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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,)	
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)	
Vs.)	No. CR 06-221 (B) TJH
)	
)	
WILLIAM SHAOUL BENJAMIN,)	
)	
)	
)	
Defendant.)	
)	
)	

REPORTER'S DAILY TRANSCRIPT OF TRIAL PROCEEDINGS
TESTIMONY OF MR. SARGON
LOS ANGELES, CALIFORNIA
TUESDAY, JANUARY 29, 2008

LEANDRA AMBER, CSR 12070, RPR
OFFICIAL U.S. DISTRICT COURT REPORTER
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LOAN MCINTOSH-RUPP, ICE AGENT

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I N D E X

MR. SARGON

DIRECT EXAMINATION BY MS. HUDSON

CROSS-EXAMINATION BY MR. BLATT

REDIRECT EXAMINATION BY MS. HUDSON

RECROSS-EXAMINATION BY MR. BLATT

GOVERNMENT'S EXHIBITS

1

FOR IDENTIFICATION

15

RECEIVED

1 LOS ANGELES, CALIFORNIA; TUESDAY, JANUARY 29, 2008

2 4:43 P.M.

3 -o0o-

4 (The preceding proceedings were reported and not
5 transcribed.)

6 (In the presence of the jury.)

7 MS. HUDSON: The -- may the Government call its
8 next witness, your Honor?

9 THE COURT: Yes. Who is that to be?

10 MS. HUDSON: That would be Mr. Sargon.

11 THE COURT: Come right up on the witness stand to
12 be sworn.

13 Are we going to have an interpreter up here?

14 MS. HUDSON: We -- I believe we do have an
15 interpreter, your Honor.

16 MS. HEINZ: Your Honor, if I could be excused to go
17 get him.

18 THE COURT: Yes, please. Good luck.

19 You can sit for now.

20 Just be at ease, ladies and gentlemen. Hopefully
21 not too long.

22 Sir, would you come right up to the witness stand?

23 THE INTERPRETER: Sure.

24 THE COURT: You're going to be interpreting here.

25 Would you tell us your name, sir?

1 THE INTERPRETER: Sure.

2 My name is Gabriel Kartouch.

3 THE COURT: All right. Would you spell that for
4 us.

5 THE INTERPRETER: Sure. K-a-r-t-o-u-c-h, and
6 Gabriel, G-a-b-r-i-e-l.

7 THE COURT: Have you previously been sworn?

8 THE INTERPRETER: Yes, but I should be sworn.
9 Probably not in this case, your Honor.

10 THE COURT: All right. Just a minute, please.

11 THE CLERK: Please raise your right hand.

12 Do you solemnly swear that you will truly and
13 accurately translate the English language into the Arabic
14 language and the Arabic language into the English language in
15 the cause now pending before the Court to the best of your
16 knowledge and abilities, so help you God?

17 THE INTERPRETER: Yes, I do.

18 THE COURT: Thank you.

19 THE CLERK: Please raise your right hand.

20 Do you solemnly swear that the testimony you are
21 about to give in the matter now pending before this Court
22 shall be the truth, the whole truth, and nothing but the
23 truth, so help you God?

24 THE WITNESS: Yes, I do.

25 THE CLERK: Please have a seat.

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MR. SARGON,

called as a witness by counsel for the Government, being

first duly sworn, testified as follows:

THE CLERK: State and spell your name for the record.

THE WITNESS: Do you want my real name or any nickname?

THE COURT: You may use your nickname.

THE WITNESS: Sargon.

THE COURT: How do you spell that?

THE WITNESS: S-a-r-g-o-n.

THE COURT: Thank you.

You may proceed.

MS. HUDSON: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. HUDSON:

Q. Mr. Sargon, where were you born?

A. In Baghdad.

Q. And what is your educational background?

A. I graduated from the security forces faculty or college.

Q. And did you get a degree?

A. Yes.

Q. What degree did you get?

A. It's a bachelor degree in security science.

Q. What is security science?

1 A. Well, we started the security science and the scope --
2 and in the scope of -- to specify or pinpoint the
3 intelligence goals and to penetrate these goals and to freeze
4 resources and to collect information and to analyze it.

