

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 5, 2007 9:48 a.m. |

VOLUME 3
TRANSCRIPT OF PROCEEDINGS - Trial
BEFORE THE HONORABLE REBECCA R. PALLMEYER, and a jury

APPEARANCES:

| | | |
|----|--------------------|---|
| 12 | For the Plaintiff: | HON. PATRICK J. FITZGERALD UNITED STATES ATTORNEY BY: MR. JAMES M. CONWAY MS. VICTORIA J. PETERS 219 South Dearborn, 5th Floor Chicago, Illinois 60604 |
| 16 | For the Defendant: | FEDERAL DEFENDER PROGRAM BY: MS. MARY HIGGINS JUDGE MR. WILLIAM H. THEIS 55 East Monroe Street, Suite 2800 Chicago, Illinois 60603 |
| 19 | Also Present: | S/A Joel Robertz, FBI S/A Amy Beuschlein, FBI Ms. Irene Ishoo, Interpreter Ms. Angel Kindo, Interpreter Ms. Ruwya Jajo, Interpreter Mr. Marwan Abdel-Rahman, Interpreter |
| 23 | Court Reporter: | FRANCES WARD, CSR, RPR, FCRR Official Court Reporter 219 S. Dearborn Street, Suite 2118 Chicago, Illinois 60604 (312) 435-5561 frances_ward@ilnd.uscourts.gov |

I N D E X1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

| | <u>PAGE</u> |
|---|-------------|
| <u>MUHAMMAD AL-DANI</u> | |
| Di rect Exami nati on - Resumed By Mr. Conway | 279 |
| Cross-Exami nati on By Ms. Judge | 297 |
| <u>MUHAMMAD AL-DANI</u> | |
| Cross-Exami nati on - Resumed By Ms. Judge | 350 |
| <u>MR. ALI</u> | |
| Di rect Exami nati on By Ms. Peters | 408 |

1 THE COURT: The jurors are here. Are we all set?

2 MR. CONWAY: Yes, Judge.

3 MS. JUDGE: Your Honor, I have one issue to raise.

4 THE COURT: Okay.

5 MS. JUDGE: Yesterday the government moved into
6 evidence Voucher 1 through 5, and it was introduced over
7 objection. I just want to clarify for the record.

8 The objection was not based solely on the form of
9 the question but was based on the authenticity of the
10 document. It's dated 2001, a date after which Mr. Al-Dani
11 left the IIS. He had never seen the document. He discussed
12 it generally, but he had no personal knowledge.

13 THE COURT: Mr. Conway, do you want to respond to
14 this?

15 MR. CONWAY: Yes, Judge.

16 It was a regular business record in which he had
17 seen others similarly to it, identified it as a regular
18 business record of the Iraqi Intelligence Service.

19 Furthermore, he identified the secretary,
20 Ismael -- I think his name is Ibrahim, and also Mr. Khalil's
21 signature as well. So he identified it as a regular business
22 record with individuals that he knew. And it's in original
23 handwriting. It's not a copy.

24 MS. JUDGE: My response to that, Judge, would be
25 that it's difficult to identify a business record when you

1 are no longer a part of the business. If that's the basis
2 for introducing it, he has left the business. He no longer
3 is aware of the regular methods for recording and all that.

4 MR. CONWAY: He testified as to the recording
5 methods, and this is similar to other accounting records for
6 the same process that he had seen many times before.

7 Moreover, we will have Mr. Khalil testify to the
8 exact same thing when he comes here. He wrote on those
9 documents.

10 THE COURT: My recollection of Mr. Al-Dani's
11 testimony in this regard is that this document was in the
12 form similar to the ones that he had seen during his time
13 with the Iraqi Intelligence Service.

14 Whether that by itself would be foundation enough
15 might be open to question, but I am satisfied that his
16 testimony regarding -- his ability to recognize the
17 handwriting that appeared there bolsters the case for
18 admission of those documents as business records.

19 I understand from what Mr. Conway is telling me
20 that he is going to have further witnesses with respect to
21 the handwriting issue. And he is going to specifically call
22 Mr. Khalil about his role.

23 Perhaps -- I know that the documents have been
24 published to the jury in the sense that they have been shown
25 to them, but perhaps we can reserve on providing them any

1 other of that document until the additional foundation has
2 been laid.

3 MS. JUDGE: Thank you.

4 THE COURT: All right.

5 (Jury in at 9:52 a.m.)

6 THE COURT: Thank you, ladies and gentlemen.

7 I understand we are near the end of Mr. Al -Dani 's
8 direct testimony, so we are going to get that completed. I
9 hope you will feel free to sit down, if that helps.

10 You may be seated.

11 Mr. Al -Dani , if you will resume the witness chair.
12 I want to remind you once again that you are under oath.

13 THE WITNESS: Yes.

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

15 DIRECT EXAMINATION - Resumed

16 BY MR. CONWAY:

17 Q. Mr. Al -Dani , when we left yesterday, you were testifying
18 as to the Government Exhibit IIS Vouchers 1 through 5.

19 Do you remember those?

20 A. Yes.

21 Q. And you recognize the signature of a Mr. Khalil , as we
22 call him; is that correct?

23 A. Yes.

24 Q. How long have you known Mr. Khalil ?

25 A. I knew him for more than 20 years. And we worked

1 together for several years.

2 Q. At IIS?

3 A. Yes.

4 Q. And you know his true name, correct?

5 A. Yes.

6 Q. I am going to provide you a blank piece of paper called
7 Khalil 1. If you can, write Mr. Khalil's true name both in
8 Arabic and in English.

9 A. (Witness complies with request.)

10 (Document tendered.)

11 BY MR. CONWAY:

12 Q. Thank you.

13 A. You are welcome.

14 Q. Directing your attention back to those files we went
15 through for the last two days.

16 They concerned activities back in the mid-'80s,
17 correct?

18 A. Yes.

19 Q. I would like to move up in time to the Persian Gulf War
20 of 1991.

21 A. Yes.

22 Q. And at that time, where were you located with the IIS?

23 A. I was working with the director general for Secret
24 Service, Mr. Faruq Hijazi. And there was a task team to
25 follow up on the Gulf crisis, which comprised the senior

1 officers. And Khalil was one of us.

2 And I remained in that position until 1994. I mean
3 with Faruq Hijazi, the Secret Service director general.

4 Q. And during 1991 and 1992, were you aware of where
5 Mr. Latchin was employed?

6 A. I knew that after he returned from Athens he worked at
7 the Arab section. But after the first Gulf War of 1991, the
8 operation of planting him started, and I didn't know much
9 about his whereabouts because I stopped seeing him.

10 Q. Let's go back to the Arab section.

11 What were their responsibilities?

12 A. Sami's responsibilities?

13 Q. Yes.

14 A. I think he was a case officer. I am not sure what
15 exactly he was doing.

16 Q. What were the responsibilities of the Arab desk, the
17 Arab section?

18 A. That would be considered part of D1, whose
19 responsibilities would be Arab countries and the Arab
20 countries in North Africa.

21 Q. And prior to you becoming personal assistant to Faruq
22 Hijazi, did you have other positions in M4 when you came back
23 from Washington?

24 A. Yes. Like I said before, after I returned from
25 Washington, I became the chief of the Athens, Greece-Cyprus

1 section, and Italy.

2 Q. At the time of the Persian Gulf War, what happened to
3 the diplomatic status of the Iraqi embassy in Washington?

4 A. The Iraqi embassy in Washington was shut down and
5 diplomats were expelled. And also the intelligence station
6 was shut down and the diplomats were expelled. And the same
7 happened with Arab countries, where all embassies were shut
8 down along with intelligence stations, and all intelligence
9 officers were expelled as well.

10 Q. Did that effectively cut off the ability of the
11 Mukhabbarat to obtain information about the United States?

12 A. Yes.

13 Q. And what did Saddam Hussein do about that?

14 A. After the Gulf War was over, which was in 1991, as far
15 as I learned, that the person in charge of the Mukhabbarat,
16 the top guy at the Mukhabbarat, in one of his discussions
17 with Saddam Hussein said that the Mukhabbarat was no longer
18 able to operate because all its stations abroad were shut
19 down. And Saddam was very annoyed by that. And his response
20 was that the Mukhabbarat tended to rely on official covers,
21 meaning diplomatic cover.

22 And he said, had you been relying on nonofficial
23 covers and planting officers in foreign countries, this
24 wouldn't have happened. And from now on, you will have to
25 change your strategy. You will have to start working on

1 planting officers in foreign countries for a long period of
2 time in the same fashion that you plant palm trees.

3 Q. What do you mean by that, planting palm trees?

4 A. When you plant an onion in the ground, you will get to
5 eat onions in two weeks; but if you plant a palm tree, in
6 order for you to eat dates, you will need 10 to 15 years.

7 By that he meant that they had to plant officers
8 and not to assign them any tasks for a certain period of
9 time, a long period of time, so that they settle down, get
10 employment, get naturalized, and not be exposed.

11 Q. And was a committee made up back at headquarters to
12 initiate a plan to carry out Saddam Hussein's directive?

13 A. Yes. A committee was made up for that purpose within
14 M4, and that committee had several branches, and it was all,
15 of course, supervised by the Secret Service director general,
16 Faruq Hijazi. And I was one of the committee members.

17 However, the committee got to be known within the
18 Mukhabbarat to everybody.

19 Q. Did that cause a problem, that it was becoming
20 knowledgeable to other people in the secret Mukhabbarat?

21 A. Yes. After some time, Saddam learned that that matter
22 was being discussed openly within the Mukhabbarat, and he got
23 very upset for that. And he told the head of the Mukhabbarat
24 that this was not the right way to handle intelligence
25 matters. This matter should be confidential and not known to

1 anyone. And to deal with that, they spread a rumor that the
2 committee was dissolved or disappeared. However, the truth
3 was that the committee was becoming secretive and very small.
4 And every officer kept a case or two, which he was following
5 up with his supervisor.

6 I personally had two cases, which I was following
7 up on individually. But the committee remained but became
8 very secretive.

9 Q. You had mentioned this was a long-term program for the
10 intelligence officer to conduct activity.

11 Were there discussions or what was your
12 understanding of what activities would be conducted by an
13 intelligence officer many years later?

