

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

4	UNITED STATES OF AMERICA,	)	
5	Plaintiff,	)	Docket No. 04 CR 661
6	vs.	)	
7	SAMI KHOSHABA LATCHIN,	)	Chicago, Illinois
8	Defendant.	)	April 3, 2007 9:45 a.m.

VOLUME 1  
TRANSCRIPT OF PROCEEDINGS - Trial  
BEFORE THE HONORABLE REBECCA R. PALLMEYER, and a jury

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1 interpreter?

2 MS. JUDGE: Yes.

3 THE COURT: Okay. Great. Thank you, sir.

4 I am going to ask that you be sworn.

5 Hi , Mr. Al -Dani .

6 Let me ask first that the interpreter be sworn.

7 (Interpreter Marwan Abdel -Rahman sworn.)

8 THE COURT: Mr. Al -Dani , can I ask you to raise  
9 your right hand.

10 (Witness sworn.)

11 THE COURT: You may proceed, Mr. Conway.

12 MR. CONWAY: Thank you, Judge.

13 MUHAMMAD AL-DANI , GOVERNMENT' S WITNESS, SWORN

14 DIRECT EXAMINATION

15 BY MR. CONWAY:

16 Q. Can you tell us your name.

17 A. Muhammad Al -Dani .

18 Q. How old are you?

19 A. I am 52.

20 Q. Where were you born?

21 A. In Baghdad.

22 Q. When you were in school in Baghdad as a young child, did  
23 you take classes in English?

24 A. Yes, as of fifth grade.

25 Q. And you have testified at a hearing in this case prior;

1 is that correct?

2 A. Yes.

3 Q. When you testified the last time in this case, did you  
4 testify in English?

5 A. Yes.

6 THE INTERPRETER: I need to verify something.

7 THE COURT: Sure.

8 (Brief pause.)

9 BY MR. CONWAY:

10 Q. Arabic is your native language; is that correct?

11 A. Yes.

12 Q. Do you feel more comfortable speaking Arabic than  
13 English?

14 A. Yes.

15 THE INTERPRETER: Your Honor --

16 MS. JUDGE: Your Honor, I am sorry, but we are  
17 still not getting through. Something is occurring.

18 THE COURT: Some equipment problem. Is there an  
19 equipment problem?

20 Are you getting feedback from this mic? What's  
21 happening? Can you tell us?

22 THE DEFENDANT: It's okay now.

23 THE COURT: It was just maybe where Ms. Ishoo was  
24 standing. Okay. Thanks, Ms. Judge.

25 You may proceed, Mr. Conway.

1 BY MR. CONWAY:

2 Q. Are you familiar with the Mukhabbarat?

3 A. Yes. And I did serve for more than 20 years at the  
4 Iraqi Mukhabbarat.

5 THE COURT: I am sorry to interrupt one more time.  
6 Still not working?

7 THE INTERPRETER: I think it's the mic. There  
8 might be something wrong with the microphone.

9 THE COURT: Do you want a different chair maybe?

10 THE INTERPRETER: I am sorry?

11 THE COURT: Would you like a taller seat?

12 THE INTERPRETER: Me?

13 THE COURT: Yes.

14 THE INTERPRETER: No.

15 THE COURT: It works when you are standing up and  
16 not when you are sitting down; is that right? You are going  
17 to get tired out.

18 MS. JUDGE: Let me move this out of the way, if I  
19 could, Judge.

20 THE COURT: Sure. That's fine.

21 MR. JUDGE: I hope I don't disconnect something.

22 THE COURT: Do you want to back up and ask the  
23 last --

24 BY MR. CONWAY:

25 Q. Are you familiar with the Mukhabbarat?

1 A. Yes. And I served for more than 20 years with the Iraqi  
2 Mukhabbarat.

3 Q. And could you tell us what the Mukhabbarat is.

4 A. It's an institution or an agency for espionage for the  
5 former Iraqi regime, both inside and outside Iraq.

6 THE INTERPRETER: Your Honor, maybe there is  
7 something wrong. Maybe we need to change the batteries.

8 THE COURT: Do you want to try the other one?

9 THE INTERPRETER: For some reason -- something is  
10 interfering with my transmitting.

11 THE COURT: I know my experience is, once we get  
12 this all straightened out, it works very smoothly, but I do  
13 need to get my technical guy in to make sure that Ms. Ishoo's  
14 equipment is working. So I am going to excuse you for one  
15 moment.

16 (Jury out at 1:48 p.m.)

17 THE COURT: Back on the record.

18 We had some technical problems that I believe have  
19 been resolved.

20 We do have another interpreter available.

21 Mr. DeVany, who's here from our interpreter's office, reports  
22 that the individual in question is a certified reporter. It  
23 happens she is a friend of the defendant's sister.

24 In an off-the-record discussion a moment ago,  
25 Mr. Conway and Ms. Peters for the government indicated that

1 they have no objection to her use.

2 Is that correct?

3 MR. CONWAY: Yes.

4 THE COURT: Can I assume the defendant doesn't have  
5 any objection?

6 MS. JUDGE: No objection.

7 THE COURT: Is she here right now?

8 THE INTERPRETER: She is here.

9 This is not working yet, your Honor.

10 THE COURT: Please don't tell me that. What  
11 happened to Joe? Is he still here?

12 (Brief pause.)

13 (Jury in at 2:13 p.m.)

14 THE COURT: You may be seated, Ladies and  
15 gentlemen.

16 The equipment problem, we believe, has been worked  
17 out. We also got a new cord in here.

18 I know there have been a lot of interruptions and  
19 delays. I really do assure you that the ordinary course is  
20 that the first few witnesses, we may have some problems with.  
21 We should get this straightened out, and I think that it will  
22 go smoothly -- I hope it will go smoothly from here on.

23 I do apologize for the delay and the interruptions  
24 that you have experienced already.

25 Mr. Al -Dani, you were sworn earlier. I want to

1 remind you, sir, that you are under oath. You may be seated.

2 You may proceed then, Mr. Conway.

3 MR. CONWAY: Thank you, Judge.

4 BY MR. CONWAY:

5 Q. We were talking about the Mukhabbarat. Can you explain  
6 what the Mukhabbarat is.

7 A. It's an agency or an institution for espionage for the  
8 former Iraqi regime, both inside and outside Iraq.

9 Q. When you say "inside and outside," it conducts  
10 intelligence activities inside and outside the country?

11 A. Yes.

12 Q. Did you work for them?

13 A. Yes. I worked for more than 20 years for the Iraqi  
14 Mukhabbarat.

15 Q. Can you tell us your -- the selection process?

16 A. At the beginning the selection process used to be very  
17 precise and thorough. What I do remember is that out of  
18 1,000 students or more, they only selected five.

19 However, after 1979, and particularly in the 1980s,  
20 since Barazan Al -Tikriti -- B-a-r-a-z a-n, last name A-I,  
21 hyphen, T-a-k-r-i -t-i. Since Barazan Al -Tikriti, the  
22 half-brother of Saddam Hussein, took over the Mukhabbarat, it  
23 started a process of extending the institution.

24 Q. So you joined right out of college, correct?

25 A. No. After graduation I joined the faculty of

1 reservists. About five months later, I joined the Iraqi  
2 Intelligence, and that was at the end of 1976.

3 Q. That's because individuals who graduate from college, in  
4 effect, have compulsory service in the military; is that  
5 correct?

6 A. Correct.

7 Q. What was your major in college?

8 A. I obtained a bachelor's degree in English literature.

9 Q. And could you tell us your basic training as a member of  
10 the Mukhabbarat.

11 A. I received the basic course of Mukhabbarat training and  
12 shooting training and a course in information analysis, as  
13 well as some military training.

14 However, I acquired further expertise because of  
15 the fact that I worked with more experienced officers.

16 Q. When an individual provides information to the  
17 intelligence service, are they classified by either "friend"  
18 or "collaborator"?

19 A. Yes. There are three levels of collaborators with the  
20 Iraqi intelligence. The highest level is called mo'min.

21 THE INTERPRETER: The interpreter states the  
22 English translation would be "trustee."

23 BY THE WITNESS:

24 A. The second one is the "cooperating." And the third is  
25 "friend."

1 BY MR. CONWAY:

2 Q. Starting on top with mo'min, can you tell us what type  
3 of information would be received and how would they be  
4 treated by the Iraqi Intelligence Service?

5 A. The mo'min is someone who knows that he works for the  
6 Mukhabbarat. He is known to work for the Mukhabbarat, and he  
7 receives a monthly salary. He has retirement benefits. And  
8 he is very trusted, which means that he provides high-value  
9 secret information to the Iraqi Mukhabbarat.