5 Q. Where did you receive this training?

6 A. In Baghdad, as I mentioned, in the college of security
7 forces.

8 Q. Did you ever join the Baath party?

9 A. Yes.

10 Q. When was that?

11 A. In 1972.

12 Q. And what is the Baath party, or what was the Baath
13 party?

14 A. Well, the Baath party is a party that believes in the
15 Arabic nationalism, and they have their, you know, motto or
16 goal that says unification of the Arab world and socialism
17 and liberty.

18 Q. And was that the party of Saddam Hussein?

19 A. Yes.

20 Q. Were you ever a member of the Iraqi Intelligence
21 Service?

22 A. After graduating from the faculty of security services
23 on July 12th of July '79, yes. I was assigned in the
24 intelligence service as an officer.

25 Q. What year was that?

1 A. In the year of '79.

2 Q. And how long did you work for the Iraqi Intelligence
3 Service?

4 A. 25 years.

5 Q. Are you familiar with the organization of the Iraqi
6 Intelligence Service?

7 A. Yes.

8 Q. Can you briefly describe how it was organized.

9 A. Well, this organization is headed by the chief or
10 chairman of the organization, who is connected directly to
11 the president of the Republic. And this organization is also
12 connected to several departments or administrations. Each
13 administration was given a name, and its a -- an abbreviated
14 name or a code.

15 For example, M-One is the private office of the
16 chairman or president of the intelligence service; M-Two is
17 the administration; M-Three is the accounting; M-Four is the
18 exterior or foreign intelligence service; M-Five is the
19 anti-spying internal service; M-Six is the internal security
20 for the department itself; M-Seven is the inspection and
21 detection department; M-Eight is liberal movements or freedom
22 movements department; M-Nine is the communication services
23 department.

24 Q. If I could just interrupt for a moment, let me just ask
25 did the organization change at all over time during the

1 24 years that you worked for the Iraqi Intelligence Service?

2 A. Yes. Yes. We -- yes. We had some changes in the
3 organization or the formation of these departments.

4 Q. But it was at all times divided into different
5 departments?

6 A. Yes.

7 Q. When you first started working for the Iraqi
8 Intelligence Service, what was your position?

9 A. I started -- I started -- started as an officer, and I
10 was responsible for southeastern Asia in the anti-spying, you
11 know, general service, which was M-Five at the time.

12 Q. And how long did you work in that capacity?

13 A. I stayed until June of 19 -- -- I'm sorry -- 1989.

14 Q. And did your assignment change after 1989?

15 A. Yes. I was moved to the foreign services, M-Four.

16 Q. And when did you cease your work for the Iraqi
17 Intelligence Service?

18 A. Until I left Baghdad on April 9, 2003.

19 Q. Was that at the time of the U.S.-led invasion of Iraq?

20 A. Yes.

21 MS. HUDSON: Your Honor, I would ask -- there is an
22 exhibit that has been prepared that has the witness's
23 position and the time period that he held it which I would
24 ask be shown to the jury. I believe it's Exhibit 8.

25 THE COURT: Has this been identified?

1 MS. HUDSON: It's -- I -- I believe we've informed
2 the defense of it. I -- and I believe they've seen it.

3 THE COURT: Is it on your exhibit list?

4 MS. HUDSON: It is on the exhibit list. It's the
5 silent witness exhibit.

6 THE COURT: Which exhibit? Eight?

7 MS. HUDSON: Yes.

8 THE COURT: Are there any objections?

9 MR. BLATT: There is an objection for the reasons
10 stated before. Submitted.

11 THE COURT: All right. I'll overrule the
12 objection.

13 MR. BLATT: May I see it?

14 MS. HEINZ: Yes.

15 Could I approach, your Honor, to show it to the
16 defense?

17 THE COURT: I thought he had already seen it.

18 MS. HEINZ: I thought that he had, but I'm happy to
19 show it again.

20 Your Honor, could I show it to the Court first or
21 should I --

22 THE COURT: No. Why don't you show it to defense
23 counsel.

24 MS. HEINZ: Show it to defense.

25 THE COURT: Okay. Just be at ease, ladies and

1 gentlemen. This will just be a moment.

2 MS. HUDSON: Your Honor, apparently I won't be able
3 to display that at this time, but I will seek to do so when
4 we reconvene. I'm not sure how late we're going to go today.

5 THE COURT: Just a little bit longer.

6 MS. HUDSON: Yes, your Honor. I don't anticipate
7 finishing this witness before the end of the day.

8 THE COURT: All right.

9 BY MS. HUDSON:

10 Q. Mr. Sargon, during the period, let's say, from 1990
11 through 2003, what were the relationship -- or what were
12 relations between Iraq and the United States? How would you
13 describe it?