14 A. The mission of any intelligence officer is known to him.
15 And to assign such an officer certain tasks, that will depend
16 on the country's needs and will change occasionally.

17 For example, if you plant an intelligence officer
18 in America or Europe, maybe within ten years he may become an
19 outstanding businessman. A wealthy businessman may be in a
20 position to meet with outstanding people, prominent people,
21 and obtain information from them. And he can even recruit
22 them without their knowing about it.

23 An intelligence officer, after being planted and
24 after getting the citizenship of the country where he lives,
25 he may even work for the government of that country and

1 remain as an intelligence officer for his original nation.

2 Q. When you were on the committee, were there discussions
3 as to what officer should be selected?

4 A. Yes. First of all, the officer that should be selected
5 must have certain qualifications.

6 First, we started to go over a list of officers who
7 have relatives abroad. And if they were their immediate
8 families, that would even be better, because that would
9 provide them with a cover and a good reason for migration.

10 Q. Particularly, who did you discuss?

11 A. After that committee ceased to exist, I maintained two
12 cases. As for the other officers, each one of them had one
13 case.

14 But I got to find out about Sami's matter for two
15 reasons.

16 First of all, by virtue of my position as
17 consultant to Faruq Hijazi, I got to see his file. And I saw
18 his file more than once. And I was aware of the amount of
19 money that were sent to him as salaries.

20 The other reason is that the case officer was one
21 of my closest friends, and he was always informing me about
22 the developments of the relationship with him, and
23 particularly when he had to travel abroad to meet with him.
24 And I know that he traveled twice and met with him in
25 Romania.

1 Q. We will get through that, but I want to go back.

2 Was Sami Khoshaba Latchin the first person selected
3 to be planted in the United States?

4 A. Yes.

5 Q. Did you personally agree with that decision?

6 A. My personal opinion was frank. I did not agree to the
7 idea of planting any officers in America. And when it comes
8 to Sami, I was completely against it.

9 Q. Why was that?

10 A. The reason is, he was known to the Assyrian community in
11 Chicago as an intelligence officer.

12 Secondly, he had sources who knew well that he was
13 an intelligence officer. He had sources in America who knew
14 that he was an intelligence officer. However, they insisted
15 on planting him, and I was not able to change that decision.

16 Q. You mentioned Mr. Khalil yesterday on the travel
17 vouchers and you wrote his true name.

18 Was Mr. Khalil involved with the planting committee
19 as well?

20 A. Yes. And as far as I know, he was the second man after
21 Faruq Hijazi.

22 Q. And both Faruq Hijazi and Mr. Khalil were on the
23 committee after it closed to a smaller number of senior
24 high-ranking officials, correct?

25 A. Yes.

1 Q. You mentioned you knew Mr. Latchin's first handler.

2 First of all, could you explain the general duties
3 of a handler.

4 A. Are you asking about Mr. Khalil?

5 Q. Just in general, what is the role of a handler in
6 relation to a planted operative?

7 A. As for Khalil, he maintained a large number of files,
8 which he discussed with Faruq Hijazi and the first man in
9 Mukhabbarat.

10 Q. I mean the case officer who would handle the planted
11 agent; for example, Mr. Ali.

12 What would be the general duties of someone in that
13 position?

14 A. Yes. That officer's mission would be, first, to train
15 the officer to be planted in every aspect; and to devise a
16 plan for his travel and to facilitate his travel; and to
17 provide him with the necessary documents. And such meetings
18 would always be held outside the Mukhabbarat, because the
19 officer whom they plan to plant abroad would be forced to
20 retire and would never be allowed back into the Mukhabbarat
21 building.

22 One of his tasks also would be to make up a story
23 for the planted officer to tell to the authorities in the
24 country where he would be planted, in case he gets in
25 trouble.

1 Q. How long did you know the first handler for Mr. Latchin?

2 A. I have known him since 1984. We worked together abroad.

3 And when we returned, we worked together here inside the

4 country. And we lived on the same street. He is one of my

5 neighbors and one of my close friends.

6 Q. Let me give you what's been marked for identification as

7 Government Exhibit A11.

8 (Document tendered.)

9 BY MR. CONWAY:

10 Q. Would you please write his true name in both Arabic and

11 English.

12 A. (Witness complies with request.)

13 (Document tendered.)

14 BY MR. CONWAY:

15 Q. Thank you.

16 A. You are welcome.

17 Q. You are aware that Mr. Latchin ended up in Chicago,

18 Illinois, correct?

19 THE INTERPRETER: Sir, I didn't hear you.

20 BY MR. CONWAY:

21 Q. You are aware that Mr. Latchin ended up in Chicago,

22 Illinois?

23 A. Yes.

24 Q. Was he sent directly there by the Mukhabbarat as part of

25 the planting program, or was he sent to another country?

1 A. No. He was first sent to another place.

2 Q. What place was he sent?

3 A. He was sent to Romania. And he was directed to open a
4 small store, to engage in a commercial business, and from
5 Romania to apply for immigration to join his family.

6 Q. First of all, why was Romania picked as opposed to
7 different countries?

8 A. Because after the collapse of the Ceausescu regime,
9 Romania became open to all the world, for people from any
10 country. And a large number of Iraqis, after the first Gulf
11 War, migrated to Romania and engaged in businesses, which
12 would be helpful to any intelligence operation.

13 Q. Why was he directed to open a business?

14 A. Because that would provide him with a cover and would
15 make him look like just another merchant who engages in
16 commercial business.

17 Q. Do you know how long he stayed in Romania?

18 A. I am not completely sure about how long, but it would be
19 at least a year or a year and a half.

20 Q. Were you, during this time period, able to see the
21 paperwork and know the details, based on your position with
22 Mr. Faruq Hijazi?

23 A. Yes. Yes, whenever the case officer wanted to travel to
24 meet with him, he would have to write a memorandum to Faruq
25 Hijazi, and I was able to see the file and read in it

1 clearly.

2 Q. And that case officer is Mr. Ali, correct?

3 A. Yes.

4 Q. And do you know approximately how many times he would
5 travel outside, to Romania, to meet Mr. Latchin?

6 A. As far as I can remember, he traveled twice. And in the
7 second trip, he obtained his salaries, which was about
8 \$10,000.

9 Q. Who received salary?

10 A. I mean Sami.

11 Q. What's the methodology for payment from a case officer
12 to a plant operative?

13 A. First, the case officer would have to write a memorandum
14 and get approval for that amount of money. And the
15 intelligence officer would receive that money -- I mean the
16 case officer. And that would be in U.S. dollars. Then he
17 would turn the money to the source or the officer and would
18 obtain a receipt indicating that he received the money.

19 Q. When you said the case officer would need permission,
20 would that authority come, in this particular case, from
21 Faruq Hijazi?

22 A. From Faruq Hijazi and the first man in the Mukhabbarat.

23 Q. When Mr. Latchin came to the United States, did you
24 maintain contact with him?

25 A. No.

1 Q. In fact, did you have any contact with him when you
2 visited Romania?

3 A. No.

4 Q. Would you continue to have contact with his case
5 handler, Mr. Ali, until he stopped handling Mr. Latchin?

6 A. I don't know for sure when his relation with him came to
7 a stop, because I left in 1999.

8 However, in 1997, in November, I went to Iraq for
9 vacation and the case officer informed me that Sami contacted
10 him from America and requested a meeting at a third country.
11 And the case officer indicated to me that he was not ready
12 for such meeting because he had problems with the Iraqi
13 Intelligence. I mean the case officer had problems.

14 And I learned that that case officer was
15 transferred out of the Mukhabbarat either in late '97 or
16 early '98. I am not sure.

17 Q. And you yourself, in approximately 1997, left to go to
18 New Delhi, India, correct?

19 A. I left in September '96 for India, but in '97 I went to
20 Baghdad for vacation.

21 Q. And that's when you had that contact with the case
22 officer?

23 A. Yes. I spent about 28 days or a month for vacation, and
24 every single day I saw the case officer.

25 Q. That was in 1997. You defected in 1999, correct?

1 A. Yes.

2 Q. Basically, from that time in 1997 up until now, 2007,
3 ten years, did you have any contact other than that with the
4 case officer, Mr. Ali?

5 A. I never called or spoke with him, but I learned about
6 developments of his condition from my relatives.

7 Q. In fact, since you defected, you pretty much had to cut
8 off all contact with the Mukhabbarat and everybody you knew
9 there, correct?

10 A. Completely.

11 Q. Do you know a case officer by the name of Manhal Fadhi I?

12 A. Yes, and he was a friend of mine. He visited me twice
13 while I was station chief in Washington. And he is one of
14 the well-known directors in the Iraqi Mukhabbarat. I learned
15 from friends that he passed away in 2000.

16 Q. From natural causes?

17 A. From what I learned, he had a heart attack.

18 Q. How long had you known Mr. Fadhi I?

19 A. I knew him since 1985.

20 Q. You said you socialized with Mr. Ali. You were his
21 neighbor?

22 A. Yes. We had a social and family relation. We are like
23 brothers.

24 Q. Did you have a similar relation -- or could you describe
25 the relation you had with Manhal Fadhi I?

1 A. My relationship with him was less significant, because
2 he was more senior to me as a director. But I knew him well,
3 and I had been to his house. And in 1997, when I was on
4 vacation, I went to visit him at home. And he liked me so
5 much.

6 Q. Was your relationship with Mr. Ali one where you would
7 call him at his personal residence over the telephone?

8 A. You mean Ali, the case officer?

9 Q. Ali.

10 A. Yes. And until now, I still remember his home telephone
11 number.

12 Q. If you were to see his home telephone number, you would
13 still recognize it today?

14 A. Certainly.

15 Q. Is that because some of the telephone numbers are
16 similar to yours, because you were in the same neighborhood?

17 A. Yes, yes, and also for the fact that I contacted him
18 daily for many years.

19 Q. Would you also recognize Manhal Fadhi l's phone number?

20 A. Yes.

21 Q. Based on what?

22 A. Because I called him while I was in India. I called him
23 at home and at work.

24 Q. Would you have that same ability for Mr. Khalil?

25 A. Yes, but to a lesser degree.

1 Q. What do you mean by that?

2 A. Because my calling him telephonically was less frequent.
3 But I remember the first number -- the first digit in his
4 telephone number.

