
15 and would ask him for cooperation.

16 Q. Now, would this apply to all jobs that an Iraqi might do  
17 at a foreign embassy in Baghdad?

18 A. Yes.

19 Q. Would that include even low-level positions?

20 A. Yes.

21 Q. Would that include, for example, a cleaning woman at a  
22 foreign embassy in Baghdad?

23 A. Yes.

24 Q. What would the Iraqi Intelligence Service do regarding  
25 cleaning ladies working at foreign embassies in Baghdad?

1 A. Well, the cleaning lady could go into any of the  
2 embassies' rooms, and she can give us full -- full and  
3 complete description of the rooms and workers inside the  
4 rooms, and she could get any pieces of papers or shredded  
5 pieces of drafts that were thrown already in a trash can. So  
6 we used to ask them to collect them and bring them to us.

7 Q. In your experience, did Iraqis who were working at  
8 foreign embassies in Baghdad know that they were working for  
9 the Iraqi Intelligence Service?

10 A. Yes.

11 Q. In your experience, would it be possible for an Iraqi to  
12 be hired to be in charge of building maintenance at a foreign  
13 embassy in Baghdad if he was not cooperating with the Iraqi  
14 Intelligence Service?

15 THE COURT: You're going to have to change that  
16 characterization. Almost anything is possible.

17 BY MS. HUDSON:

18 Q. Would it be the practice of the Iraqi Intelligence  
19 Service to allow an Iraqi who was not cooperating with the  
20 Iraqi Intelligence Service to take a position in building  
21 maintenance at a foreign embassy in Baghdad?

22 A. Well, this issue, as I recall, till the beginning of the  
23 '90s wasn't allowed at all. Well, after '91 such things  
24 became more flexible. So not to put a lot of pressure on our  
25 citizens -- and also we started using more technology or

1 technical services to monitor these embassies.

2 Q. With respect to the period of time from approximately  
3 1979 through 1990, was it the policy of the Iraqi  
4 Intelligence Service not to allow an Iraqi to work in  
5 building maintenance at a foreign embassy in Baghdad if that  
6 Iraqi was not at that time cooperating with the Iraqi  
7 Intelligence Service?

8 A. No, they wouldn't allow.

9 MS. HUDSON: Nothing further.

10 THE COURT: Cross-examination?

11 **CROSS-EXAMINATION**

12 BY MR. BLATT:

13 Q. Mr. Sargon, before coming here today, did you have an  
14 opportunity to speak to the U.S. Attorneys about your  
15 testimony?

16 A. Yes.

17 Q. Did they ask you specific questions in reference to your  
18 knowledge concern canning Iraqi citizens who had worked in  
19 foreign embassies in Iraq?

20 A. Yes.

21 Q. Did you ever relate this information before they asked  
22 you these questions?

23 MS. HUDSON: Objection. Vague as to --

24 THE COURT: Sustained.

25 ///

1 BY MR. BLATT:

2 Q. Did you ever have any discussions with the U.S. Attorney  
3 or the FBI about the information you testified to prior to  
4 your last conversation with the U.S. Attorney's about that?

5 A. It was general questions, and it wasn't detailed as  
6 such.

7 Q. Have you been paid any additional monies for coming here  
8 today?

9 A. I did not receive anything besides what should be paid  
10 for a witness. Today it was five hundred some dollars. I --  
11 I don't know how much. And before that it was \$486, I  
12 believe.

13 Q. How did you get up to \$112,000 then?

14 A. I think -- I think we have discussed that matter before,  
15 and we talked about it in details; and we said that it  
16 included treatment, travel, food, and other services for the  
17 last four or five years.

18 Q. So you are continuing to be paid as you testify in this  
19 case?

20 A. Well, this is not true. This wasn't discussed, and it  
21 wasn't on my mind at all.

22 Q. But you are going to request additional payment for your  
23 testimony for today?

24 A. I never requested anything.

25 Q. It's volunteered to you; is that correct, sir? They

1 offer you the money for your testimony?