10 And once the Mukhabbarat receives information from  
11 that person, they deal with information according to its  
12 urgency. It could even be sent to the president of the  
13 republic.

14 Q. I want to direct you back to 1976.

15 Physically where were you located when you first  
16 started working for the Mukhabbarat?

17 A. The headquarters was located at Al Hyatt building, and  
18 that was close to the presidential palace and also close to  
19 the Tigris River.

20 Q. In Baghdad?

21 A. In Baghdad.

22 Q. Approximately how many people worked at the Mukhabbarat  
23 headquarters in Baghdad?

24 A. At that time it wasn't too many. There were about 400  
25 to 500.

1 Q. Are you familiar, based on your experience with the  
2 Mukhabbarat, of the organizational structure within the  
3 Mukhabbarat?

4 A. I know it very well, yes.

5 Q. Is it based on the British model using M and D as  
6 designations for directorates within the Mukhabbarat?

7 A. Yes.

8 Q. Could you start with the M designation and explain what  
9 that is used for in describing categories within the  
10 Mukhabbarat.

11 A. Yes.

12 M1 is the office of the Mukhabbarat director.

13 M2 is the administrative affairs directorate.

14 M3 is the directorate of information and microfilm.

15 M4 is the Secret Service outside the country.

16 M5 is the directorate for counterespionage.

17 M6 is a directorate that deals with the security  
18 matters, meaning the security of the personnel within the  
19 Mukhabbarat.

20 Q. Let me go back to some of those designations.

21 So M4 is for intelligence activities outside of  
22 Iraq?

23 A. Yes.

24 Q. That would be the equivalent to the CIA for my country?

25 A. Yes, because M5 is in charge of intelligence inside

1 Iraq.

2 Q. So gathering intelligence on people inside the country?

3 A. Yes. And in particular, foreign nationals, companies,  
4 and embassies that belong to foreign countries.

5 Q. And M6 is an internal section for intelligence-gathering  
6 on its own officers?

7 A. Yes.

8 Q. Is there also a jail component of Mukhabbarat?

9 A. Yes, and that's M7. And it's known as the investigation  
10 and interrogation office.

11 Q. Is there also a designation for the accounting  
12 department?

13 A. Yes. The accounts directorate, that's M12.

14 Q. Is it fair to say that would contain the internal  
15 paperwork for payments within and without the Mukhabbarat?

16 A. Yes. Everything that is pertinent to finance is handled  
17 by M12.

18 Q. In addition to the M numbers used at the Mukhabbarat,  
19 are there further directory designations or subdirectory  
20 designations by the letter D?

21 A. Yes. M4 consists of five Ds.

22 Q. And if I were to tell you M4 D4, what would you  
23 understand by that?

24 A. That's the Secret Service directorate, D4, and it's in  
25 charge of America, Eastern and Western Europe, and Southeast

1 Asi a.

2 Q. Is there further compartmentalization by terms relating  
3 to desks?

4 A. Yes.

5 Q. For example, if I told you M4 D4 desk 2, what would I be  
6 referring to?

7 A. That will mean the America office within D4 within M4.

8 Q. And those types of desk designations are prevalent in  
9 both M4 and M5; is that correct?

10 THE INTERPRETER: I am sorry. I didn't hear the  
11 question.

12 BY MR. CONWAY:

13 Q. Those designations using the word "D" and using "desk"  
14 are prevalent in both M4 and M5?

15 A. No. The designation by letter D is only at M4. But as  
16 for M5, the term "political" would be used, which in Arabic,  
17 S.

18 Q. There is further designations from a desk; is that  
19 correct?

20 A. Yes. Within every desk there are sections. For  
21 example, America desk contained three sections. The first  
22 section is a political section. The second section is an  
23 economical section. And the third section is intelligence  
24 and military section.

25 Q. Section is designated by the Arabic letter Sh, which in

1 English would be S-H?

2 A. The Sh refers to the Shouba, S-h-o-u-b-a.

3 Q. So, for example, if I had something relating to the  
4 economics of America, what desk would be interested in that?

5 A. That would be M4 D4 Sh 2, slash, then section 2.

6 Q. So M4 D4/2/2 in English?

7 A. Yes.

8 Q. Were there further designations? For example, was there  
9 a designation for hostile activities?

10 A. Yes. That would be D5 within M4.

11 Q. Are you familiar with the term "Revolutionary Command  
12 Council"?

13 A. Yes. That was the highest authority in Iraq, which  
14 comprised the highest ranking officials within the party.  
15 And it was headed by the president of the republic.

16 Q. Would that be similar to the cabinets in our government?

17 A. Almost.

18 Q. Would the IIS report, in a fashion, to the Revolutionary  
19 Command Council?

20 A. Yes.

21 Q. When you said it was represented by senior members of  
22 the party, are you referring to the Baath party?

23 A. Yes, the Baath party.

24 Q. You yourself were a member of the Baath party, correct?

25 A. Yes.

1 Q. Could you generally describe what the Baath party is.

2 A. The Baath party conducted a coup in 1968, and it ruled  
3 the country since that year and until 2003. And in Iraq no  
4 one was able to obtain any type of employment unless he was  
5 or she was a member of the Baath party.

6 Q. So many people joined not so voluntarily, did they?

7 A. Yes, correct. Many people joined because it was a way  
8 of making a living. It was a way to obtain employment.

9 Q. In general, how many people live in Iraq?

10 A. The total population of Iraq is 25 million. I could  
11 tell you that out of those, there was about one or one and a  
12 half million Baath party members. I don't have an exact  
13 number, but I could tell you that that's my best estimate.

14 Q. Did the Mukhabbarat operate in other countries  
15 undercover?

16 A. Yes. The Mukhabbarat had covers, both official and  
17 nonofficial, in most of the countries all over the world.

18 Q. When we talk about undercover, or nonofficial cover, you  
19 have heard the term NOC, N-O-C?

20 A. Yes, exactly so.

21 Q. Could you tell us how an Iraqi intelligence officer  
22 would act as a NOC in our country?

23 A. Yes. There were such covers like the Iraqi airlines --  
24 airlines and the Iraqi schools abroad and companies that were  
25 founded by either intelligence officers or by collaborators

1 with the intelligence.

2 Q. When you used the term "cover" for these companies, what  
3 are you referring to?

4 A. I mean that the intelligence officer would use such  
5 business as a cover for himself.

6 Q. In other words, be employed there but really be an  
7 intelligence officer?

8 A. Yes. He would be an intelligence officer but act as a  
9 businessman.

10 Q. Did NOC officers in the Mukhabbarat increase in number  
11 in approximately 1979?

12 A. Yes.

13 Q. Why was that?

14 A. Because after Barazan took over, he expanded the work of  
15 the Mukhabbarat both inside and outside the country. And it  
16 got to the point where most of the employees at the Iraqi  
17 airways offices outside the country and even flight  
18 attendants were intelligence officers.

19 Q. Let's talk about agents or officers under official  
20 cover.

21 A. Yes. As in embassies, you would be diplomatic  
22 employees. It could be someone who is even a consul who  
23 practice his job duties as a consul, but his real work is an  
24 intelligence officer.

25 Q. When we say "official cover," that's also known as

1 diplomatic cover?

2 A. Yes.

3 Q. We are going to get into some embassies, but you  
4 actually worked in embassies under diplomatic cover; is that  
5 correct?

6 A. Yes. I worked in Washington and in India.

7 Q. Is the boss at the embassy for the Iraqi intelligence  
8 officers also known as the station chief?

9 A. Yes.

10 Q. Could you approximate at any given time how many  
11 intelligence officers would be in an embassy?

12 A. In my experience, the number would be like six or seven  
13 at most.

14 Q. In addition to the station officer -- or the station  
15 chief, who would be there at the embassy?

16 A. As far as intelligence?

17 Q. Yes.

18 A. With every station chief there would be some  
19 intelligence officers. When I was in Washington, I had three  
20 officers. They were intelligence officers.

21 Q. And what are the general duties of intelligence officers  
22 when they are in the embassy under diplomatic cover?

23 A. His duties would be like any intelligence officer. His  
24 duties would be to gather intelligence information for his  
25 country, and also to recruit sources at important locations.

1 Q. Where was the Iraqi embassy located in Washington, D.C.?

2 A. If I may, I will tell you the address in English,  
3 because if you translate an address, it becomes meaningless.

4 Q. That's fine.

5 A. (In English:) 1801 P Street Northwest, Washington, D.C.

6 Q. And what happened to the Iraq embassy when the Persian  
7 Gulf War began in 1991?

8 A. Most embassies abroad were shut down and the diplomats  
9 were kicked out, including intelligence officers. And that  
10 means that most intelligence stations were shut down.