14 A. Well, there was no diplomatic relationships or direct
15 diplomatic relationships. Well, Algeria was delegated to
16 take care of the Iraqi interest in Washington.

17 Q. Prior to the first Gulf War, did Iraq have a diplomatic
18 presence in the United States and its own embassy?

19 A. Yes.

20 Q. And were the persons assigned -- the Iraqis assigned to
21 that embassy -- did they have any connection with the Iraqi
22 Intelligence Service to your knowledge?

23 A. Well, we had a station or point -- intelligence point in
24 Washington and one in New York.

25 Q. And when you say an intelligence point, what do you mean

1 by that?

2 A. I mean we had intelligence officers present -- present
3 but under the cover of the foreign Iraqi service.

4 Q. Would that be under diplomatic cover?

5 A. Yes.

6 Q. Now, are you familiar with a section or a directorate in
7 the Iraqi Intelligence Service called M-40?

8 A. Yes, I know it.

9 Q. What was Directorate M-40?

10 A. Well -- well, we used to call it the Department of Enemy
11 Activities.

12 Q. And what was the role or the function of that
13 department?

14 A. It is to follow up with the activities of the Iraqis who
15 are living outside of Iraq, and they have activities against
16 the country, Iraq.

17 Q. Was the M-40 Directorate established -- do you recall
18 when that was established as M-40?

19 A. Well, it was present since the establishment, I believe,
20 of the intelligence service, but it was -- or we used to call
21 it D-Five. It was within the unit M-Four in 1996. It was
22 separated and called M-40, and it was connected to the
23 assistant president of the intelligence service.

24 Q. Did you, yourself, ever work in the M-40 Directorate?

25 A. No.

1 Q. Did you have any communication with persons in the M-40
2 Directorate during your time in the Iraqi Intelligence
3 Service?

4 A. Yes.

5 Q. And how would you describe the objectives of M-40?

6 A. Well, I didn't work in that unit, but I would tell you
7 as much as I knew about it. There was a special branch for
8 Kurds and another also branch that was specialized in other
9 minorities or communities such as Assyrians or Yazidi and,
10 you know, that type of minorities. And another branch also
11 specialized in religious movements, such as the Islamic party
12 and El Dawa party.

13 Q. Were all of these groups that you mentioned considered
14 hostile to the regime of Saddam Hussein?

15 MR. BLATT: Objection. Leading.

16 THE COURT: It's overruled.

17 THE WITNESS: Yes.

18 BY MS. HUDSON:

19 Q. Now, in your work as an officer of the Iraqi
20 Intelligence Service, did you work with files from the Iraqi
21 Intelligence Service?

22 A. Yes.

23 Q. Are you familiar with what files of the Iraqi
24 Intelligence Service looked like?

25 A. Yes.

1 MS. HUDSON: I would ask that Exhibits 1 through 6
2 be placed before the witness.

3 THE COURT: Very well.

4 BY MS. HUDSON:

5 Q. Mr. Sargon, do you have Exhibits 1 through 6 in front of
6 you?

7 A. Yes.

8 Q. Would you take a few moments to briefly examine each of
9 those exhibits just briefly.

10 A. We usually use this type of file.

11 THE COURT: Well, just -- just a minute. There's
12 no question pending.

13 BY MS. HUDSON:

14 Q. First, before I ask a question, I would like you to just
15 look at the files so you will know what I'm asking.

16 Well, let me -- maybe there's a better way to do
17 this.

18 If you take a look at Exhibit 1 -- have you seen
19 that exhibit before?

20 A. Yes.

21 Q. And looking at Exhibit 2, have you seen that exhibit
22 before?

23 A. I -- I think you -- you showed me this.

24 Q. With respect to Exhibit 1, does that appear to you -- or
25 what does that appear to you to be?

1 A. Well, this is one of the Iraqi Intelligence Service
2 files.

3 (Exhibit 1 identified.)

4 BY MS. HUDSON:

5 Q. And how are you -- what are some of the ways that you
6 can recognize it as a file of the Iraqi Intelligence Service?