5 Q. And that's because the telephone system in Iraq is
6 separated into districts, correct?

7 A. Yes. Every district had a common telephone number, just
8 the way it is in America.

9 Q. And you are familiar with the Mansour district?

10 A. Yes, yes, because our agency was in Mansour and all
11 telephone numbers began with the first three digits.

12 Q. And would those be the type of digits that you would
13 recognize Mr. Khalil's number, or would it be a different set
14 of digits?

15 A. Yes.

16 MR. CONWAY: Your Honor, at this time I would like
17 to read a stipulation.

18 THE COURT: Ladies and gentlemen, a stipulation is
19 a set of facts or a description of certain testimony that the
20 parties agree would be given or that the parties agree is
21 true.

22 You may proceed, Mr. Conway.

23 MR. CONWAY: Ladies and gentlemen, it is stipulated
24 between the parties that if a representative of the following
25 businesses were called to the stand, he or she would testify

1 that the government exhibits that bear the name of that
2 business is a business record or are a group of business
3 records from that business.

4 Those records were made by persons with knowledge
5 of or made from information transmitted by a person with
6 knowledge of the acts and events occurring on them. These
7 business records were made at or near the time of the acts
8 and events appearing on them.

9 It is the regular practice of each of the
10 businesses to make such records. These records are kept in
11 the course of the regularly conducted business activity of
12 each business.

13 For the business Citi bank, Government Exhibit
14 Citi bank 1, 1-A, 2, 2-A; Visa 1 and 2; and MasterCard 1.

15 For the business Bank One, Government Exhibit Bank
16 One Visa 1 through 3.

17 For Harris Bank, Government Exhibit Harris Bank
18 MasterCard 1 through 4.

19 For Ameritech, Government Exhibit Ameritech 1
20 through 6.

21 For SBC, Government Exhibit SBC 1 through 5.

22 For Qwest, Government Exhibit Qwest 1.

23 And for AT&T, Government Exhibit AT&T Group 1.

24 At this time I would offer Ameritech 1 through 6.

25 THE COURT: And there is no objection to the

1 admisi on of those documents?

2 MS. JUDGE: No objecti on.

3 THE COURT: All right. Those documents will be
4 admitted pursuant to the parties' stipulation that they are
5 business records and the witnesses would so establish that if
6 they were to be called to testi fy.

7 MR. CONWAY: Your Honor, I will offer all those
8 exhibi ts I just referenced.

9 THE COURT: That' s fi ne.

10 (Said exhibi ts were received i n evi dence.)

11 BY MR. CONWAY:

12 Q. I would like to show you Government Exhi bi t Ameri tech 5.

13 Now, it' s i n Engl ish. If you look at the very
14 fi rst page, do you see the name of the person for that phone
15 number?

16 A. Yes.

17 Q. Tell us the name of the person and the address.

18 A. Sami Latchi n. The address i s i n Engl ish.

19 Q. You can say i t i n Engl ish.

20 A. A-P-T 3-W B-L-D-G.

21 Q. So Apartment 3W i n the bui ldi ng?

22 A. Number 8, 9399 Bay Colony Drive, Des Plai nes, Illi noi s.

23 Q. That' s fi ne.

24 Directi ng your attenti on to the very last page,

25 Page 10.

1 A. Yes.

2 Q. Do you see a series of calls under the title
3 "International Calls"?

4 A. Yes. There are three telephone calls made to Iraq.

5 Q. Directing your attention to the phone call that is
6 designated No. 6.

7 A. Yes.

8 Q. Do you recognize that Iraqi phone number?

9 A. Yes. It's the case officer's telephone.

10 Q. Mr. Ali?

11 A. Yes.

12 Q. Directing you to the immediate number below, No. 7.

13 Do you recognize that number?

14 A. Yes.

15 Q. Whose is it?

16 A. Manhal Muhammad Fadhi I.

17 MR. CONWAY: Nothing further, Judge.

18 THE COURT: Cross-examination, Ms. Judge.

19 CROSS-EXAMINATION

20 BY MS. JUDGE:

21 Q. Mr. Al -Dani , you testified previously in this case
22 several months ago, correct?

23 A. Yes.

24 Q. In this courtroom, in front of this Judge, right?

25 A. Yes.

1 Q. And prior to testifying, the government provided the
2 Court and the defense with a summary of information regarding
3 benefits that you have received?

4 A. The benefits that I received from the government have
5 nothing to do with this case.

6 Q. Have you seen a copy of the summary that the government
7 has assembled?

8 A. Yes.

9 Q. The first item includes a payment from the time frame of
10 1999 until December 31st, 2005, of \$527,895.81, correct?

11 A. Yes.

12 Q. In addition to that, you received a lump-sum payment of
13 \$250,000?

14 A. Yes.

15 Q. So as of December 31st, 2005, you had received
16 \$777,895.81?

17 A. I never calculated or added up all these amounts, but I
18 agree with you.

19 Q. And the payments I have just listed for you are the
20 payments that are included only up until December 31st, 2005.

21 You did also receive additional money in the year
22 2006, correct?

23 A. I received more money, and I am still receiving money.

24 Q. And that's generally an annuity payment of \$36,000 each
25 year?

1 A. Yes.

2 Q. A stipend of \$10,000 each year for a certain time frame,
3 but you did receive that in 2006, correct?

4 THE INTERPRETER: I am sorry. What was the first
5 word?

6 MS. JUDGE: A \$10,000 stipend.

7 BY THE WITNESS:

8 A. Yes.

9 BY MS. JUDGE:

10 Q. And you are also getting up to \$30,000 in insurance
11 payments, based on your family's needs, right?

12 A. Yes.

13 Q. And assistance paying your children's tuition up to
14 \$80,000 total, approximately \$12,000 per year?

15 A. Yes.

16 Q. And, sir, would you agree, then, that the \$777,000 added
17 to the money that you received in 2006, in addition to the
18 additional money you would receive for the first part of
19 2007, would total nearly a million dollars?

20 A. I cannot be sure about the number, because I never added
21 up the amounts together, what I have received. And you may
22 as well ask the government to provide you with the exact
23 number.

24 Q. We can get an estimate, sir. Thank you.

25 Are the terms of your agreement in writing?

1 A. Yes.

2 Q. And those terms are laid out in the financials and all
3 the benefits that you are getting, correct?

4 A. Yes.

5 Q. And they include what it is the government expects from
6 you as well?

7 A. I don't have a copy of it.

8 Q. Have you read a copy of it?

9 A. Yes.

10 Q. Do you recall if the terms of the agreement include what
11 it is that you are expected to provide to the government?

12 A. Yes.

13 Q. And we have discussed already that the terms of your
14 agreement do not require that you provide assistance to the
15 U.S. in criminal prosecutions.

16 Do you agree with that?

17 A. Yes.

18 Q. Do the terms of your agreement include assisting the new
19 Iraqi government in its reinstatement of the IIS?

20 MR. CONWAY: Judge, objection.

21 THE COURT: Overruled.

22 You may answer.

23 MR. CONWAY: Judge, objection.

24 THE COURT: Let's take a recess.

25 The jurors are excused.

1 way, you are welcome to do that.

2 MR. CONWAY: You can lead him. Did you agree to
3 provide information to the government? Yes.

4 MS. JUDGE: I am going to ask him, what is it that
5 you have agreed to do for the government?

6 THE COURT: You are free to ask that question. I
7 certainly have not prohibited that question.

8 And the fact that you have already asked it one way
9 and have gotten one answer does not mean you are barred from
10 asking it in another way. This wouldn't be the first time
11 somebody has asked the same question twice in two different
12 ways.

13 We will take a very short recess and then come back
14 with our jurors.

15 (A brief recess was taken at 11:07 a.m.)F

16 (Jury in at 11:27 a.m.)

17 THE COURT: Thank you. You may be seated.

18 All right. We are continuing with Mr. Al -Dani 's
19 cross-examination.

20 You may proceed, Ms. Judge.

21 MS. JUDGE: Thank you.

22 BY MS. JUDGE:

23 Q. Mr. Al -Dani , are you currently doing any work for the
24 government of Iraq?

25 A. I have nothing to do with the Iraqi government.

1 Q. And what is it that you believe you are required to do
2 for the U.S. government in exchange for the monies that you
3 have received?

4 THE INTERPRETER: Your Honor.

5 THE COURT: I am sorry. Just a second.

6 THE INTERPRETER: Sami Latchin, he wants me to
7 interpret this part.

8 THE COURT: Okay. I will ask, then, briefly that
9 Ms. Ishoo take over.

10 One moment. Let's make sure she is ready.

11 Let us know when you are ready, Ms. Ishoo.

12 All right. You may proceed.

13 THE INTERPRETER: Just a minute.

14 THE COURT: Not quite yet.

15 All set?

16 THE INTERPRETER: Yes.

17 THE COURT: Thank you, Mr. Al -Dani . I am sorry
18 about the interruption.

19 You may proceed.

20 BY MS. JUDGE:

21 Q. Would you like me to repeat the question?

22 A. No. I understood the question.

23 THE INTERPRETER: I didn't hear it. I am sorry.

24 MS. JUDGE: I will repeat it for the interpreter.

25

1 BY MS. JUDGE:

2 Q. Mr. Al -Dani , what are the benefits or -- I am sorry.

3 What is it that you are required to do for the U.S.
4 government in exchange for their giving you the monies that
5 we just discussed?

6 A. I provided information about the former Iraqi regime.

7 Q. And is that your -- is it your understanding that you
8 are done, in terms of your requirements?

9 A. Well , maybe if new information about the former Iraqi
10 regime came up, I would be willing to provide it as well .
11 But I don't know anything about the current government.

12 Q. So it's your understanding the basis of this agreement
13 is that you provide the U.S. government and try to answer
14 their questions that they might have about the former IIS; is
15 that correct?

16 A. Yes.

17 Q. Does that entail reviewing documents recovered from
18 Iraq?

19 MR. CONWAY: Objection, Judge.

20 THE COURT: There has been testimony about
21 documents recovered from Iraq in this case. Overruled.

22 You may answer.

23 BY THE WITNESS:

24 A. Would you repeat it?

25 THE COURT: The question is, does it entail

1 reviewing documents recovered in Iraq or from Iraq?