11 Q. I would like to go back to your career, Mr. Al-Dani.

12 In 1976 were you affiliated with M3?

13 A. Yes. When I started my career, I was with M3.

14 Q. And that was information research?

15 A. Yes.

16 Q. You were on the American desk in M3?

17 A. Yes. And I remained at America desk until I joined --  
18 until I obtained my position in Washington in 1984.

19 Q. What were your duties in M3?

20 A. Our main mission was to prepare studies and analysis  
21 about countries for which we were in charge.

22 Q. At a certain time, did you get promoted within M3?

23 A. Yes. I became the deputy director of the office.

24 Q. And you mentioned in May of 1984 you were transferred to  
25 Washington?

1 A. Yes.

2 Q. That was to become station chief?

3 A. At the beginning I was the assistant to the station  
4 chief, because he was a person who had been appointed in that  
5 position and he came from the Ministry of Foreign Affairs.  
6 However, he was a collaborator with the intelligence.

7 Q. Did you work with a Mr. Mowafiq Al -Ani in Washington?

8 A. Yes. Mowafiq Al -Ani was the station chief.

9 Q. So you worked with him and then you took over as station  
10 chief?

11 A. Yes.

12 Q. At times you would prepare correspondence for his  
13 signature?

14 A. Yes, many times.

15 Q. Similarly, you would have others prepare correspondence  
16 for your signature when you became the boss?

17 A. Yes.

18 Q. So who was more powerful in the embassy, the ambassador  
19 or the station chief intelligence officer?

20 A. In fact, the ambassador is more powerful because he is  
21 appointed by the president of the republic. However, there  
22 were constant disputes within embassies always between the  
23 ambassador and the station chief.

24 Q. Theoretically, if an ambassador messed up, the  
25 intelligence officer could investigate him as well; is that

1 correct?

2 A. Yes. We always follow up on ambassadors and other  
3 diplomats from the embassy if they committed mistakes.

4 Q. When you were in Baghdad and later in Washington, are  
5 you aware that information would be collected on opposition  
6 groups?

7 A. Yes, and that was very important.

8 Q. What countries in particular was the IIS concerned about  
9 getting information on in your early career?

10 A. When I started my career, our concentration was on Iran,  
11 Israel, and also the Iraqi opposition in the United States.

12 Q. And what about internal opposition groups within Iraq  
13 itself?

14 A. There was a directorate for general security whose  
15 mission was to follow up on Iraqi opposition inside Iraq.

16 Q. Are you familiar with Assyrians?

17 A. Yes, and there was a special section designated for  
18 Assyrians in M4 D5.

19 Q. Assyrians are a Christian religion, correct?

20 A. Yes.

21 Q. They were a minority in the population of Iraq?

22 A. Yes.

23 Q. They were considered hostile to the regime of Saddam  
24 Hussein?

25 A. Part of them, especially in northern Iraq. And they

1 also migrated to European countries and to the United States  
2 of America as well. They established hostile organizations.

3 Q. Is there any reason that the Assyrians in northern Iraq  
4 were considered to be more dangerous than those in southern  
5 Iraq?

6 A. As far as I know -- and I am not quite sure -- the  
7 number of Assyrians in southern Iraq is very small. But they  
8 concentrated in northern Iraq because it was easy for them to  
9 flee Iraq to neighboring countries through mountains and  
10 through the rough terrain.

11 Q. Are you also familiar with the term "Chaldeans"?

12 A. Yes.

13 Q. And that's another minority group in Iraq?

14 A. Yes. And a large number of them now is in America.

15 Q. They are Christian as well?

16 A. Yes.

17 Q. Let me ask you a hypothetical here.

18 Let's assume I am in Chicago and I want to provide  
19 information to Baghdad through you in Washington. Could you  
20 just tell us in general how the process would work.

21 A. First of all, the way I will handle such information  
22 will depend on the nature of the information and its urgency  
23 and importance.

24 If the information was urgent and requires quick  
25 handling, I would send it in a code message to Baghdad. And

1 if the information was not that urgent, I would send it in  
2 diplomatic -- in secret diplomatic pouch.

3 Q. Let's talk about the diplomatic pouch for a moment.

4 Can you explain the process of what a diplomatic  
5 pouch is.

6 A. A diplomatic pouch in Iraq was hand-delivered mail that  
7 would be carried by a person, and he would hand-deliver it in  
8 Iraq. And most of such mail carriers -- political mail  
9 carriers would be Iraqi intelligence officers.

10 Q. Were American officials allowed to look into the  
11 diplomatic pouch used by Iraq?

12 A. No.

13 Q. If you were to transmit information that I provided to  
14 you from Washington, at times would you provide a cover  
15 letter back to Baghdad?

16 A. Yes.

17 Q. Would you write your cover letter on stationery of the  
18 Iraqi embassy?

19 A. Yes, I would use the embassy letterhead, but we would  
20 use a name of a directorate which is a code name, and that  
21 would be the public affairs office. But the truth is that  
22 everybody within the Ministry of Foreign Affairs and Iraqi  
23 embassies knew that that office was part of the Iraqi  
24 intelligence.

25 Q. Let's go back to the return address first of the

1 embassy.

2 Were there times that the embassy was closed?

3 A. Yes. At a certain period of time, the embassy was  
4 closed. And when I started working there, the embassy was  
5 not closed, but it was not at an ambassador level. It was  
6 not an embassy level. It was interest handling office.

7 And the state of India was in charge of running the  
8 interests of Iraq. And that's why on the top line of the  
9 letterhead the name of India would appear. It would say  
10 "State of India, the Iraqi Interest Handling Office."

11 Q. When Iraq had full diplomatic relations with the United  
12 States, your letterhead would read "Iraqi Embassy Washington,  
13 D.C."?

14 A. Yes.

15 Q. When it would not have full diplomatic relations, the  
16 relations that allowed intelligence officers to stay in our  
17 country, the letterhead would be switched to read "Iraqi  
18 Interests Section, Republic of India"?

19 A. Yes.

20 Q. Other than the name change, everything was exactly the  
21 same for transmitting information?

22 A. The reality was that everything was the same. However,  
23 for diplomatic considerations, we had to have a name of a  
24 country running our interests, but everything was, in fact,  
25 the same.

1 Q. Now we will talk about how it's addressed.

2 Communications that were designed to go from an  
3 embassy back to IIS headquarters in Baghdad were titled  
4 "Foreign Ministry, Office of Public Affairs"; is that  
5 correct?

6 A. Yes. And within the Ministry of Foreign Affairs, there  
7 was an office for diplomatic mail. But all employees there  
8 were from the Iraqi intelligence, and they knew about the  
9 intelligence mail.

10 Q. Now, if I provided information from Chicago through you  
11 to Baghdad, would there be a file maintained on me back in  
12 Baghdad?

13 A. Yes.

14 Q. Would you also maintain a file on me in Washington?

15 A. Yes.

16 Q. Would much of the information in both files be the same?

17 A. There would be a small difference. The file kept at the  
18 headquarters would contain the information and the way of  
19 handling such information. But the file that's kept in the  
20 station would only contain information obtained from the  
21 source. But generally speaking, they were very similar.

22 Q. If I provide you, for example, an Assyrian newspaper to  
23 be presented to Baghdad, would you expect that copy of the  
24 newspaper to be in my personal file in Baghdad?

25 A. The answer could be either "yes" or "no."

1 Q. Explain.

2 A. Meaning that it depends on the judgment of the  
3 intelligence officer. It could be sent to the media office  
4 to make use of it.

5 Q. So it may or may not be in the file?

6 A. Yes.

7 Q. Was there any interest in getting personal information  
8 on recruits, those being friends or collaborators, within the  
9 IIS?

10 A. Yes. It was -- the first step before recruiting anyone  
11 for the intelligence is to obtain some information about the  
12 person.

13 Q. Why was that?

14 A. Because obtaining personal information about sources was  
15 most certainly important because such a person could be --  
16 could have a criminal record. He could have committed theft.  
17 They could have been a liar. So such a person wouldn't be a  
18 good candidate.

19 Q. And if I were here, would you be concerned about any  
20 relatives I might have in Iraq?

21 A. Yes, that would be very important.

22 Q. Why is that?

23 A. Yes, because through the person's relatives, we could  
24 manipulate that person. And also a person could be assisted  
25 by the reputation of his relatives in Iraq.