2 A. No payments were made for the testimony.

3 Q. Why did you say you were getting \$500 for testimony  
4 today then?

5 A. Well, this is -- actually has been decided according to  
6 the American law. And you asked me; I answered.

7 Q. So there's an American law that you get paid \$500 a day  
8 for your testimony?

9 A. I received it from the bank, and I don't know the  
10 details.

11 Q. Going back to the questions the U.S. Attorney asked you,  
12 when an individual is going to work at a foreign embassy who  
13 is an Iraqi citizen and has agreed to cooperate with the IIS,  
14 wouldn't there be a file made up on that person at that time?

15 A. Yes.

16 Q. So, in other words, if an individual works there -- let  
17 me rephrase it.

18 And every person that works for the IIS and then  
19 works for an embassy, you would put together a file on them  
20 in reference to information that they would give?

21 A. Yes.

22 Q. Did you ever -- were you ever asked to check whether  
23 there was an administrative or Intelligence file in reference  
24 to Mr. Benjamin concerning any work he did in reference to  
25 foreign embassies in Iraq?

1 A. I do not recall that I saw such things in the file.

2 Q. If Mr. Benjamin was working for the IIS and spying on --  
3 in a foreign embassy in Iraq, you have no doubt there would  
4 be a file on him; is that correct?

5 A. Should be a file, yes.

6 Q. And if that person continued to cooperate from that  
7 1979-80 period to '93, wouldn't there be information in that  
8 file as to contacts who IIS made with that person while that  
9 person was living in Iraq?

10 A. Yes. But let me tell you something here. Approximately  
11 about 70 to 80 percent of the Iraqi Intelligence files were  
12 destroyed in 1991.

13 Q. How were they destroyed in '91?

14 A. When we invaded Kuwait. And after that there was a war  
15 against Iraq. Did you forget the second Gulf War?

16 Q. I apologize, sir, for forgetting.

17 Did you forget who won that war?

18 MS. HUDSON: Objection.

19 THE COURT: Strike that. Let's get something else  
20 if you have it.

21 BY MR. BLATT:

22 Q. You don't like Americans very much, do you?

23 MS. HUDSON: Objection.

24 THE COURT: Sustained.

25 ///



1 BY MR. BLATT:

2 Q. Well, do you like Americans, sir?

3 MS. HUDSON: Objection. Argumentative.

4 MR. BLATT: Goes to his credibility, your Honor.

5 THE COURT: Overruled.

6 You may answer.

7 BY MR. BLATT:

8 Q. Do you like Americans, sir?

9 A. I don't have any problem with the American people.

10 Q. Even after two wars?

11 A. Yes.

12 Q. Even after you turned in your brother Intelligence  
13 officers?

14 MS. HUDSON: Objection. Argumentative.

15 THE COURT: Sustained.

16 BY MR. BLATT:

17 Q. Did you have a problem with Venezuela in 1979?

18 A. I never.

19 Q. Well, were you conducting --

20 A. I have never been to Venezuela.

21 Q. Well, were you conducting any Intelligence operations,  
22 to your knowledge, in the country of Venezuela?

23 MS. HUDSON: Objection. Vague as to "you."

24 THE INTERPRETER: May the interpreter ask --

25 ///

1 BY MR. BLATT:

2 Q. In 1979 to 1989, while you were working in your  
3 Intelligence unit --

4 THE WITNESS: Could you please repeat the whole  
5 question.

6 BY MR. BLATT:

7 Q. In 1979 to 1989, while you were working in your  
8 Intelligence unit, were you aware of any Intelligence  
9 activities in reference to the country of Venezuela?

10 A. No.

11 Q. And in reference to 1979 to 1989, were you aware of any  
12 Intelligence activities against the country of Australia?

13 A. No.

14 Q. If you don't have any Intelligence activities against  
15 Venezuela or Australia, why would the IIS get involved in  
16 reference to a cleaning lady that you would have to join your  
17 organization?

18 A. Well, I -- I think the question you are asking has some  
19 wrong information. You are asking me if I had any activities  
20 or informations regarding these embassies, and I -- and I --  
21 I answered you because I never worked in these domains or  
22 these countries. But if you are asking me, you know, what do  
23 I know, then I'll -- I'll answer you.