2 BY THE WITNESS:

3 A. The agreement took place before the former regime
4 collapsed. So there wouldn't possibly be a paragraph in the
5 agreement stating that I review documents recovered from the
6 former regime because I arrived in the United States in 1999,
7 while the regime collapsed in 2003.

8 BY MS. JUDGE:

9 Q. I understand that.

10 My question to you is, what is it that you believe
11 you are required to do because of this contract that you have
12 with the government?

13 A. Well, if the government requested my opinion about
14 certain documents and if I had such knowledge and opinion, I
15 would provide it. And the truth is, the government is always
16 telling me to tell the truth.

17 Q. Of course.

18 MR. CONWAY: Judge, could that be stricken?

19 THE COURT: The comment from counsel will be
20 stricken.

21 BY MS. JUDGE:

22 Q. Is there a date term that your contract expires?

23 A. I don't know about that. Not that I know of.

24 What I know is that part of the benefits I am
25 entitled to, in accordance with the agreement, will last for

1 as long as I live. And also I am willing to provide any
2 information that I know about the former regime for as long
3 as I live.

4 Q. Thank you.

5 Now, aside from your agreement, since you have
6 defected have you participated in any U.S. military
7 investigations?

8 A. No.

9 Q. And have you participated in any secret military
10 tribunals?

11 A. No.

12 Q. Next I am going to talk to you about the Iraqi national
13 airlines that you testified about yesterday.

14 A. Yes.

15 Q. You described it as an NOC, correct?

16 A. Yes. The intelligence itself is an official agency, but
17 the intelligence considers that the only official cover would
18 be the diplomatic cover.

19 Q. So the difference between NOC, nonofficial cover, and
20 official cover is, official cover is only applied to
21 embassies?

22 A. Yes. That's my understanding anyway.

23 Q. Iraqi national airlines is not a private airline like
24 airlines in the United States, such as American Airlines; is
25 that correct?

1 A. Correct.

2 Q. It's an airline that's run by the government of Iraq?

3 A. Yes.

4 Q. And employees are stationed in much the same way our
5 military are stationed in various locations.

6 Would you agree with that?

7 A. Well, I don't agree to that analogy. The airlines is a
8 civil employment.

9 Q. In America?

10 A. No, no. What I am saying is that the Iraqi national
11 airlines is a civilian organization, run by the Iraqi
12 government. It has nothing to do with the military.

13 Q. Okay. This is, I think, where it's confusing, because
14 it's different than how it is here. So I need to ask you to
15 go through this carefully, if you would.

16 A. Okay.

17 Q. And explain the difference between civil, military, and
18 run by the government, as you know it in Iraq, if you would,
19 please.

20 A. First of all, all official agencies are run by the Iraqi
21 government. There are ministries; for example, the Ministry
22 of Foreign Affairs, Ministry of Finance, Ministry of
23 Agriculture, Ministry of Irrigation, Ministry of Education.
24 They are all civilian organizations.

25 The military ones are the Ministry of Defense, the

1 Ministry of Interior, the Mukhabbarat, and the General
2 Security. These are the ones that are considered military
3 agencies.

4 All other agencies are civil.

5 Q. And are all agencies, military or civil, run by the
6 government of Iraq?

7 A. Yes.

8 Q. There are no private companies at all?

9 A. There are private-sector companies, but all the rest are
10 run by the government.

11 Q. What would you say the percentage of the private-run
12 companies are in Iraq?

13 A. I can't give you an accurate answer, because I have no
14 experience at all with the private sector. All my career was
15 intelligence service.

16 Q. Is there a way you can say whether you think it's half
17 and half, half owned by the government, half owned privately;
18 or do you have any sense at all?

19 A. I can't do that.

20 Q. As I stated earlier, you testified that the Iraqi
21 airways is a nonofficial cover, correct?

22 A. According to what is discussed within the Mukhabbarat,
23 that's how they look at it.

24 Q. Was it your testimony that everyone that works for that
25 airline works for the IIS?

1 A. No.

2 Q. Because it's really an airline that flies airplanes,
3 correct?

4 A. Yes. It's a civil airlines run by the department of
5 aviation, civil aviation.

6 Q. And they have employees that are ticket counter agents,
7 correct?

8 A. Yes.

9 Q. They have a baggage claim department?

10 A. Yes.

11 Q. Pilots, flight attendants?

12 A. Yes.

13 Q. And they have customers who pay for seats for the
14 airplane; is that right?

15 A. Yes.

16 Q. You testified about an individual known as Hilal
17 Zakerya. Do you remember that?

18 A. I know him well.

19 Q. In terms of what his category was, would you describe
20 him as a source?

21 A. He was a source to Sami in Athens, but when his file was
22 transferred to Washington, I suggested that he be made a
23 friend.

24 Q. When a source is recruited, a memo ordinarily would go
25 in a file or a file would be created; is that right?

1 A. Yes.

2 Q. And as far as you remember from having gone through
3 Zakerya's file, there is no such memo in his file; is that
4 correct?

5 A. What do you mean by a memo?

6 Q. A memo indicating that he had been recruited.

7 A. The entire file indicates that he was a collaborator and
8 that his services were utilized by the Athens station.

9 Q. Right. But my question was, there was no memo to the
10 file indicating that he had been recruited and the day he had
11 been recruited or anything with information like that?

12 A. On the very jacket of the file, the word "collaborator"
13 is written. And the way the files are kept in the Iraqi
14 Mukhabbarat depends on the officer. Some of them would fill
15 out all applications and attach all necessary documents, but
16 I will tell you that most of them don't really do that. And
17 all documents indicated that the collaborator Hilal Issa will
18 obtain such and such information from him.

19 And when they sent me a letter from the Mukhabbarat
20 headquarters in Baghdad, they mentioned Hilal, the
21 collaborator. What would one figure out from that?

22 Q. I understand your inference that you are making, but my
23 question is, there are some files that exist in the IIS where
24 there is a file to the memo placed when someone is recruited.
25 And you are saying that depends on the officer; is that

1 right?

2 A. Yes.

3 Q. And in Zakerya's particular file, there is no such memo,
4 correct?

5 A. From an intelligence officer point of view, the entire
6 file, the existence of the entire file indicated that it's a
7 file of a collaborator. And all documents indicated that he
8 was a collaborator, and they're all official documents.

9 Q. What I am asking you about is a specific memo that you
10 described as being found in some recruits' files.

11 Do you remember that?

12 A. The truth is, I don't understand what you mean by a
13 memo. Would you show me a similar thing that you refer to as
14 a memo from other files? I consider the entire file a memo.

15 Q. Well, you testified that in some folders a memo will be
16 placed in the file when an individual was recruited,
17 indicating who recruited him and the date that he was
18 recruited.

19 A. So are you referring to the application to which a
20 personal photo is attached?

21 Q. No.

22 A. Could you show it to me? I still don't understand.

23 Q. Well, I don't have one in particular to show you. I am
24 just talking to you generally about what you have testified
25 about.

1 Are you familiar with a report that an individual
2 who recruits another -- who recruits someone would write
3 indicating the date the person was recruited, the name of the
4 recruit and the recruiter?

5 A. That's exactly what an application form is. And that is
6 supposed to be there. That application form system started
7 after 1986. And there is a file that is called the moataman
8 system. But I will tell you that in most Iraqi Intelligence
9 files, the intelligence officers wouldn't or don't like to
10 fill out that application form.

11 Q. But it is found in some files, correct?

12 A. I have seen one.

13 Q. And you did not see it in Zakerya's file, right?

14 A. I don't remember at which file I saw it.

15 Q. Would you like to see Zakerya's file?

16 A. Possibly.

17 MS. JUDGE: I am providing to the witness
18 Government Exhibit Zakerya Group 1.

19 (Exhibit tendered.)

20 BY MS. JUDGE:

21 Q. If you would take a couple minutes to flip through that
22 to see if you can find the -- what I referred to as a memo,
23 recruit memo, and what you have called an application form.

24 (Brief pause.)

25

1 BY THE WITNESS:

2 A. It doesn't contain an application.

3 BY MS. JUDGE:

4 Q. Thank you. I will take that.

5 (Exhibit tendered.)

6 BY THE WITNESS:

7 A. You are welcome.

8 BY MS. JUDGE:

9 Q. Regarding Hilal Zakerya, you testified that you
10 contacted him two or three times when you were in D.C.; is
11 that right?

12 A. Yes, but I never saw him.

13 Q. Are you familiar with the name Officer -- and I am
14 sorry; I am sure I am going to butcher the pronunciation --
15 Shaker Subhi, S-u-b-h-i?

16 A. I don't know that person. I have heard the name, but I
17 didn't know him in person, and I really didn't know him at
18 all.

19 Q. And it stands to reason that you are not familiar with
20 his handwriting, correct?

21 A. Yes.

22 Q. You talked a bit yesterday about the Ba'ath party.

23 A. Yes.

24 Q. And that, in your opinion, everyone in Iraq was a member
25 of the Ba'ath party?

1 A. That's incorrect.

2 Q. How many people -- or what is your position regarding
3 the Ba'ath party?

4 A. What I said was that Iraqi population is 25 million, and
5 my estimate is that one or one and a half million of Iraqis
6 were Ba'athists. I am not sure about the number, but not all
7 Iraqis were Ba'athists.

8 Q. Sorry. I misunderstood you.

9 A. (In English:) It's okay.

10 Q. Is it your belief that in Iraq it was easier to get a
11 good job if you were a member of the Ba'ath party?

12 A. Yes.

13 Q. Some members of the Ba'ath party believed in the Ba'ath
14 party itself politically, correct?

15 A. Part of them.

16 Q. And many others joined the Ba'ath party for jobs.

17 Would you agree with that?

18 A. That's correct.

19 Q. In Iraq -- another difference between the U.S. and Iraq
20 is that in Iraq you can't just leave the country if you want
21 to move out; is that right?

22 A. People in important positions were not allowed to just
23 leave whenever they pleased, but people in nonimportant
24 positions could leave on tourist visas and not come back,
25 like in many cases.

1 Q. What would be considered high positions?

2 A. Sensitive jobs like Mukhabbarat, security, the army.

3 Q. Generally jobs that only include the IIS -- the IIS and
4 the military, would you say?

5 A. The Iraqi Intelligence, the military, security,
6 high-ranking officers, and also the high-ranking party
7 officials.