1 Q. Would files be maintained at IIS on your own officers?

2 THE INTERPRETER: I am sorry. What?

3 BY MR. CONWAY:

4 Q. On your own officers?

5 A. Yes, our own officers, and that would be in the  
6 intelligence headquarters.

7 Q. Would you expect to find intelligence officer files with  
8 recruit files in the same spot?

9 A. No.

10 Q. And if I were a recruit here in America and there was a  
11 file maintained in Baghdad, where would be the most likely  
12 place it would be found?

13 A. It would be at M4. And that would depend on the  
14 recruit's specialty. For example, if the person was employed  
15 by the United States Department of State, his file would be  
16 kept at America desk within M4.

17 And if that source's mission was to infiltrate or  
18 penetrate the Assyrian opposition, his file would be kept at  
19 the Assyrian desk within D5.

20 Q. You were in the United States between 1994 and 1997; is  
21 that correct?

22 A. Correct.

23 Q. And in 1997 did you go back to headquarters in Baghdad?

24 A. Yes.

25 Q. And what was your position at that time?

1 A. I was the head of Athens, Greece and Cyprus section.

2 Q. And your designation would be M4 D4/1?

3 A. That's correct.

4 However, back at the time, the designations were a  
5 little bit different. They made some changes about the  
6 designations. But then they returned to the old designation  
7 system.

8 Q. How many officers did you supervise at that time back at  
9 headquarters?

10 A. I believe I had eight officers.

11 Q. I want to direct your attention to after 1991.

12 Did your position change within M4?

13 A. Yes. First of all, I was picked to go to London, but I  
14 didn't go because of the war and because of the embassy  
15 closure.

16 And at that time, they formed a special team to  
17 follow up on the Gulf crisis. The team was headed by Faruq  
18 Hijazi, and he was the director general of M4.

19 And the reason I was selected is my expertise about  
20 America.

21 Q. So you were the adviser to Faruq Hijazi?

22 A. Yes.

23 Q. Mr. Hijazi was the number one person back then?

24 A. Yes.

25 Q. The number one person for IIS was D1 -- or M1?

1 A. M1, yes.

2 Q. At that point in time, by virtue of being head of M4,  
3 was Faruq Hijazi considered to be the number two person in  
4 the IIS?

5 A. Yes.

6 Q. During the Persian Gulf War and when you were appointed  
7 to this crisis team, were there rules put in or policies  
8 about housekeeping files?

9 A. Yes. There was an emergency plan that was devised to  
10 deal with files both inside and outside Iraq. For example,  
11 outside Iraq, instructions were given to stations to destroy  
12 and burn all files. But inside Iraq, files, particularly the  
13 important ones, were to be moved to secret homes.

14 Q. Are those also known as safe houses?

15 A. Yes, safe houses.

16 Q. I want to direct your attention to the time period after  
17 the Persian Gulf War and move up to 1994.

18 At that particular point were you promoted?

19 A. Yes. In September of 1994, I was promoted to the chief  
20 of America desk at M4.

21 Q. So what would your designation be by number?

22 A. That would be M4 D4/2.

23 Q. Again, you are in Baghdad when we talk about the America  
24 desk, back in the headquarters of the IIS?

25 A. Yes.

1 Q. Is it fair to say -- you held that position until 1996;  
2 is that correct?

3 A. Yes, until September 1996.

4 Q. Is it fair to say that in that two-year period any  
5 intelligence information on the United States was being  
6 passed through you?

7 A. Yes.

8 Q. And would that also include recruit paperwork on  
9 occasion?

10 A. Yes.

11 Q. And would it also include paperwork for the apparatus in  
12 place for nonofficial cover?

13 A. No, that wouldn't be necessary. There was a directorate  
14 within the intelligence supervision that was named the  
15 project directorate, and its mission was to follow up on the  
16 nonofficial covers.

17           However, some of the stations were supervised by  
18 M4, and that would depend on the importance of the  
19 nonofficial cover. It could at some times be supervised by  
20 the director general's office itself.

21 Q. I would like to move up in time to September of 1996.

22 A. Yes.

23 Q. Were you selected for another position?

24 A. Yes. I was selected as the India station chief.

25 Q. That's in New Delhi?

1 A. Yes.

2 Q. And you were the number one person in New Delhi as an  
3 intelligence officer for the IIS?

4 A. Yes.

5 Q. And how many intelligence officers did you have in India  
6 working under you?

7 A. There were three, including one who was the school  
8 principal, and that was a nonofficial cover. And the other  
9 two were guards, but in reality they were intelligence  
10 officers.

11 Q. And what were your general duties as station chief?

12 A. My mission was also of intelligence nature, gathering  
13 information and to recruit important individuals.

14 Q. Were you there for two and a half years?

15 A. Approximately.

16 Q. Until March of 1999 approximately?

17 A. Exactly so.

18 Q. What happened in March of 1999?

19 A. In 1999 I felt that there was a plan devised to bring me  
20 to Iraq for the purposes of killing me or probably  
21 incarcerating me, because they had some suspicions and doubts  
22 about me in my handling of an intelligence case. And that  
23 was the reason why I decided not to go back and to resort to  
24 America.

25 Q. And you defected; did you not?

1 A. Yes.

2 Q. You made contact with government officials from the  
3 United States?

4 A. Yes.

5 Q. And you reached an agreement with them that you would  
6 provide information about the Iraqi Intelligence Service to  
7 them?

8 A. Yes.

9 Q. And in exchange, the United States government agreed to  
10 provide you certain benefits?

11 A. Yes.

12 Q. And you have received benefits since 1999 through the  
13 present; have you not?

14 A. Yes.

15 Q. And you expect to continue certain benefits, some for  
16 the rest of your life?

17 A. Yes.

18 Q. You have been given asylum for you and your family?

19 A. Yes.

20 Q. You have now obtained American citizenship; have you  
21 not?

22 A. Yes.

23 Q. You were provided assistance when you relocated?

24 A. Yes.

25 Q. You received a lump sum of \$250,000 at that point in

1 time?

2 A. Yes.

3 Q. Your monetary benefits now approximate 40, \$45,000 a  
4 year; is that correct?

5 A. Yes.

6 Q. And to be more precise, you receive an annuity every  
7 year?

8 A. Yes.

9 Q. That means you are going to be paid this amount of money  
10 for the rest of your life?

11 A. Yes.

12 Q. It even has a survivor benefit to it, so if you die,  
13 your wife would continue receiving payment?

14 A. Yes.

15 Q. And that annuity is roughly \$35,000 a year?

16 A. Yes. And it could also increase at a certain rate.

17 Q. That's because there are built-in cost of livings for  
18 some of your payments; is that correct?

19 A. Yes. I believe it's 2.5 percent.

20 Q. In addition to your annuity, do you receive remuneration  
21 every year?

22 A. Yes. That's for ten years.

23 Q. And that is going to stop after a certain time, correct?

24 A. Yes.

25 Q. And that has cost of living built in, but the dollar

1 amount today is approximately \$10,000?

2 A. Yes.

3 Q. New identities have been provided for you and your  
4 family?

5 A. Yes.

6 Q. When you defected you had college-aged children; did you  
7 not?

8 A. Yes.

9 Q. When you fled you did not have any paperwork about your  
10 children so that they could enter school; is that correct?

11 A. They had some paperwork, but because of the fact that  
12 our identity changed, there was a mismatch. That's why it  
13 was hard for them to join college.

14 Q. And the government agreed to assist your children into  
15 getting into college, and they did?

16 A. Some of them.

17 Q. And they have also agreed to pay certain health  
18 insurance premiums for your family?

19 A. Yes.

20 Q. And you were provided certain remuneration for  
21 educational expenses for your children?

22 A. Yes.

23 Q. Those expire in the year 2010?

24 A. I am not sure about the expiration, but I think it's a  
25 certain amount of money that would eventually run out.

1 Q. The maximum is \$80,000, right?

2 A. Yes.

3 Q. Now, when you came in 1999, did you agree to testify in  
4 criminal matters?

5 A. No.

6 Q. Are you obligated to testify today?

7 A. There is no obligation whatsoever. But because of the  
8 fact that I am a U.S. citizen, I wish to tell the truth here,  
9 not to inflict damage on Sami or to help the government, but  
10 I wish to tell the truth, the way it is and the way I know  
11 it.

12 Q. Are you expecting to receive any benefits from the  
13 government other than the ones you have already received, any  
14 benefits for testifying here in this case?