24 Q. Were you conducting Intelligence against the country of  
25 Venezuela in 1979 and 1980?

1 MS. HUDSON: Objection. Vague as to "you."

2 THE COURT: Sustained.

3 BY MR. BLATT:

4 Q. Was your -- to your knowledge, was your country  
5 conducting Intelligence operations against the country of  
6 Venezuela in 1979 or 1989?

7 A. All embassies without any exception should be watched by  
8 officers.

9 Q. In reference to a file that would be made up for the  
10 cleaning lady who joined the IIS in reference to an embassy,  
11 would there be two files made up at that time?

12 A. Well, this system of two files appeared after 1988, to  
13 be honest with you. Well, that was after we created a couple  
14 of systems. The first one is told how to deal with  
15 informations, and the other one is called --

16 THE INTERPRETER: And I am sorry. May the  
17 interpreter ask?

18 THE WITNESS: Okay. How to deal with sources.

19 BY MR. BLATT:

20 Q. Would the administrative file have a reference number to  
21 the Intelligence file?

22 A. It would -- they would carry the same number, but we  
23 write on this one "Administrative," on that one  
24 "Intelligence."

25 Q. Would the Administrative and Intelligence files be kept

1 together?

2 A. No.

3 Q. Where would the Intelligence file be kept?

4 A. The Intelligence file would be always close to the  
5 officer because, you know, they would reference it on a daily  
6 basis, while the Administrative -- only when he would need  
7 it.

8 Q. Only when he would need to pay money perhaps?

9 MS. HUDSON: Objection. The testimony is  
10 cumulative. Beyond the scope.

11 THE COURT: It's overruled.

12 You may answer.

13 BY MR. BLATT:

14 Q. Would he use the Administrative file when he needed to  
15 pay money?

16 A. No, not only this. When the source is getting trained,  
17 when he goes under auditing or under examinations, many --  
18 many things that are related to the administrative file.

19 Q. Were you ever asked by the Government or the FBI to look  
20 for the Intelligence file of Mr. Benjamin?

21 A. No.

22 Q. Do you have any idea, if it did exist, where it might  
23 be?

24 A. I don't know. I don't know.

25 Q. Is there such a thing in an Intelligence file as an oath

1 to the IIS relating that they are an agent and they pledged  
2 their allegiance to the IIS?

3 A. No. We don't have such oath.

4 Q. You've never seen that before, have you?

5 A. We don't have an oath for a source.

6 Q. Do you have perhaps not an oath but some other  
7 declaration that a person indicates that they're going to  
8 pledge their allegiance to the IIS?

9 A. Yes.

10 Q. What is that?

11 A. He would say that, "I," such and such person, "I pledge  
12 to work for the Intelligence service and to be truthful and  
13 honest with the Intelligence service, and I will not work for  
14 any enemy Intelligence services."

15 Well, these are the three -- the three main things.  
16 I'm not aware now of the details.

17 Q. Showing you Exhibit 5, 1447.

18 Could you look at the monitor, sir. It might save  
19 you time.

20 A. (No audible response.)

21 Q. Does that look like such a declaration?

22 A. Yes.

23 Q. And is this the type of declaration that's put into both  
24 an Administrative and Intelligence file for an agent that is  
25 knowingly working for the IIS?

1 A. Yes.

2 Q. Thank you.

3 Nothing further.

4 THE COURT: Thank you.

5 Any redirect?

6 **REDIRECT EXAMINATION**

7 BY MS. HUDSON:

8 Q. Mr. Sargon, has anyone told you what your testimony  
9 should be here today?

10 A. No. Never.

11 Q. Has anyone told you that you will get paid if you  
12 testify in a certain way here today?

13 A. Never. No.

14 Q. Is the fact that you are getting paid a consulting fee  
15 affecting your testimony here today?

16 A. Could you repeat the question, please.

17 Q. Is your testimony here today affected by the fact that  
18 you are being paid for your time?

19 A. No.

20 MS. HUDSON: Nothing further.

21 THE COURT: Anything else?

22 **RECROSS-EXAMINATION**

23 BY MR. BLATT:

24 Q. Is there any department of the Iraq Intelligence  
25 division that you have not worked in?

1 MS. HUDSON: Your Honor, beyond the scope of  
2 redirect.

3 THE COURT: Sustained.

4 BY MR. BLATT:

5 Q. You said you were getting paid as a consultant. Was  
6 part of the consultant fee paid as you were released from  
7 jail in Iraq?