8 Q. Do you know any people in those positions that did leave
9 Iraq?

10 A. I know many. But since I left, I don't know who left
11 after I did, but there were high-ranking officers who left,
12 high-ranking party officials who left.

13 Q. Do you know -- of the high-ranking officials that left
14 when you were in Iraq, do you know if they all received
15 permission to leave?

16 A. Some of them. But some also fled the country through
17 the borderline in the north.

18 Q. Can you describe to the jury what it means when someone
19 flees the country.

20 A. For example, a person can flee the country like if he
21 was a high-ranking official sent out of the country on
22 official business and then not come back inside Iraq.

23 In Iraq we had borders with Iran, Turkey, Saudi
24 Arabia, Syria, Kuwait, and Jordan. And these are long
25 borderlines. It's possible for someone to flee, especially

1 from the north.

2 Q. If individuals were fleeing and they were trying to
3 leave without notice, who is it that they are trying to not
4 know they are leaving?

5 A. Is your question that when someone wants to flee that he
6 wouldn't let anyone know about it?

7 Q. No. My question is, if I lived in Iraq and I wanted to
8 flee, who is it I am fleeing from? because I am not sure if
9 it's the government of Iraq, Saddam Hussein, the IIS.

10 A. There would be several possible reasons. Some people
11 flee because of the abuse they receive from the regime and
12 the lack of human rights. Some other people may flee to just
13 get a better life.

14 But the bigger section of those who flee had
15 problems with the regime.

16 Q. Thank you.

17 When people were not given permission, did they
18 oftentimes tell lies to get out of the country?

19 A. I have no knowledge about that.

20 Q. Do you have any knowledge of any IIS agents who want to
21 leave and have lied to the regime about what they would do
22 after they left?

23 A. Intelligence officers would have opportunities to leave
24 whenever they want, if they were smart. He would await the
25 opportunity when he is sent on an official mission outside

1 the country, and from out there he would not come back. And
2 to my knowledge, many intelligence officers did just that.

3 Q. Was there any part of the IIS that kept track of other
4 IIS agents that did not return when they were supposed to?

5 A. Certainly.

6 Q. Did you ever work in that section?

7 A. No.

8 Q. Now I am going to talk to you about the files that you
9 went through yesterday. There's eight files.

10 A. Yes.

11 Q. I don't think I am going to put up any on the screen, so
12 you will be saved from that today.

13 A. Yes.

14 Q. These files were given to the United States in 2003?

15 A. I have no knowledge as to when they were delivered to
16 them.

17 Q. And they were returned to the U.S. by an opposition
18 group. Were you aware of that?

19 A. I have no knowledge about that.

20 Q. Have you ever heard of the term "opposition group"?

21 A. Yes, many times.

22 Q. Can you briefly explain what it is, in terms of when you
23 are in Iraq and you are discussing or referring to the
24 opposition groups?

25 A. That would include all individuals, groups, parties, and

1 organizations hostile to Saddam Hussein regime.

2 Q. And you have no knowledge about which opposition group
3 found these files, correct?

4 A. Not at all.

5 Q. And you have no knowledge that these files were
6 recovered at IIS headquarters, right?

7 A. It could be at the Mukhabbarat headquarters or at safe
8 houses. I don't know.

9 Q. Are safe houses the same as IIS headquarters?

10 A. Well, they are houses that are used at emergency times,
11 as during wars and so forth.

12 Q. And during other times, they are at someone's home?

13 A. That wouldn't always be the case.

14 Q. Sometimes it would be the case?

15 A. Yes. During times of emergency, some important files
16 are taken home by certain high-ranking officials for the
17 purposes of security.

18 Q. So a safe house is really the home of an IIS agent?

19 A. No. Safe houses are houses that are only used during
20 emergency time for Mukhabbarat purposes. But intelligence
21 officers' homes are like homes in any country in the world.

22 Q. Those homes that are like any other country in the world
23 are sometimes, during wartime, used as safe houses to keep
24 files; is that right?

25 A. Very few.

1 Q. So are the safe houses empty?

2 A. Safe houses are houses owned or rented by Mukhabbarat,
3 which are not populated -- not inhabited and used during
4 emergency time. But in some cases, just like I am America
5 chief, when there is an emergency situation, I may take one
6 or two files home, and that doesn't make my house a safe
7 house.

8 Q. Okay. Just so I am clear, a safe house that you use in
9 times of war are vacant buildings that you hide files in; is
10 that right?

11 A. Yes.

12 Q. And sometimes hardworking agents bring their files home
13 and work at home?

14 A. No. No one is allowed to work from home. They can work
15 out of safe houses.

16 Q. So if you were to leave the office with two files, where
17 do you go with them?

18 A. I may place them at my private safe, and when I need
19 them, I take them back to the headquarters or to the safe
20 house to engage in any work. And this is a very seldom
21 scenario.

22 Q. The norm scenario is that the files are kept at IIS
23 headquarters?

24 A. Yes.

25 Q. And is IIS headquarters located in one building?

1 A. There is a large headquarters in Al Mansour, and there
2 are several other separate buildings inside Baghdad and
3 outside Baghdad.

4 Q. Do you have any idea the number of buildings?

5 A. No.

6 Q. So if an individual refers to working in headquarters,
7 it could be any number of the buildings that you are
8 referring to; is that correct?

9 A. Yes.

10 Q. Now, back to these file folders.

11 When you first saw them, was it in about 2003?

12 A. I believe so, yes.

13 Q. And when you first saw them, were they contained in
14 these folders?

15 A. No, they were photocopies.

16 Q. So you didn't see the originals the first time you saw
17 them?

18 A. No.

19 Q. The first time you saw the originals, were they
20 contained in the folder like they are today?

21 A. No. I had seen them in the past many times.

22 Q. Okay.

23 When you had seen the originals for the very first
24 time, were they contained in the file folders like they are
25 today?

1 A. Yes.

2 Q. And you don't have any personal knowledge about whether
3 or not, when these files were originally discovered, just
4 before being turned over to the United States, whether they
5 were contained in these files?

6 A. I saw them the way they are. I don't know how they were
7 in the past.

8 Q. So you don't also, then, know that they -- whether or
9 not they were just scattered pieces of paper in this safe
10 house that they were found in?

11 A. I don't believe so, because that's hard to believe.

12 Q. But you really have no personal knowledge one way or the
13 other, correct?

14 A. I don't know.

15 Q. I am going to show you again Hilal Zakerya's file,
16 Government Exhibit Zakerya 1, and ask you just to look at the
17 file cover.

18 (Exhibit tendered.)

19 BY THE WITNESS:

20 A. Yes.

21 BY MS. JUDGE:

22 Q. And it's bound by a string; is that right?

23 A. Yes, and that's the way most files in Iraqi Intelligence
24 are dealt with, and that's what I did myself.

25 Q. This is a -- would you say this file folder is a typical

1 color and style of the file folders used by the IIS?

2 A. This jacket could be in many colors. And on some of
3 them, the name of Mukhabbarat would be written, and on others
4 it wouldn't.

5 Q. But the actual file folder, before anything gets written
6 on it or it's marked, generally this is the size and the type
7 of file folder that you would find in IIS; is that correct?

8 A. Yes.

9 Q. I can take that file folder back.

10 (Exhibit tendered.)

11 BY MS. JUDGE:

12 Q. The type -- this folder that's found on these files is
13 something that you can purchase in Iraq; is that right?

14 A. Yes.

15 Q. And other businesses or schools or students or something
16 may use these kinds of folders as well?

17 A. Yes.

18 Q. And the same for the string or the wire that's used to
19 attach these?

20 A. I don't know what other departments use.

21 Q. Right. But what I am suggesting, sir, is that these
22 aren't only sold to IIS agents?

23 A. Where the word "Mukhabbarat" is written is strictly
24 Mukhabbarat. And the Mukhabbarat had their own print house,
25 and those files and folders are not purchased at the shops.

1 They are printed by the Mukhabbarat print house. On some of
2 them the word "Mukhabbarat" would be printed on the jacket,
3 and on others it wouldn't.

4 Q. Do you recall if any of these documents -- I am sorry --
5 if any of these eight files that you reviewed are those that
6 were printed from the Mukhabbarat printer?

7 A. I can't be completely accurate about that, but wherever
8 the word "Mukhabbarat" appears, that's certainly printed at
9 the Mukhabbarat printer. I always requested files to be sent
10 to me, and I was sent files where the name Mukhabbarat was on
11 them, and on others it wasn't.

12 Q. Well, I am going to ask you to go through these eight
13 files and see if you see the word "Mukhabbarat" printed from
14 the printer from -- we will start first with Government
15 Exhibit Zakerya Group 1.

16 (Exhibit tendered.)

17 BY THE WITNESS:

18 A. That's not -- the word is not printed on it.

19 BY MS. JUDGE:

20 Q. Giving you Government Exhibit Jeto Group 1 -- Government
21 1.

22 (Exhibit tendered.)

23 BY THE WITNESS:

24 A. On this one the word "Mukhabbarat" is printed, and
25 100 percent it was printed at the Mukhabbarat printer.

1 BY MS. JUDGE:

2 Q. And you could tell that because it's not written in
3 handwriting or pen. It's printed from a printer.

4 Is that what you are saying?

5 A. Yes.

6 Q. How about Government Exhibit Potros Group 1. Would you
7 check that file.

8 (Exhibit tendered.)

9 BY THE WITNESS:

10 A. And on this one, too, the word "Mukhabbarat" is printed,
11 which means it was printed by the Mukhabbarat.

12 BY MS. JUDGE:

13 Q. And Zuhair Sha'aouny, Government Exhibit Sha'aouny
14 Group 1?

15 (Exhibit tendered.)

16 BY THE WITNESS:

17 A. And on this one, too, the name "Mukhabbarat" is written,
18 which means it was printed by Mukhabbarat.

19 BY MS. JUDGE:

20 Q. And Government Exhibit Nadj i Group 1?

21 (Exhibit tendered.)

22 BY THE WITNESS:

23 A. This one, too, the word "Mukhabbarat" is there, which
24 means it was Mukhabbarat printed.

25

1 BY MS. JUDGE:

2 Q. Government Exhibit Al bazi Group 1.

3 (Exhibit tendered.)