15 A. No, not at all.

16 Q. Have you ever been asked to testify in a criminal matter  
17 and testified in a criminal matter before this case?

18 A. No.

19 Q. And would you accept my representation that your  
20 benefits today are probably 600, \$700,000?

21 A. I don't have the exact number, but I generally agree  
22 with you.

23 Q. And as part of your benefits, you pay taxes on that part  
24 that's taxable every year, like every other American; do you  
25 not?

1 MS. JUDGE: Objection, Judge.

2 THE COURT: Objection to the form is sustained.

3 BY MR. CONWAY:

4 Q. As every American is supposed to.

5 You pay taxes, correct?

6 A. Yes. I have been paying taxes since I arrived here and  
7 until now, including this year.

8 MR. CONWAY: Your Honor, I am not sure if you  
9 wanted a break. I can keep rolling.

10 THE COURT: Let's take a short recess, maybe ten  
11 minutes.

12 We are obviously doing much better. Thank you.

13 I want to remind you, Mr. Al -Dani , that you are not  
14 to discuss your testimony with anyone during this recess.

15 The jurors are excused.

16 (Jury out at 3:22 p.m.)

17 THE COURT: During the course of the last colloquy,  
18 I saw that Ms. Ishoo turned over the equipment to our new  
19 interpreter.

20 Everything fine back there?

21 THE INTERPRETER: Yes.

22 THE COURT: Okay. I am hearing -- Mr. Latchin  
23 first nodded, and the interpreter -- in my observation, our  
24 new interpreter seemed to be having no trouble at all.

25 Is that your experience as well, Ms. Ishoo?

1 THE INTERPRETER: Yes. She is doing well.

2 THE COURT: Okay. Fine.

3 I am not sure I got your name, and I think you  
4 should be sworn.

5 Can I ask you to raise your right hand.

6 Why don't we get your name for the record as well,  
7 because my court reporter needs it.

8 THE INTERPRETER: Angel Kindo, K-i-n-d-o.

9 MR. CONWAY: Could we just find out what sister, in  
10 case there is some testimony --

11 THE COURT: Maybe we should ask.

12 You have a connection to Mr. Latchin, correct?

13 THE INTERPRETER: When Mr. Latchin was arrested --  
14 being Assyrian, I read in the newspaper and saw the TV -- I  
15 was concerned because I know his sister. So I visited her  
16 with some friends, just to see how they were doing, because  
17 we didn't know what was going on. And everybody was crying.  
18 So we just were there to comfort them a little bit, you know.

19 After that I kept calling her, and I met  
20 Mr. Latchin many times at the church. And we kept calling,  
21 how are you doing? What's going on? Just general questions,  
22 because we are really concerned about him. That was all.

23 THE COURT: All right. Is there anything --

24 MS. PETERS: Could we get the name of the sister?

25 THE COURT: What is the sister's name,

1 Mr. Latchin's sister?

2 THE INTERPRETER: Hel en.

3 THE COURT: Hel en.

4 Let me just ask, Ms. Kindo, is there anything about  
5 your relationship with Mr. Latchin and with his sister that  
6 influences in any way the way you do this interpretation?

7 THE INTERPRETER: Not at all, no.

8 THE COURT: Tell me about your background as an  
9 interpreter.

10 THE INTERPRETER: I have been in the United States  
11 since 1992, and I have been doing interpretation in the  
12 immigration courts and depositions, hearings. So I have been  
13 doing this from time to time. I also return translations.

14 THE COURT: You have been interpreted -- you have  
15 interpreted testimony many times.

16 THE INTERPRETER: Uh-huh.

17 THE COURT: Is that right?

18 THE INTERPRETER: Yes.

19 THE COURT: You are not having any difficulty this  
20 afternoon?

21 THE INTERPRETER: Not really, no. It's only that  
22 one thing is said three times, and me, I know English and  
23 Arabic and then Arabic.

24 THE COURT: The one observation I was going to make  
25 is that it appeared to me that Ms. Kindo was translating

1 Mr. Conway's questions from English to, I believe, Assyrian,  
2 and then -- or to Mr. Latchin's --

3 THE INTERPRETER: Right.

4 THE COURT: Then when she heard the Arabic from the  
5 witness, she was translating immediately. She wasn't  
6 translating the English version. She was translating  
7 immediately from the Arabic.

8 Is that correct?

9 THE INTERPRETER: I did all of them.

10 THE COURT: You know all these languages.

11 THE INTERPRETER: And from the guy who was  
12 speaking, the witness, and then the English translation, you  
13 know.

14 THE COURT: Right.

15 THE INTERPRETER: Because I wasn't sure if  
16 Mr. Latchin was hearing the Arabic interpretation, you know.

17 THE COURT: But in any case, you are translating as  
18 you understand it, Mr. Conway's questions, and then you are  
19 immediately translating the answers; is that right?

20 THE INTERPRETER: Yes.

21 THE COURT: Is there any problem with this, as far  
22 as anybody here is concerned?

23 MS. PETERS: We see no problem.

24 MR. THEIS: We don't have a problem.

25 MR. CONWAY: I think the fail-safe is having him

1 sit next to the interpreters in case something --

2 THE COURT: I think it is, too.

3 And, Mr. Latchin, I am sure you understand this,  
4 but you should feel comfortable in telling me if there is any  
5 problem.

6 All right. Just again to repeat for the record,  
7 it's obvious -- it's also obvious to me that Ms. Ishoo feels  
8 comfortable with Ms. Kindo's work because she turned over the  
9 microphone and sat by and seemed to be attending to what's  
10 going on and seems comfortable that the translation is  
11 effective and accurate.

12 Is that right?

13 THE INTERPRETER: Yes.

14 THE COURT: All right.

15 Ms. Kindo, you have already been participating for  
16 us, but I am going to ask that you be sworn.

17 Can I ask you to raise your right hand.

18 (Interpreter Angel Kindo sworn.)

19 THE COURT: Thank you.

20 All right. We will take a recess as well.

21 (A brief recess was taken at 3:27 p.m.)

22 (Jury in at 3:51 p.m.)

23 THE COURT: You may be seated and we will proceed  
24 with Mr. Al -Dani 's direct. Is he around?

25 You may proceed, Mr. Conway.

1 BY MR. CONWAY:

2 Q. Mr. Al -Dani , do you know Sami Khoshaba Latchi n?

3 A. Yes.

4 Q. Do you see him in the courtroom today?

5 A. Yes.

6 Q. Could you tell where he is seated?

7 A. He is in that first row, between the two ladies, and he  
8 is wearing a dark-colored suit.

9 MR. CONWAY: May the record reflect the  
10 identification of the defendant Sami Khoshaba Latchi n.

11 THE COURT: So noted.

12 BY MR. CONWAY:

13 Q. Can you tell us when you first met Mr. Latchi n?

14 THE INTERPRETER: Your Honor, I am having  
15 difficulty hearing Mr. Conway.

16 MR. CONWAY: Let me just yell a little louder.

17 BY MR. CONWAY:

18 Q. First of all , you know him mostly by Sami Khoshaba,  
19 correct?

20 A. Yes.

21 Q. So I may refer to him in shorthand that way as well .

22 A. Yes.

23 Q. When did you first meet Sami Khoshaba?

24 A. It was in 1979 or 1980, and at that time we were using  
25 the same means of transportation, a bus, to go to the

1 intelligence headquarters.

2 Q. So you were both members of the Mukhabbarat at that  
3 point?

4 A. Yes.

5 Q. And you would commute together on the same bus in the  
6 morning?

7 A. Yes.

8 Q. Have you ever met his family?

9 A. No.

10 Q. When you first met him on the bus back in 1979, did you  
11 know what his position was in the Mukhabbarat?

12 A. I believe his position at that time was a new case  
13 officer.

14 Q. And did you develop a friendship, or was it a casual  
15 acquaintance or a professional acquaintance that you had with  
16 Mr. Sami Khoshaba?

17 A. It was a casual acquaintance.

18 Q. And based on your position in the Mukhabbarat, did you  
19 become aware of a transfer of Mr. Sami Khoshaba?

20 A. Yes.

21 Q. Where was that to?

22 A. That was in the 1980s, and he was transferred to become  
23 in charge of the Iraqi airways office in Athens. It was in  
24 the 1980s, 1980 and I think '81. I am not sure.

25 Q. When you said he was going to work for Iraqi Airlines,

1 are you referring to working as an undercover intelligence  
2 officer?

3 A. Yes. Yes, he and a group of individuals who were  
4 trained in Iraq for that purpose.

5 Q. Do you know what their purpose was once they arrived in  
6 Athens?

7 A. His mission was similar to any other intelligence  
8 officer's mission. Information-gathering and individual  
9 recruiting. And he had a main mission. His main mission was  
10 to penetrate the Assyrian organizations in America and  
11 Canada, because most Iraqi immigrants who left Iraq stopped  
12 in Athens as a first stop, and from Athens they went to other  
13 destinations, including America.