8 MS. HUDSON: Objection. Cumulative. Beyond the  
9 scope. Irrelevant.

10 THE COURT: It's overruled.

11 You may answer.

12 MR. BLATT: Thank you, your Honor.

13 THE WITNESS: Could you please repeat the question.

14 BY MR. BLATT:

15 Q. You said you were being paid as a consultant in  
16 reference to your testimony today?

17 A. I didn't say I would be paid; I said I was paid.

18 Q. Were you paid after you left the jail in Iraq?

19 A. I think we talked about all these details before.

20 MR. BLATT: Could the Court instruct the witness to  
21 answer, please.

22 THE COURT: Try to answer the question, please.

23 THE WITNESS: We talked and we -- we said that I  
24 got compensation like \$112,000, \$116,000 for the period  
25 between 2003 up to date. That was for treatment and travel

1 expenses and lodging hotels and food and services of -- for  
2 analyzing the information we are talking about.

3 BY MR. BLATT:

4 Q. Was part of your understanding of this consultation that  
5 you would be released from the American Iraqi prison so you  
6 would cooperate with the FBI?

7 A. No. I knew I was going to be released from jail because  
8 there was nothing against me. There -- there was no court  
9 warrant or anything of that nature for any case.

10 Q. And there was no file on you either, was there? There  
11 was no Administrative or Intelligence file on you that was  
12 ever found?

13 A. Which file and where? With who --

14 THE INTERPRETER: I'm sorry.

15 THE WITNESS: With who?

16 BY MR. BLATT:

17 Q. You told the FBI your credentials concerning Iraqi  
18 Intelligence; correct?

19 A. Yes.

20 Q. Did you ask them to verify your credentials with any  
21 other Iraqi Intelligence officers?

22 A. Well, that's their job.

23 Q. They never did, did they?

24 MS. HUDSON: Objection. Calls for speculation.

25 THE COURT: Sustained.



1 MS. HUDSON: Lack of foundation.

2 BY MR. BLATT:

3 Q. To your knowledge, did they ever investigate the  
4 truthfulness of what you told them you really were and did in  
5 Iraq?

6 A. I am certain that they investigated and made sure of  
7 that.

8 Q. Did they tell you they investigated you?

9 A. Yes.

10 Q. Did you give them some names of who to contact?

11 A. No. Never.

12 Q. Why didn't you?

13 A. Why should I give them a name for information while the  
14 whole country of Iraq was under their control, under their  
15 supervision, and they know other officers?

16 Well, if I ought to ask about you, for example,  
17 I'll tell you, "Well, give me names to go ask about you."

18 You will say -- you'll say go ask your wife, and  
19 your wife will say good things about you.

20 Q. Perhaps. I don't know about that. It depends on the  
21 day.

22 Do you want to continue?

23 A. If -- if I want to investigate and make sure of some  
24 information, I should go to an impartial party. And, you  
25 know, so this impartial party wouldn't give me, you know, any

1 vague information or fake information. And, actually, I  
2 shouldn't ask only one source. I should ask more than one  
3 source so I reach the truth. Well, that's how Intelligence,  
4 you know, work. If you said that, you have worked in  
5 Intelligence services.

6 Q. One last question.

7 Why are you so afraid to use your real name?

8 MS. HUDSON: Objection.

9 THE COURT: Sustained.

10 MR. BLATT: Nothing further, your Honor.

11 THE COURT: Any further of this witness?

12 MS. HUDSON: No, your Honor.

13 THE COURT: Thank you, sir. You are excused now.

14 Does the Government rest?

15 MS. HUDSON: Yes, your Honor.

16 THE COURT: Ladies and gentlemen, we have some  
17 matters of law that we do have to take care of. I would like  
18 to have the closing arguments and the instructions all at the  
19 same time, and we're not going to have enough time here this  
20 afternoon to do that.