4 BY THE WITNESS:

5 A. Yes, this one, too, which makes it a Mukhabbarat file.

6 BY MS. JUDGE:

7 Q. Government Exhibit Dinkha Group 1.

8 (Exhibit tendered.)

9 BY THE WITNESS:

10 A. Yes. On this one the word "Mukhabbarat" is printed,
11 which means it was printed by Mukhabbarat.

12 BY MS. JUDGE:

13 Q. And Government Exhibit Dawood Group 1.

14 (Exhibit tendered.)

15 BY THE WITNESS:

16 A. On this one, too, the word "Mukhabbarat" is printed,
17 which makes it a Mukhabbarat file, printed by the
18 Mukhabbarat.

19 BY MS. JUDGE:

20 Q. Thank you.

21 A. You are welcome.

22 Q. Yesterday Agent Walker testified that they discovered
23 32 files. Of those 32 files, you have looked through eight
24 during this trial, correct?

25 A. I don't know the number of files, but what I have seen

1 is eight only.

2 Q. Right. What I am referring to is, you have looked
3 through, for this trial, these eight files?

4 A. Yes.

5 Q. And the majority, if not all, the documents in these
6 files are dated over 20 years ago; is that right?

7 A. More or less. I wouldn't be sure.

8 Q. The vast majority at least are from the mid-1980s,
9 correct?

10 A. Yes.

11 Q. And you were an employee in the 1980s of the IIS?

12 A. Yes.

13 Q. And to your knowledge, there were certainly more than
14 eight files in existence at that time, right?

15 A. At the Mukhabbarat headquarters, there were thousands of
16 files. And during the course of my career, I saw thousands
17 of files. However, those files were the property of the
18 hostile activity desk.

19 Q. Can I interrupt you for a minute?

20 Are you referring to -- which files? You said
21 "those files."

22 A. Those eight.

23 Q. Those eight.

24 A. And I had seen some of them, and I am familiar with the
25 documents contained therein, because at the time I was in

1 Washington station, there were some of the documents that I
2 handwrote myself; and others I signed, letters written by
3 others.

4 But regarding those at headquarters, I would have
5 no knowledge about them, because they would be the property
6 of another desk.

7 Q. In your career did you create files?

8 A. Many.

9 Q. Are any of these eight files any that you yourself
10 created?

11 A. No. But there are documents there that belong to me.

12 Q. I am going to get to that.

13 And the government had you look through these eight
14 files in the past couple of days and discuss the documents
15 that are in there, correct?

16 A. Yes.

17 Q. And as you looked through, you identified familiar logos
18 used by the IIS, such as the eye?

19 A. Yes.

20 Q. You testified that on some of the documents you
21 recognized the letterhead as the letterhead used by the IIS
22 because it says "IIS" or, in some cases, "IRIS"; is that
23 correct?

24 THE INTERPRETER: The interpreter is not sure what
25 IRIS means.

1 BY MS. JUDGE:

2 Q. Are you not familiar with IRIS?

3 THE INTERPRETER: The interpreter is not familiar.
4 I am not familiar.

5 MS. JUDGE: Oh, sorry.

6 THE COURT: I believe IIS is a reference to Iraqi
7 Intelligence Service.

8 THE INTERPRETER: Yes, but IRIS is what?

9 MS. JUDGE: I will ask Mr. Al -Dani .

10 THE INTERPRETER: I need to know so that I can
11 interpret the question.

12 THE COURT: Can you interpret the initials?

13 THE INTERPRETER: The witness or the interpreter?

14 THE COURT: The interpreter.

15 THE INTERPRETER: It will not correspond to the
16 Arabic words, because it will start with other letters.

17 MS. JUDGE: Could Mr. Al -Dani go to English for
18 this question?

19 THE COURT: Please.

20 BY MS. JUDGE:

21 Q. Mr. Al -Dani , you are familiar with IRIS?

22 A. (In English:) Yes. IIS, Iraqi Intelligence Service.
23 And IRS, I think, Iraqi Secret Service.

24 THE COURT: Did the jurors understand the
25 testimony?

1 BY THE WITNESS:

2 A. (In English:) I think so. But sometimes they put IRS
3 only couple of years. But really I am not notice and
4 concentrate on these things in the files, because I know IIS,
5 it is clear. But I think sometimes couple of years they
6 used. That means Iraq Intelligence Service.

7 BY MS. JUDGE:

8 Q. I recall going through the files and noticing the
9 letterhead IRIS and IIS. And it was my recollection that you
10 indicated that those both meant IIS letterhead; is that
11 correct?

12 A. (In English:) Iraq Intelligence Service. Some say
13 Iraqi Intelligence Service.

14 Q. Thank you.

15 If you like, we can go back.

16 THE INTERPRETER: The interpreter knows that IIS is
17 Iraqi Intelligence Service.

18 The question was, what is IRIS? And his testimony
19 is what it was.

20 THE COURT: I understood that that was exactly the
21 problem, that you are familiar with IIS. You are not
22 familiar with IRIS.

23 THE INTERPRETER: Yes.

24 THE COURT: And this is why Ms. Judge asked whether
25 Mr. Al -Dani would be willing to testify in English.

1 I believe the jurors did understand him. Is that
2 correct?

3 The jurors are nodding their heads.

4 All right. Thank you.

5 We will proceed, and I think we can resume with the
6 process of Mr. Al -Dani testifying in his native language.

7 BY MS. JUDGE:

8 Q. With regard to letterhead, you also testified that
9 documents that do not say IIS or IRIS on the letterhead are
10 in fact -- or in fact say something completely other than IIS
11 are actually from the IIS, despite what they say; is that
12 correct?

13 A. I believe that that symbol IRIS would be written, and
14 the two abbreviations, IIS and IRIS, would be written on
15 letters sent out of the Mukhabbarat headquarters to other
16 departments.

17 But when it comes to internal correspondence within
18 the Mukhabbarat, it wouldn't be necessary to put down that
19 abbreviation.

20 And I will tell you that I really didn't pay much
21 attention or concentration to that issue when it comes to
22 files, because I am certain that those files are Mukhabbarat
23 files.

24 Q. Yesterday you indicated that when a letterhead indicated
25 the embassy of India, you stated that's really IIS.

1 Do you remember that?

2 A. Yes.

3 Q. Besides the embassy of IIS, are there any other
4 letterheads that you are familiar with that really are IIS?

5 A. Yes. Yes, all intelligence stations abroad always used
6 embassy's letterhead, but some of them sometimes didn't use
7 it. But the normal practice would be, when we worked in
8 embassies, was to use the embassy letterhead, but we would
9 put some symbol related to the Mukhabbarat on the letter.
10 And that symbol started as the Public Affairs Office, and at
11 times it changed to other things, other names.

12 Q. When you say the letterhead in the embassies would
13 ordinarily reflect the embassy name, you were in the D.C.
14 embassy, correct? The U.S. embassy in D.C.?

15 A. Yes.

16 Q. And you were using the embassy of India letterhead?

17 A. No. These were the Iraqi embassy letterhead, but these
18 were diplomatic instructions. When two countries do not have
19 full mutual diplomatic representation at the embassy level,
20 there is supposed to be another country that's running or
21 handling its interests. And that other country's name would
22 appear on the letterhead, and even on employees' ID cards.

23 And on my diplomatic ID card, the name of the
24 Indian embassy was there. But India, in fact, had nothing to
25 do with that. And that is the diplomatic standard.

1 Q. This information that the letterhead that says "Embassy
2 of India" is really IIS letterhead is not found in any of
3 those files, correct? That procedure or that assumption is
4 not indicated anywhere in those files?

5 A. Correct, because we did not use the name Mukhabbarat
6 openly outside the country. Only the symbol would be used
7 for confidentiality purpose.

8 Q. Would the information be written down anywhere in IIS?

9 A. When we send mail outside the country, we do not
10 indicate the name Mukhabbarat in any fashion.

11 Q. Right. And the idea that it says "Embassy of India,"
12 but that really means IIS, is that procedure or that
13 understanding written down anywhere in the IIS headquarters?

14 A. The public affairs office meant, in fact, the
15 Mukhabbarat.

16 Q. Is that fact written down in any procedural manual in
17 IIS headquarters?

18 A. Yes. Even the Ministry of Foreign Affairs was aware
19 that the term "Public Affairs Office" referred to the
20 Mukhabbarat.

21 Q. I understand that in practice there may be ways the
22 message can be communicated.

23 But what I am asking is, was that written down
24 somewhere in a procedural manual?

25 A. Yes.

1 Q. In what manual ?

2 A. It is not a manual , but it was a directive that the
3 intelligence of the Mukhabbarat station would be referred to
4 as the Public Affairs Office. And whenever they wanted that
5 change, another directive had to be issued.

6 Q. And that directive is not contained in that pile of
7 eight files, correct?

8 A. That directive is strictly the property of the
9 headquarters. It would not be placed in any file. That
10 would be considered an instruction, and it wouldn't be placed
11 in a file.

12 MS. JUDGE: I have reached a good point for a
13 break, your Honor.

14 THE COURT: I would appreciate a break right now.

15 Ladies and gentlemen, I actually can't see our
16 clock, but I understand the clock is wrong. Oh, no. Our
17 clock is right. It's 12:35. Let's resume around 1:35.
18 Thank you.

19 (A luncheon recess was taken at 12:36 p.m.)F

20

21

22

23

24

25

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 5, 2007 1:45 p.m. |

VOLUME 3
 TRANSCRIPT OF PROCEEDINGS - Trial
 BEFORE THE HONORABLE REBECCA R. PALLMEYER, and a jury

APPEARANCES:

| | | |
|----|--------------------|---|
| 12 | For the Plaintiff: | HON. PATRICK J. FITZGERALD UNITED STATES ATTORNEY BY: MR. JAMES M. CONWAY MS. VICTORIA J. PETERS 219 South Dearborn, 5th Floor Chicago, Illinois 60604 |
| 16 | For the Defendant: | FEDERAL DEFENDER PROGRAM BY: MS. MARY HIGGINS JUDGE MR. WILLIAM H. THEIS 55 East Monroe Street, Suite 2800 Chicago, Illinois 60603 |
| 19 | Also Present: | S/A Joel Robertz, FBI S/A Amy Beuschlein, FBI Ms. Irene Ishoo, Interpreter Ms. Angel Kindo, Interpreter Ms. Ruyda Jajo, Interpreter Mr. Marwan Abdel-Rahman, Interpreter |
| 23 | Court Reporter: | FRANCES WARD, CSR, RPR, FCRR Official Court Reporter 219 S. Dearborn Street, Suite 2118 Chicago, Illinois 60604 (312) 435-5561 frances_ward@ilnd.uscourts.gov |

1 (Jury in at 1:44 p.m.)