14 Q. Do you know Sami Khoshaba's religious affiliation?

15 A. Yes, he is a Christian, which made him suitable for such  
16 a mission.

17 Q. Is he Assyrian?

18 A. Yes.

19 Q. And is the Mukhabbarat primarily made up of Arab  
20 officers?

21 A. Ninety percent, yes. Christians constituted a small  
22 percentage of intelligence officers, but they were there.  
23 There were some Christians present.

24 Q. Do you know approximately how many were Assyrian  
25 intelligence officers back in the 1980s?

1 A. The total number of Christians that I was aware of was  
2 between 10 and 15, but I couldn't tell who was Assyrian and  
3 who was Chaldean.

4 Q. They were both opposition groups?

5 A. Where?

6 Q. In Iraq.

7 A. I couldn't say that all Assyrians or all Chaldeans were  
8 opposition, but part thereof.

9 Q. I want to talk about your career back in 1984.

10 A. Yes.

11 Q. That's when you came to Washington?

12 A. Yes.

13 Q. Did there come a point in time that you received  
14 directions from Baghdad concerning any recruits related to  
15 Mr. Sami Khoshaba?

16 A. Yes. I received a letter from the Iraqi intelligence in  
17 Baghdad, which contained between 10 and 15 -- I no longer  
18 remember the number -- 10 to 15 sources that had been  
19 recruited by Sami in Athens. And they asked me to follow up  
20 on them and assist them to see if we could be of any help.

21 Q. I would like to show you Government Exhibit Zakerya 1.

22 (Document tendered.)

23 BY MR. CONWAY:

24 Q. Now, staying with the white page, that says "Hilal Issa  
25 Malakha" -- the white page -- "also known as Hilal Zakerya."

1 A. Yes.

2 Q. That is not part of the file?

3 A. This is the jacket of the file.

4 Q. With the government sticker on it?

5 A. No. This one, no.

6 Q. You can take that piece of paper off during your  
7 testimony.

8 You have seen that document before, right?

9 A. Yes.

10 Q. And you have seen photocopies of that document before,  
11 to prepare for your testimony; have you not?

12 A. Yes.

13 Q. In fact, the first time you saw those documents, you saw  
14 photocopies in May of 2005; isn't that correct?

15 A. I believe, yes.

16 Q. Could you hold that up and describe what is written on  
17 the cover of that recruit file.

18 A. What's written here is "America 79." Then this says  
19 here "Agent Hilal Issa Zakerya Malakha, Chicago, America."

20 Q. Mr. Al -Dani , I would like you to look at the large  
21 screen. You are aware that what we are going to do is put  
22 the Arabic page on the left, the English on the right.

23 And sometimes you feel more comfortable just  
24 looking at the Arabic and describing it in Arabic rather than  
25 even looking at the English; isn't that correct?

1 A. Yes.

2 Q. I would like you to turn to Page PDF 76.

3 A. Yes.

4 Q. Is that the index for that particular file?

5 A. Yes.

6 Q. What I mean "index," that is a listing of the particular  
7 documents within the file that you would expect to find?

8 A. Yes.

9 Q. Directing your attention to the very first one, which is  
10 1/2, it says "Athens correspondence 3165."

11 A. Yes.

12 Q. And can you explain what that designation means?

13 A. It's a letter from Athens station, and it's known to be  
14 addressed to the Iraqi intelligence, and its number is 3165.

15 Q. Now, the 3165 is put on that letter by Athens, correct?

16 A. Yes.

17 Q. The very next piece of correspondence written and sent  
18 out from Athens, whether it's for this file or another file,  
19 would be 3166; is that correct?

20 A. Yes, but it could be pertinent to a different subject.

21 Q. Right. So for example, there may be another -- the next  
22 document in here from Athens may be 4333?

23 A. No.

24 Q. Now, in addition to Athens providing numbers for their  
25 correspondence, would the Washington embassy also have its

1 own numbering system?

2 A. Yes.

3 Q. Similarly for Baghdad headquarters?

4 A. Yes.

5 Q. I would like to direct your attention to the entry for  
6 No. 3.

7 A. Yes.

8 Q. Could you tell us what the "SH" stands for?

9 A. It means Shouba, Arabic desk.

10 Q. Is that internal correspondence within headquarters  
11 itself?

12 A. Yes.

13 Q. Directing your attention down to 4-5, where it says  
14 "Washington correspondence."

15 A. Yes. That was correspondence from Washington station to  
16 the Iraqi intelligence, sub-334.

17 Q. If we could just go down to No. 15.

18 A. Yes.

19 Q. Again there is further correspondence from Athens; is  
20 that correct?

21 A. Yes. It's correspondence from Athens, No. 111.

22 Q. Do numbers recycle back to either zero or another number  
23 based on the year or time?

24 A. Yes. Every year in every station and in the  
25 headquarters, they start with a new number and the new

1 numbering system.

2 MR. CONWAY: Judge, if we can have a one-minute  
3 technical break --

4 THE COURT: Sure.

5 MR. CONWAY: -- I think we can get a better  
6 picture.

7 (Brief pause.)

8 MR. CONWAY: We are more like digital than analog,  
9 so we are ready to go, Judge.

10 THE COURT: All right.

11 BY MR. CONWAY:

12 Q. First of all, are there indexes for all these files?

13 A. That would depend on the intelligence officer. A good  
14 officer would do everything neatly, and the less than good  
15 officer wouldn't keep neat files.

16 Q. Like every other business in the world?

17 A. Yes.

18 Q. I would like to direct your attention to PDF 46.

19 A. Yes. That would be a statement made by -- that would be  
20 a notification made by Section 8 Q3 directed to Sh 9, which  
21 is America and Canada.

22 Q. And that's an internal correspondence within Baghdad  
23 headquarters, correct?

24 A. Yes.

25 Q. And what are they referring to a copy of in there?

1 A. Yes. The letter indicates that the letter from Athens,  
2 No. 3165, should be transferred. And it contains a list of  
3 names of collaborators in America and Canada.

4 Q. I would like to direct your attention to PDF Page 47.

5 A. This is the letter from Athens station, No. 3165, dated  
6 December 10th, '83, to the Iraqi intelligence, containing  
7 information about collaborators.

8 Q. Now, this is the letter that was referred to in the  
9 cover letter that you just described earlier?

10 A. Yes.

11 Q. Now, it says "From Athens Public Affairs Section"?

12 A. Yes. And that's a code name for the intelligence  
13 station, the public affairs.

14 Q. That again refers to Iraqi intelligence coming through  
15 the embassy in Athens, correct?

16 A. Yes.

17 Q. Similarly, looking to the person the letter is addressed  
18 to --

19 A. Yes.

20 Q. That says "Foreign Ministry-Public Affairs Section"?

21 A. Yes.

22 Q. That's the code so the information will be provided back  
23 to headquarters in Baghdad?

24 A. Yes, because we couldn't possibly disclose the name of  
25 the intelligence openly because mail was subject to, let's

1 say, penetration. So the word "intelligence" could not  
2 openly be disclosed.

3 Q. And could you read the first paragraph to us, please.

4 A. We here provide to you -- We here below provide to you  
5 names and addresses of collaborators among Assyrians here in  
6 the United States of America. We request that you secure  
7 contact with them.

8           Considering the fact that they are collaborating  
9 during their presence in Athens, in Greece, and the level of  
10 trust in them is high. And the basis for including them was  
11 in the name of the Arab Baath party -- socialist Arab Baath  
12 party. And it's worth noting that the relation that we had  
13 with them was for the service of our country, in the name of  
14 the Arab revolutionary ideology and since they were among the  
15 ranks of our party.

16 Q. And we are going to talk about certain names that are  
17 listed there. They are in English; are they not?

18 A. Yes. The names are written in Arabic. But the  
19 addresses, everything in English. Because an address -- if  
20 an address was translated to Arabic, it wouldn't be  
21 comprehensible, and it would make it hard for the station to  
22 communicate with them.