7 A. From the documents included herein, and I see it belongs
8 to the Iraqi Intelligence Service. This cover also is used
9 by the Iraqi Intelligence Service, and on the letterhead or
10 the upper right corner you can see it says, "The Republic the
11 Presidency" -- I'm sorry -- "of the Republic Intelligence
12 Service."

13 And also they write the code of the source and if
14 this is an administrative file or intelligence file. And
15 also then they punch holes to -- to put the documents in it
16 in this way. So they, you know, actually attach it with a
17 kind of string or rope.

18 Q. When you were in Baghdad, did you see other files
19 that -- of the Iraqi Intelligence Service that were similar
20 in appearance to that file?

21 A. Yes.

22 Q. Now, in terms of the documents inside the file, have you
23 reviewed those documents?

24 A. Yes.

25 Q. And did you find anything that influenced your

1 conclusion that this is a file of the Iraqi Intelligence
2 Service -- did you find anything in those documents that
3 influenced your conclusion?

4 A. You mean that gave me the idea that this is one of the
5 intelligence -- I'm sorry -- Iraqi Intelligence Service
6 files?

7 Q. Yes. How could you tell from the documents?

8 A. Well, if we, for example, took the first document or
9 page -- well, this -- we call it "Ilaam" or -- that means
10 notification, and it's a way to communicate between
11 departments. Same thing on the right upper corner. We
12 write, you know, "Republic of Iraq," "The Republic's
13 Presidency," and then the intelligence service.

14 In the middle we have the eye, which is -- or
15 awakened eye, which is the motto or logo of the Iraqi
16 Intelligence Service. And on the left we put "NM-4," which
17 means that is Form No. 4. And in the middle we usually put
18 the degree of confidentiality of the document. And here we
19 put the code of that department, and here we can see M-4 and
20 then D-5 and the Branch Three and Section Four.

21 On the left side they put the number of the
22 document and the letter of the document. And then they start
23 with the address, where it's -- or to whom it's addressed.
24 And here, right here down, they sign -- whoever, you know,
25 issued this letter would sign.

1 And here the "Aan" or "E" means on behalf of such
2 and such.

3 Q. If I could just interrupt, did you see on any of the
4 documents in that file signatures that you recognized?

5 A. Yes.

6 Q. What's -- can you give me an example of a signature that
7 you recognized?

8 THE COURT: Miss Hudson, I think we'd better stop
9 at this point. We'll pick this up tomorrow morning.

10 Ladies and gentlemen, please remember the
11 admonition not to discuss the matter among yourselves or with
12 anyone.

13 We'll see you all 9:00 o'clock tomorrow morning.
14 Have a good evening and just leave your notebooks on your
15 chairs.

16 Everyone, please rise for the jury.

17 (Whereupon, at 5:15 p.m. the jury exited the
18 courtroom.)

19 THE COURT: We're outside of the presence of the
20 jury.

21 Mr. Sargon, you are to return tomorrow morning at
22 9:00.

23 Any matters that any counsel wish to take up?

24 MR. BLATT: No, your Honor.

25 MS. HEINZ: Your Honor, yes, just briefly.

1 In the protective order there are certain
2 admonitions with respect to photographs or sketching this
3 witness. If there are members of the press, perhaps the
4 Court could give those at this time.

5 THE COURT: Well, I don't see any sketch artists
6 here, and there is a protective order. Perhaps a copy of it
7 should be made available to members of the media.

8 MS. HEINZ: The Government would be happy to do
9 that.

10 THE COURT: Yes. There will be no descriptions
11 suggested in writing and clearly no sketches to be made, and,
12 of course, we don't allow photographing here except when
13 we're having ceremonies; so I think the media understand
14 that. They would understand it even better if they could be
15 given copies of the protective order itself.

16 MS. HEINZ: Thank you.

17 THE COURT: All right. Let me just say though
18 since it appears that we're going to be going through these
19 files, it should be -- at least it appears to me offered
20 conditionally for that purpose because normally we do not go
21 into items that have not been received. Now, I understand
22 the objections and that sort. We've talked about this
23 pretrial.

24 The objections at this juncture are overruled. So
25 I think you would do well to offer the items and then go

1 through them. All right.

2 MS. HUDSON: Very well, your Honor. Thank you.

3 THE COURT: All right. 9:00 o'clock tomorrow.

4 Thank you.

5 We're adjourned for the day.

6 (Whereupon, at 5:16 p.m., the proceeding concluded.)

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