2 THE COURT: You may be seated.

3 We will proceed, then, with further
4 cross-examination.

5 You may be seated, Mr. Al -Dani .

6 THE WITNESS: Thank you.

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

8 CROSS-EXAMINATION - Resumed

9 BY MS. JUDGE:

10 Q. Ready?

11 A. Yes.

12 Q. I am going to go back to the files and speak to you
13 generally about the contents of those files.

14 A. Yes.

15 Q. You testified that you were a career officer with the
16 IIS for approximately 20 years, right?

17 A. Yes.

18 Q. And as you looked through each of these eight files, you
19 can identify some documents that you yourself wrote during
20 your career; is that right?

21 A. Yes.

22 Q. And you have written a lot of other documents that
23 aren't contained in these eight files, correct?

24 A. I wrote a lot.

25 Q. You said that you can find documents in here that you

1 actually signed, possibly because someone else wrote them?

2 A. Yes.

3 Q. And also some that you wrote yourself that someone else
4 signed?

5 A. Yes.

6 Q. When you signed someone else's letters, would you sign
7 in his or her name or your own?

8 A. These are official correspondence that must be signed by
9 the department chief, and they are not personal letters or an
10 internal memo. These are official correspondence that, when
11 issued by the Mukhabbarat, must be signed by the head of the
12 Mukhabbarat or his assistant.

13 And also the stations were official entities, and I
14 signed in my capacity as the station chief, and not on behalf
15 of someone else.

16 And I signed all correspondence written by the
17 station, which were sent to the Mukhabbarat in Baghdad.

18 Q. Specifically, when you talked about documents that were
19 in someone else's handwriting that you then signed, did you
20 sign your signature?

21 A. Yes, I signed as the station chief and in my name.

22 Q. And would you sign your name or write your name -- sign
23 your name in a scribble or write your name?

24 A. No, just a scribble.

25 Q. Also, as a career officer, you can go through these

1 files and identify the handwriting of some other spies that
2 you have worked with, right?

3 A. Spies or coworkers?

4 Q. Are you asking me?

5 A. Yes.

6 Q. Can you explain the difference?

7 A. Are you referring to letters from sources or
8 correspondence of intelligence officers?

9 Q. Well, why don't you tell me?

10 I am referring to documents in here that you can
11 identify the handwriting for. In some cases it would be,
12 first, your coworkers, right?

13 A. Yes.

14 Q. For example, when you worked in D.C. there was an
15 individual named Younis. You identified that person's
16 handwriting?

17 A. Yes, because he worked with me for three years, and he
18 was an assistant to me at the station.

19 Q. And he worked in your office, right?

20 A. Yes.

21 Q. He was also known as Envoy 12; is that correct?

22 A. Exactly so.

23 Q. In his case you could identify his handwriting as well
24 as his scribble; is that right?

25 A. I have never seen a signature of Younis.

1 Q. But you can identify his handwriting, then; is that
2 right?

3 A. I know it for sure.

4 Q. You also worked in D.C. with another individual named
5 Mustafa Al -Tikriti?

6 A. He was one of my officers at the station.

7 Q. Is this officer -- this officer, is his handwriting
8 something you can also recognize?

9 A. I am familiar with his handwriting and his signature.

10 Q. Are you familiar with his envoy number being 35?

11 A. Yes.

12 Q. And Kamal Issa?

13 A. Yes. Kamal Issa was working as a press adviser to the
14 embassy, and he was a collaborator at the station, not an
15 intelligence officer.

16 Q. So was seeing his handwriting something that would be
17 familiar to you?

18 A. I know his handwriting and his signature because he
19 collaborated with me, and he assisted me in my work.

20 Q. And are you familiar with his name being Envoy 24?

21 A. I believe so.

22 Q. Now I want to talk to you about the Arabic writing,
23 because it's somewhat confusing, I think, to some people
24 here.

25 A. Yes.

1 Q. You write in written Arabic, correct?

2 A. I can read and write Arabic much better than English.

3 Q. And in Arabic there is no printing like there is in
4 English; is that right?

5 A. There are English font printers, but the Arabic letters
6 are always connected to one another. They do not come
7 separate as in the English script.

8 Q. So when you write your name -- sometimes in English we
9 can print our name, and then our signature is a cursive
10 writing of our name.

11 A. Signatures in English are completely different from
12 those in Arabic. In English you could read through the
13 signature and read the name completely. But an Arabic
14 signature, you cannot read the name.

15 Q. When you use a scribble for your signature, is it
16 something that you repeat often, you keep the same scribble?
17 Or do you change the scribble every time?

18 A. It is supposed to be always the same, but sometimes when
19 someone is in a hurry and he scribbles, he wouldn't come up
20 with the exact same scribble. But basically, it's the same
21 meaning.

22 Q. So if someone doesn't purposely try to change their
23 scribble as they -- they don't try to change their signature.
24 They just generally use the same scribble throughout?

25 A. Yes.

1 Q. The interpreter that testified a couple days ago
2 indicated that the purposes of the scribble is so that it
3 could not be duplicated.

4 Would you agree with that?

5 A. Yes.

6 Q. Going back to the eight files, there are many different
7 names written throughout the documents in all of those eight
8 files. And you personally are not familiar with every single
9 name that's written in any of those files, are you?

10 A. Yes.

11 Q. I am sorry. Yes?

12 I forgot how I asked that, so yes, you agree that
13 you don't know everyone's name in there?

14 A. I know some of them, and some I don't.

15 Q. Thank you.

16 With reference to sources in these files, there was
17 some documents that referenced how a source was not useful.
18 Do you remember reading some of those?

19 A. Yes.

20 Q. And comments such as "this source should not be used"?

21 A. Yes. I suggested that most of Sami Khoshaba's sources
22 be made friends because they were not useful. And
23 headquarters approved that.

24 Q. When a determination was made that someone would no
25 longer be used, did that individual person get some sort of

1 noti fi cati on?

2 A. No, no.

3 Q. Not every single individual that's named in these eight
4 files is an employee of the IIS; is that fair to say?

5 A. They are not employees. They are intelligence sources.

6 Q. Every individual in these files is not a source, though,
7 right?

8 A. There is a difference. These eight individuals are
9 sources, but most of the other names mentioned in those files
10 belong to intelligence officers. And some were diplomatic
11 employees who were collaborators with Mukhabbarat.

12 And if you wish to question me regarding any of
13 these names, I will be more than willing to answer you.

14 Q. Thank you.

15 A. You are welcome.

16 Q. Some of the individuals that are named in there are
17 family members, right?

18 A. Yes.

19 Q. And some of the individuals are sources that are now no
20 longer in use?

21 A. Yes.

22 Q. Can you explain what the difference is between a
23 friend -- I am sorry -- between a source and a collaborator?

24 A. The difference is, sources include collaborators,
25 moataman, and friends, because they are all information

1 sources. Even friends, sometimes we need to obtain certain
2 information through them, and therefore, they are considered
3 sources of information.

4 And the collaborator is the second level of the
5 scale of sources to the Iraqi Intelligence.

6 Q. So friend and then collaborator?

7 A. No. Friends are the lowest level in the intelligence
8 work.

9 The highest level is a moataman, the second is
10 collaborator, and the third is friend.

11 Q. Are you familiar with a manual that you previously
12 discussed with the FBI agents titled System For Operation of
13 Sources that was published between 1986 and 1987?

14 A. I don't think that such a discussion ever took place
15 because that matter -- that aspect of the intelligence work
16 must be willing to deal with it.

17 But we discussed what the moataman is and what a
18 collaborator is. And it's possible that there was a quick
19 reference made to that manual.

20 Q. Well, we could clarify it when Agent Robertz testifies,
21 but do you remember describing a cooperator and then using
22 another word called -- I am going to butcher the name -- but
23 Motaawin, M-o-t-a-a-w-i-n?

24 A. Yes. I spoke with the FBI people in that regard in
25 details.

1 Q. And did you further describe that a cooperator would be
2 a genuine unwitting source?

3 A. I don't remember that.

4 Q. And describing a friend as "inactive source with records
5 for reference only"?

6 A. Yes.

7 Q. And referencing --

8 A. If I may explain that.

9 Q. I am sorry. I thought you were done.

10 A. A friend sometimes -- in the rules of the Iraqi
11 Intelligence, sometimes friends are used to obtain
12 information without their knowledge, when the friend is not
13 aware that he is giving out information.

14 And sometimes a moataman, a moataman in the Iraqi
15 Intelligence, or a collaborator, when they get old in age or
16 get terminated from work and they no longer have intelligence
17 value, in that case a decision is usually made to make them
18 friends and not collaborators.

19 Q. So of the categories, who could possibly be an unwitting
20 friend?

21 A. There is no such classification in the intelligence work
22 as an unwilling category. If a category is unwilling, then
23 it shouldn't belong in the intelligence work.

24 But there is a source that knows and some that
25 don't.

1 The moutmans are the ones who are talked to openly
2 and told that they work for the Iraqi Intelligence.

3 Q. Just to be clear, I didn't mean "unwilling." I meant
4 "unwitting." So I would put those in the category as those
5 that are unknown. Is that correct?

6 THE INTERPRETER: That's the interpreter's error.

7 BY THE WITNESS:

8 A. Yes. There are collaborators who are aware of the
9 collaboration and those who are not.

10 BY MS. JUDGE:

11 Q. Thank you.

12 Can you explain a couple things, such as, what does
13 it mean when someone is referenced as an Envoy? Who would
14 get that title?

15 A. That symbol is used to indicate those who have to do
16 with the embassy work, because embassies are referred to as
17 envoys, and the embassy employees would be considered members
18 of the mission.