23 Q. Now, the very first name is for an individual on Argyle  
24 Avenue in Chicago.

25 A. Yes. That's Edmond Youkhana Bella.

1 Q. And you are not particularly familiar with Chicago and  
2 its streets, are you?

3 A. Not much.

4 Q. And the next name?

5 A. Hilal Issa Malakha.

6 Q. And his address is on Winnemac Avenue in Chicago?

7 A. Yes.

8 Q. I would like to turn to PDF 48, which is the second  
9 page.

10 A. Yes. Yes, there are more names on this page.

11 Q. Could you start with the first name on the second page?

12 A. Adwar Jetta Mi kho.

13 Q. It provides a phone number and a location of San Diego?

14 A. Yes, it's written in Arabic. The telephone number and  
15 "San Diego" are written in Arabic.

16 Q. And the next name is William George?

17 A. Yes, William George, and his telephone number in Ohio.

18 Q. And the next person?

19 A. Henry Jan Dawood.

20 Q. Do you have a phone number?

21 A. Yes, Chicago and his telephone number in Arabic. And  
22 mention here he is the leader of special group.

23 Q. In addition to those names in the United States, are  
24 there two names for Canada as well?

25 A. Yes, the last paragraph contains two names in Canada.

1 Q. And this comes from Athens. Can you tell us who signed  
2 or provided a signature or symbol for the correspondence?

3 A. Yes. That's the signature of the Athens station  
4 director chief. He is the head of the public affairs, and he  
5 is Muhammad Thalib.

6 Q. That's T-h-a-l-i-b?

7 A. Yes.

8 Q. And did he sign his name or a symbol? How do you know  
9 that's Mr. Thalib?

10 A. Usually signatures in Arabic start with the first letter  
11 of the name as a symbol, but I recognize his name because he  
12 is my friend. And when I returned to Baghdad, I became the  
13 head of Athens section, and there I was familiar with all the  
14 mail.

15 Q. I would like to direct your attention to PDF 44.

16 A. Yes. This is a letter from Iraqi intelligence on  
17 sub-No. 334, Sh 9, which is America, dated June 2nd, 1984,  
18 directed to the Iraqi Interests Section in Washington, Public  
19 Affairs Office, which means the intelligence station.

20 And it contains a number of names, names of  
21 collaborators who had communication with Rafiq Comrade Sami  
22 Khoshaba in Athens. And the Iraqi intelligence requested the  
23 station to subject them to scrutiny and investigation and to  
24 turn the relations with those individuals into a permanent  
25 relation in a sustained fashion and without stoppage, and to

1 motivate them to work with us diligently and sincerely.

2 Q. And are they directed to do anything with the  
3 relationship with Comrade Sami Khoshaba?

4 A. Yes, and to notify them to cut the relation with Comrade  
5 Sami Khoshaba.

6 Q. Now, does it identify Mr. Khoshaba as a member of the  
7 Public Affairs Section?

8 A. Yes.

9 Q. What do you understand that to mean? Is that code?

10 A. Yes. That means that he is an intelligence officer and  
11 a station member.

12 Q. And again, this is a letter from Baghdad to Washington?

13 A. Yes.

14 Q. Talking about people who had a relationship with Comrade  
15 Sami Khoshaba?

16 A. Yes.

17 Q. Telling them to stop that relationship?

18 A. Yes.

19 Q. And begin a new one with Washington?

20 THE INTERPRETER: I am sorry?

21 BY MR. CONWAY:

22 Q. And to begin a new relationship with Washington?

23 A. Yes.

24 Q. Let me direct you to the second page of that letter,  
25 which is PDF 45.

1 Are there certain names on that list?

2 A. Yes, there are three names. They begin the first one  
3 Hilal Issa Malakha, along with his address in English in  
4 Chicago.

5 And the second name is Jamal Odi sh Shmmas and his  
6 Detroit telephone number.

7 The third name is Henry John Dawood and his Chi cago  
8 telephone number.

9 Q. Again, these are three individuals that were part of the  
10 group on that earlier communication from Athens to Baghdad?

11 A. Yes.

12 Q. And who signed that letter?

13 A. That's signed by the Ameri ca desk chief -- Ameri ca desk  
14 director wi thi n M4, Jafar Sahi b.

15 Q. And you recognize his signature?

16 A. Yes.

17 Q. Why is that?

18 A. Because he is my friend, and we went to college  
19 together, and we worked together for a few years. And when  
20 he was -- when I was in Washi ngton, he was the head of the  
21 Ameri ca desk and he sent me a lot of correspondence.

22 Q. I would like to direct your attention to PDF 43.

23 A. This is a letter from Washi ngton station, No. 628,  
24 August 9, 1984, directed to the Iraqi intelligence. And it's  
25 written in my handwri ting, and it's signed by the station

1 chief, Mowafiq Al -Ani .

2 And in that letter we were saying to them that the  
3 letters have been answered regarding collaborators in Athens.  
4 And we were saying to them that we assigned Rafiq Comrade  
5 Ma'an Ahleel , one of the members of the Iraqi Interests  
6 Section in Washington, and he is a good comrade in the  
7 section, and that he currently holds the position of head of  
8 security in the embassy, and that we would notify them of the  
9 results of our communication with those individuals  
10 regularly.

11 Q. I would like to direct your attention to the top of the  
12 letter. It's addressed from the embassy of India with the  
13 address of the Iraqi embassy in Washington, correct?

14 A. Yes. This is, like I said before, Iraq did not have  
15 full diplomatic relations with America. It was only a  
16 section. And in the diplomatic standards, there should be a  
17 name of a country handling the Iraqi interests in America,  
18 but India, in fact, had nothing to do with that.

19 Q. Is the document in Arabic original or photocopy?

20 A. A copy.

21 Q. Whose handwriting is on that?

22 A. Like I said, it's my handwriting, and it is signed by  
23 the station chief.

24 Q. This is the period of time in 1984 where you were  
25 transitioning into being station chief?

1 A. Yes.

2 Q. And you are advising Baghdad you received a list of  
3 collaborators with Mr. Khoshaba, and now you are trying to  
4 assign a case officer in Washington?

5 A. Yes.

6 Q. I would like to direct your attention to -- one more  
7 thing before we move on.

8 There is a stray No. 6 up on the top right of the  
9 document.

10 A. This is probably just a casual numbering of the pages  
11 within the file, which really have no significance. And it  
12 doesn't indicate any official significance within the file.  
13 And also it could refer to the index number.

14 Q. So if we went back to the index and looked for No. 6,  
15 this would be the document?

16 A. Yes.

17 Q. I want to direct your attention to PDF 75.

18 A. Yes. This is an internal notification directed from M4  
19 to the information and general restrictions directorate,  
20 dash, the Assyrian committee. And it contains information  
21 that were obtained from one of the sources in Chicago about  
22 the Assyrian student association. The letter is signed by  
23 Radi Abd Al -Sattar.

24 Q. On top of that document in Arabic there looks what  
25 appears to be an eye?

1 A. Yes. That symbol was used during a certain period of  
2 time. I am not sure if it's still used or if they stopped  
3 using it. The eye is a symbol of intelligence, because  
4 intelligence is like an eye to a state.

5 Q. All-seeing?

6 THE INTERPRETER: What?

7 MR. CONWAY: Never mind.

8 BY MR. CONWAY:

9 Q. Now, at the bottom of that page is a copy of that  
10 correspondence directed to somebody else?

11 A. Yes. This notification is from Europe desk within M4,  
12 directed to the information directorate, the Assyrian  
13 committee. And a copy was sent to Sh 9, which is America.

14 (In English:) And mentions that the source of  
15 information Hilal Issa Zakerya, and they told them in order  
16 to put, you know, this note in the file of Hilal.

17 Q. I think we will switch back to Arabic.

18 A. (In English:) Sorry. This is, you know --

19 THE COURT: Mr. Al -Dani , you should be testifying  
20 in Arabic.

21 THE WITNESS: (In English:) I know. Sorry, Judge.

22 THE COURT: No problem.

23 THE WITNESS: (Through interpreter:) I'm sorry,  
24 Judge. I made a mistake.

25 THE COURT: That's all right.

1 BY THE WITNESS:

2 A. This notification was sent by Europe desk to the  
3 information directorate, the Assyrian committee. And a copy  
4 was sent to America desk within M4 notifying them that the  
5 source of information is Hilal Issa Zakerya.

6 BY MR. CONWAY:

7 Q. Directing your attention to PDF 74.

8 Is that a letter from Baghdad to Washington?

9 A. Yes. This is a letter from America desk, No. 677, on  
10 September 19th, 1984, and the subject is "Hilal Issa  
11 Malakha," and they refer to a number of letters. And there  
12 is a request that the following be done, meaning it's  
13 instructions to Washington.

14 The first item is that our correspondence about the  
15 said individual should be under No. 2513.

16 Number 2 is to maintain permanent relation with him  
17 and to notify us regularly about it.

18 To provide us with an application containing  
19 information about the said individual and his personal photo  
20 and your assistance of him.