21 So I'm going to let you go home now, and tomorrow  
22 morning at 9:00 o'clock we'll have the final arguments.  
23 You'll hear from the Government, and you'll hear from the  
24 defense, and then you'll hear from the Government a second  
25 time.

1           The Government as the prosecutors in this case get  
2 two bites at the apple as it were, and they'll open and  
3 they'll close the arguments.

4           After both sides have finished their arguments,  
5 then I will give you some final instructions. Which then you  
6 must apply to the law to that law to the facts only you would  
7 have found.

8           Please put everything aside. You've heard all of  
9 the evidence now. Make sure that you don't talk about this  
10 with anyone. Don't let anything about it come to your  
11 attention, but if something does mistakenly, please let me  
12 know. Don't talk to any of your fellow jurors about it at  
13 all. We'll see you at 9:00 o'clock tomorrow morning, ladies  
14 and gentlemen.

15           Everyone, please rise for the jury.

16           (Whereupon, at 2:17 p.m. , the jury exited the  
17 courtroom..)

18           THE COURT: Please be seated. We're outside the  
19 presence of the jury.

20           Are there any motions of any kind?

21           MR. BLATT: No, your Honor.

22           THE COURT: All right.

23           We'll take 10 minutes, and then we'll go over the  
24 instructions. Make sure that you have your exhibits in  
25 order. The clerk will be in here in just a moment. You can

1 do that during this recess, and we'll take 10 or 15 minutes.

2 (Whereupon, from 2:18 p.m. to time, a break was  
3 taken.)

4 (Out of the presence of the jury.)

5 THE CLERK: Please remain seated and come to order.  
6 This Court is again in session.

7 THE COURT: We're again outside the presence of the  
8 jury, and this is the time to go over the instructions.  
9 Fairly simple of a job since we have a joint set.

10 MR. BLATT: Excuse me, your Honor?

11 THE COURT: Yes.

12 MR. BLATT: In reference to the exhibits, I thought  
13 I would make a motion to admit the exhibits. I was --

14 THE COURT: Yes. I had assumed that there would be  
15 no objection to the ones that you had mentioned.

16 MR. BLATT: Well, I think there will be, your  
17 Honor, but I'm asking.

18 THE COURT: There will be?

19 MR. BLATT: One through -- at least there's an  
20 objection I believe by the U.S. Attorney.

21 I've requested that the Exhibits 1 through 7 be  
22 admitted with the exception -- the part that was requested to  
23 be deleted which I deleted and number ten.

24 THE COURT: All right. Is there some objection? I  
25 didn't hear any objection.

1 MS. HUDSON: No, I don't think so, your Honor.

2 MR. BLATT: Oh, I'm sorry, your Honor.

3 THE COURT: So they will come in.

4 MR. BLATT: Thank you, your Honor.

5 THE COURT: All right. Let's go through these  
6 proposed instructions. The first one which is based on  
7 O'Malley's 10.1 and 13.04 -- these are general instructions  
8 at the beginning of a criminal trial -- "the indictment is  
9 not evidence" and all. We've done that.

10 MS. HEINZ: Yes.

11 THE COURT: Joint two which is based on the Ninth  
12 Circuit model 2.9 is covered by other instructions later.  
13 Same thing is true of Ninth Circuit model 1.13 A, use of  
14 interpreter in court.

15 Actually these first four have alphabetical  
16 designations. A, has already been given, B and C are covered  
17 by others, D which is a special and protective measures  
18 concerning witness -- that's also been given.

19 Joint 1 through -- let's see. 1 through 18 will be  
20 given as requested. 19 also a joint -- well, they're all  
21 joint except the supplemental.

22 19, "evidence received in the case stipulations  
23 judicial notice and inferences permitted" -- the Court didn't  
24 take judicial notice of anything; so it will be given without  
25 the judicial notice portion.

1           20 through 27 will be given as requested.

2           26, on or about will be modified for plural dates.

3           28 transcript of recording in foreign language will  
4 be given without the last paragraph. That last paragraph is  
5 the Government and defendant have presented different  
6 language translations et cetera. So that be not be given.

7           29, 30, 31 and 32 will all be given as requested.

8           I take it 33 is withdrawn effective defendant's  
9 failure to testify since he did testify. So that will not be  
10 given.

11           34 charts and summaries -- were there any charts  
12 and summaries? I don't recall any.

13           MS. HEINZ: I think the Government has decided not  
14 to use any in closing arguments. So we don't need that  
15 anymore.

16           THE COURT: Very well.

17           MR. BLATT: No, your Honor.

18           THE COURT: So that will not be given either.

19           35 about regard to the verdict form, that will be  
20 given as requested. And I just have one copy now, but I  
21 didn't receive a proposed verdict form from either side. So  
22 we're presenting one to you.

23           And there's no objection to the Government's  
24 supplemental instruction. Both the Government and the  
25 defendant have the right to compel witnesses at trial.

1 The -- and federal rules of civil procedure 17 that will be  
2 given.

3 And there were a few that neither side asked for in  
4 joint or otherwise that will be given.

5 And when I mention these numbers, unless I  
6 otherwise indicate, I'm speaking of O'Malley.

7 1103 objections and rulings; 1104 Court's comments  
8 to counsel; 1105 Court's questions to witnesses; 1506  
9 impeachment inconsistent statements offer conduct; and 1706  
10 motive explained -- those will all be given.

11 Any comments first of all from the Government --

12 MS. HEINZ: No.

13 THE COURT: -- with regard to the instructions?

14 MS. HEINZ: The Government is fine with the  
15 instructions, your Honor.

16 THE COURT: All right. Mr. Blatt?

17 MR. BLATT: No, your Honor.

18 THE COURT: All right. Let me inquire as to how  
19 much time the Government is requesting for its closing  
20 arguments total.

21 MS. HUDSON: Total approximately an hour and a  
22 half, your Honor.

23 THE COURT: You may have an hour. You can use it  
24 any way you choose.

25 You may have up to an hour.

1 MR. BLATT: Thank you, your Honor.

2 THE COURT: I have received the redacted second  
3 superseding indictment. Have you seen it, Mr. Blatt?

4 MR. BLATT: Yes, your Honor.

5 THE COURT: There should be a renumbering, however:  
6 5 becomes 3; 8 becomes 4; 11 becomes 5; 12 is 6; 13 is 7; and  
7 15 is 8. Renumbered -- this copy that I have which will be  
8 going into the jury.

9 Any comments?

10 MR. BLATT: No, your Honor.

11 THE COURT: All right. Both sides had an  
12 opportunity to review the jury verdict form?

13 MR. BLATT: Yes, your Honor.

14 THE COURT: Any problems?

15 MR. BLATT: No, your Honor.

16 THE COURT: The Government?

17 MS. HUDSON: It seems to be fine, your Honor.

18 THE COURT: All right. Fine. Anything else from  
19 either side?

20 MR. BLATT: No, your Honor.

21 MS. HUDSON: No, your Honor.

22 THE COURT: Does either side intend to use any type  
23 of demonstrative charts or anything of that sort during the  
24 closing?

25 MS. HUDSON: I think just the -- the Elmo or --



1 THE COURT: Oh, of course.

2 MR. BLATT: No, your Honor.

3 THE COURT: Any items that have been received into  
4 evidence -- just remember that the Court instructs and you  
5 argue. So while you might want to indicate what you think  
6 the Court might be instructing regarding, please don't just  
7 read from the instructions themselves. You'll have copies of  
8 them.

9 All right.

10 MR. BLATT: Thank you, your Honor.

11 THE COURT: All right. Thank you.

12 MS. HEINZ: Thank you, your Honor.

13 THE COURT: 9:00 o'clock tomorrow then.

14 THE CLERK: Court is adjourned.

15 (Whereupon, at 4:42 p.m., the proceeding concluded.)

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