21 Inform us of your opinion about assisting him  
22 according to what he provides to push him into collaborating  
23 with us seriously and what is the recommended amount for  
24 that.

25 Q. I would like to direct your attention to PDF 42.

1                   Now, this is dated a few days after that letter you  
2 just referred to.

3       A.    Yes.

4       Q.    And now we have a letter addressed to Athens from  
5 Baghdad?

6       A.    This is 42?

7       Q.    42.

8       A.    Yes.

9       Q.    Subject matter "Hilal Essa Malakha"?

10      A.    Yes.

11      Q.    And could you tell us what Baghdad is telling Athens?

12      A.    In your letter 3165, dated December 10, 1983,  
13 communication with the aforementioned individual was secured  
14 by the Public Affairs Section in Washington. Please be  
15 advised and urge him to cooperate with our comrades in  
16 America in the case of his contact with Comrade Sami  
17 Khoshaba.

18      Q.    Now, you were in Washington at this time?

19      A.    Yes.

20      Q.    Is that your handwriting or signature on that document?

21      A.    This is a letter from Baghdad.

22      Q.    Oh. I am sorry. You are right.

23                   Now, do you recall having particular contact  
24 personally with Hilal?

25      A.    Yes. The only person that I do remember contacting him

1 and getting contacted by him is Hilal , more than once.

2 Q. But you never had personal contact with any other  
3 recruits yourself?

4 A. I assigned the station members to contact them and to  
5 handle them.

6 Q. I would like to direct your attention to PDF 41, which  
7 is the first page of a two-page letter.

8 A. Yes. This is a letter from the Iraqi intelligence from  
9 America desk, No. 708, dated September 25, '84, to Washington  
10 station. The subject matter is the Assyrian Students  
11 Association.

12 Q. And what is Baghdad advising Washington?

13 A. Below find information provided to us by collaborator  
14 Hilal Essa Malakha through Comrade Sami Khoshaba, the Public  
15 Affairs Office member in Athens.

16 Q. And it provides further information; is that correct?

17 A. Yes.

18 Q. Directing your attention to PDF 39.

19 A. Yes. This is a letter from Washington station, No.  
20 1028, dated October 25, '84. Subject matter is Hilal Essa  
21 Malakha. The letter is in my handwriting, and it's signed by  
22 the station chief, Mowafiq Al -Ani .

23 Q. Is that document original or photocopy?

24 A. Copy.

25 Q. Now, what are you advising Baghdad?

1 A. At the beginning I referred to the letter No. 667, dated  
2 September 19, '84, and the letter contains two paragraphs.

3 The first paragraph says that the relation with the  
4 aforementioned person is still in its initial stages, or  
5 early stages, and we are still working on getting full  
6 information about him and to scrutinize it regularly,  
7 considering that he has not provided us with anything so far.

8 Second paragraph. As for the recommended  
9 assistance for him, we cannot decide it now because he has  
10 not provided us with anything, and we cannot evaluate him and  
11 assess the amount of assistance that he deserves. We will  
12 let you know about the suggested assistance for him in the  
13 light of what he provides for us in the future.

14 Q. I would like to move on to the next year, 1985, and  
15 direct your attention to PDF 71.

16 A. Yes. This is a letter from Athens station, No. 111,  
17 dated January 25, '85, directed to the Iraqi intelligence.  
18 And the subject matter is Assyrian party flyers. The source,  
19 collaborator Hilal Essa Zakerya, Chicago.

20 Q. Now, this isn't coming from Washington, right? This is  
21 coming from Athens?

22 A. This is from Athens to Baghdad.

23 Q. And it refers to a relationship between Mr. Zakerya,  
24 Hilal, with a Wilson Marogil?

25 A. Yes.

1 Q. And there is various attachments to that cover letter?

2 A. Yes. There are three enclosures, the Assyrian unity  
3 pamphlet, and Assyrian partisan element -- members, and the  
4 collaborator's letter.

5 Q. And directing your attention to PDF 73, what is that?

6 A. Yes. It's a letter from the collaborator.

7 Q. Hilal?

8 A. Yes.

9 Q. Is that in original handwriting or a copy?

10 A. This is an original letter in his handwriting.

11 Q. Could you hold that up to the jury, just so they can see  
12 it's an original.

13 A. (Indicating.)

14 Q. Thank you.

15 And that's the letter by Hilal, which is referenced  
16 in that cover letter from Athens?

17 A. Yes.

18 Q. Directing your attention to PDF 37.

19 Is that another letter from Athens to Baghdad?

20 A. Yes. It's a letter, No. 112, dated January 25, '85, and  
21 the subject matter is internal systems. And the source is  
22 collaborator Hilal Zakerya, Chicago. We hereby request for  
23 you the bylaws and the internal system of the hostile  
24 Democratic Assyrian coalition in America.

25 Q. And directing your attention to PDF 36.

1 A. Yes.

2 Q. I am sorry. 35.

3 A. Yes. It's also a letter from Athens station, No. 812,  
4 dated May 3, '85, directed to the Iraqi intelligence in  
5 Baghdad. Subject matter is newspaper, and the source is  
6 collaborator Hilal Essa, America.

7 And it says we hereby enclose for you the  
8 newspaper. I can't read the name.

9 THE INTERPRETER: Your Honor, it states it's Asia  
10 Chronicle.

11 BY THE WITNESS:

12 A. (In English:) Yeah, maybe Asia Chronicle, yeah.

13 (Through interpreter:) Which is published in the  
14 English language. And in it an article is published, an  
15 article and the photos of individuals who were executed in  
16 Iraq on Page 3. Also on Page 12 an article is published  
17 about bombing Baghdad with missiles.

18 Q. Now directing you to PDF 36.

19 Is that another document provided by Athens to  
20 Baghdad on that same day?

21 A. Yes.

22 Q. And the source is collaborator Hilal Essa, America?

23 A. Yes.

24 Q. And provides a booklet?

25 A. We enclose for you a template published by Nissan

1 Assyri an organi zati on under the supervi si on of some I rani an  
2 Assyri ans.

3 Q. And qui ckl y turni ng to PDF 34.

4 A. Yes.

5 Q. Is that another communi cati on from Athens to Bagh dad on  
6 the very same day referenci ng Hi l al Essa?

7 A. Yes, because it refers to a di fferent subject matter.

8 It's about a magazi ne by the name of Between the Two Ri vers,  
9 Bet-Nahrai n.

10 Q. And the magazi ne has an arti cle about Archbi shop Di nkha  
11 and somethi ng about the Assyri an Uni versal Alli ance and its  
12 di visi ons; is that correct?

13 A. Yes.

14 Q. And di recti ng your attenti on to PDF 32, is that another  
15 communi cati on on the very same day from Athens to Bagh dad?

16 A. Yes.

17 Q. Incl udi ng two other magazi nes from Hi l al Essa?

18 A. Yes.

19 Q. And that magazi ne was publ i shed by the Assyri an party?

20 A. Yes.

21 Q. Thank you.

22 MR. CONWAY: Your Honor, thi s woul d be --

23 THE COURT: We shoul d recess for the afternoo n.

24 Ladies and gentl emen, I am goi ng to excuse you for  
25 the day and ask that you be back tomorrow at 9: 30.

1           Let me remind you of a couple things.

2           First, that you leave your notebooks in the jury  
3 room. You are welcome to leave them there and pick them up  
4 tomorrow morning. Once again, I will have some coffee and  
5 snacks ready for you when you get here.

6           Please remember that you are not to discuss the  
7 case with anyone, not even one another. And if there should  
8 be any press attention of any kind, please don't look at it  
9 at all. Don't let anyone discuss the case with you.

10          Remember that your decision about this case and, in fact, all  
11 your attention to the case should be focused on what happens  
12 in the courtroom and not on anything on the outside.

13          Enjoy your evening. Get plenty of rest and  
14 something to eat, and we will see you first thing in the  
15 morning. Thank you.

16          (Jury out at 4:54 p.m.)

17          THE COURT: Anything we need to go over before we  
18 break for the evening?

19          MR. CONWAY: No.

20          9:30 tomorrow?

21          THE COURT: 9:30 tomorrow morning.

22          Thanks once again to Ms. -- I am thinking Angel.  
23 What's your last name?

24          THE INTERPRETER: Angel.

25          THE COURT: Thanks again to my angel that showed

1 up. Really helpful to us.

2 And thanks to you, Ms. Ishoo. Very much appreciate  
3 it.

4 (An adjournment was taken at 4:55 p.m.)F

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