19 And all embassy members, including the ambassador,
20 are assigned numbers, No. 1 Envoy, No. 2 Envoy, and so forth.

21 Q. And who inside the IIS gets a code number?

22 A. All embassy employees or embassy members, including
23 intelligence officers, get assigned envoy numbers, No. 1
24 Envoy, No. 2 Envoy, and so forth. My own envoy number was
25 10.

1 Q. And outside the embassies, does anyone else that's
2 involved in the IIS get a code number?

3 A. No. The sources get assigned numbers or symbols, but
4 without the word "Envoy."

5 Q. Okay. So without the word "Envoy," sources get a code
6 number and a code name?

7 A. In some cases their real names are used, or they are
8 referred to by numbers or a symbol. But "Envoy" means a
9 diplomatic employee.

10 Q. What type of a symbol would be used?

11 A. Hundreds of symbols.

12 (In English:) Just like, you know, "bird." Sorry.

13 (Through interpreter:) Like when you call somebody
14 a bird, or Abu so and so, or any Arabic language symbol. We
15 can use the word "lion" as a symbol for someone.

16 That depends on the intelligence officer's choices,
17 whether he prefers to use words or numbers.

18 Q. What is the purpose of using words or numbers?

19 A. To maintain the work secrecy and to avoid the disclosure
20 of names, because it's better for business.

21 Q. Are the code names or numbers something that would
22 change?

23 A. Yes.

24 Q. Is it something you change frequently?

25 A. That would depend on the case officer and the reason he

1 has to change the symbol .

2 Q. Are you familiar with an IIS employee that was mentioned
3 in these documents by the name of Edward Khoshaba?

4 A. Edward Khoshaba?

5 Q. Correct.

6 A. I don't know that name.

7 Q. Are you familiar with anyone by the name of Sami Hanna?

8 A. I know him, and he is a friend of mine. And he was a
9 well-known director at the organization and one of the senior
10 officers.

11 Q. Would you say "Sami" is not an uncommon name in the
12 Middle East?

13 A. No, "Sami" is a well-known common Arabic name.

14 Q. Earlier this morning you discussed an individual by the
15 name of Ibrahim, I-b-r-a-h-i-m?

16 A. Are you referring to Ismael Ibrahim?

17 Q. Yes.

18 A. Yes, I know him.

19 Q. Do you know, was he ever in charge of the accounting
20 section which dealt with France?

21 A. No, no. He worked with Khalil, and he was given the
22 task of obtaining money for the source.

23 Q. In addition to these files, have you had an opportunity
24 to review some other files from Iraq that are now with the
25 Department of Defense?

1 A. No.

2 Q. Are you aware of an individual source by the name of
3 Arkan, A-r-k-a-n, Qassim, Q-a-s-s-i-m, Rida, R-i-d-a?

4 A. No.

5 Q. And that he goes by code number 8126 and code name
6 Sarmad?

7 A. I don't know him.

8 Q. Earlier you talked about emergency plans for the files.

9 A. Yes.

10 Q. And those emergency plans would be put into place during
11 a war?

12 A. Yes.

13 Q. Any other time?

14 A. I don't remember.

15 Q. Did you yourself personally burn or destroy any of the
16 files?

17 A. I personally didn't. But there were instructions and
18 directives issued to stations abroad to destroy files. And
19 that was during the first Persian Gulf War in '91.

20 Q. As I mentioned earlier, Agent Ronnie Walker testified
21 that these were obtained from an opposition group.

22 Do you know what prominent opposition groups were
23 in Iraq in 2003?

24 A. I know that there was the National Iraqi Congress headed
25 by Al -Chalabi and also an organization known as the Islamic

1 Revoluti on headed by Al -Haki m. And there was another
2 organi zati on headed by Ihl ai l Al awi (phoneti c), whose name I
3 have forgotten.

4 Q. The fi rst name that you menti oned affi li ated wi th the
5 Iraqi national congress, the l ast name I heard was Chal abi .
6 Was the fi rst name Ahmad, A-h-m-a-d?

7 A. Yes.

8 Q. Have you yoursel f ever been to Kurdi stan?

9 A. No.

10 Q. Di d you know that i n 1994 there was a forgery shop that
11 the Iraqi national congress had set up and that peopl e were
12 scanning Iraqi i ntel l i gence documents i nto computers and
13 doi ng di si nformati on?

14 MR. CONWAY: Judge, obje cti on to the rel evance to
15 that.

16 THE COURT: Sustai ned.

17 MS. JUDGE: Your Honor, he testi fi ed earl i er today
18 that the documents were genui ne. And I am expl ori ng wi th hi m
19 whether he i s aware of any other forged documents ever --

20 THE COURT: You can ask hi m about these, the
21 documents that he has tal ked about, and whether and to what
22 extent they suggest to hi m that there i s something that
23 aren' t genui ne about them -- something that i sn' t genui ne
24 about them.

25

1 BY MS. JUDGE:

2 Q. In the eight files that you have looked through -- well,
3 you yourself are not a document-examining expert, right?

4 A. I am no expert, but if you don't believe me, you can
5 show those files to any other intelligence officer and he
6 would affirm that those are original Iraqi intelligence
7 files.

8 Q. We talked earlier about Iraqi people signing their name
9 with a scribble to avoid duplication.

10 Is there a concern that people would be worried
11 about their signatures being copied or forged?

12 A. First of all, a signature in the Arabic culture is part
13 of one's personal identity. Saddam Hussein had his own signature.
14 Every minister had his own signature. And every employee had
15 his own signature. And they were supposed to use those
16 signatures when they deal with paperwork or official
17 business.

18 And that signature should always be in the scribble
19 format so it couldn't be imitated by somebody.

20 But the main point is not about forgery. It is
21 part of one's character.

22 Q. I am going to show you a document that's been marked
23 Defendant's Exhibit Al -Dani. I am going to hand you document
24 Defendant's Exhibit Al -Dani and just ask you to look at and
25 read to yourself the phone numbers that are on here and let

1 me know if you recognize them but not read them out loud.

2 (Document tendered.)

3 BY THE WITNESS:

4 A. Shall I read it out loud?

5 BY MS. JUDGE:

6 Q. No.

7 (Brief pause.)

8 BY THE WITNESS:

9 A. Yes, I am familiar with them.

10 BY MS. JUDGE:

11 Q. Thank you.

12 A. But not all of them.

13 Q. Okay. That's what I would like to ask you, if you could
14 identify for me which ones you are not familiar with, or
15 possibly, why don't you sign or initial the ones you are
16 familiar with?

17 (Brief pause.)

18 BY THE WITNESS:

19 A. These last three numbers, I believe I have them in my
20 telephone book, but I am not sure, because I do not -- I did
21 not memorize them. I do not know them by heart. I will be
22 in a position to verify that when I return to my book. And I
23 believe they are new telephone numbers of Ali's, which he
24 recently obtained after moving to a new house; and the cell
25 phone number, which existed after the fall of Saddam's

1 regime, because before that there was no cell phone system in
2 Iraq.

3 But some of these telephone numbers are used. And
4 some of them are the telephone numbers of my office at the
5 Mukhabbarat which belonged to America office.

6 BY MS. JUDGE:

7 Q. These numbers were collected off the interview reports
8 that you had with agents, and I don't want to disclose what
9 the numbers were.

10 MR. CONWAY: Your Honor, if she can ask a question.

11 THE COURT: Objection to the form of the question
12 is sustained.

13 You can just ask another question.

14 MS. JUDGE: I will move on.

15 BY MS. JUDGE:

16 Q. Now, moving to your career. You talked about, during
17 your direct in the past couple days, about training, and you
18 said that you had basic training. I am not familiar with
19 what that would be.

20 Could you describe to us what your training would
21 consist of?

22 A. Basic training would include intelligence work, how to
23 gather and obtain information, how to renew your sources.
24 Main principles of intelligence work.

25 Q. And how many employees were with the IIS when you first

1 joined?

2 A. As I said before, between 400 and 500 employees.

3 Q. And when you left in 1999?

4 A. They were in the thousands. I don't know.

5 Q. Many more than they were when you started, right?

6 A. Yes.

7 Q. When you talk about collecting information, you are
8 collecting information from people without letting them know;
9 is that right?

10 A. That depends on the nature of the information source and
11 his classification, whether he was a moataman, a
12 collaborator, or a friend.

13 Q. And once you obtained this information that you collect,
14 what do you do with it?

15 A. After the information collection, then the process of
16 scrutinizing and verifying them comes. Then it would be
17 dealt with according to its urgency. Some could be sent to
18 the president. Others could be kept at the headquarters.
19 That depends on their importance.

20 May I please go back to the telephone numbers?

21 Q. Yes. I don't want you to say the telephone numbers
22 themselves out loud.

23 A. Yes, yes.

24 Q. That was the government's request.

25 A. Yes.

1 These numbers, I believe I handed them to the
2 government.

3 Q. If I can just say, the three numbers you are now
4 referring to, are those identified as Ali --

5 THE COURT: One at a time.

6 BY THE WITNESS:

7 A. Yes. I believe I gave those numbers to the government,
8 but I am not sure because I don't know them by heart, unless
9 I go back to my telephone book. So I am not going to assert
10 that I don't know them. I know those numbers, and I am the
11 one who gave them to the government.

12 (In English:) This is because I know --

13 (Through interpreter:) Those numbers are in my
14 telephone book.

15 Q. Thank you.

16 A. It is not easy to memorize all telephone numbers.

17 Q. No. I understand that, and you don't have your phone
18 book with you. So I just wanted you to let me know if these
19 looked familiar or not?

20 A. Yes, I know. I know them.

21 Q. Okay. We were talking about collecting the information
22 and then what you do with it.

23 You described urgent information going to the
24 president. Is that Saddam Hussein?

25 A. Yes.

1 First of all, I would like to clarify that the
2 Iraqi Intelligence was like any other intelligence service.
3 There is no difference between the Iraqi Intelligence and,
4 say, the French intelligence. The mission of them all is
5 espionage, information collection, individual recruitment,
6 and to conduct secret and special operations. And that
7 applies to all intelligence organizations, as far as I know.

8 The only difference remains the competency level of
9 each intelligence system, and that would depend on the
10 country's competence as a whole.

11 So the Iraqi intelligence agency was like any other
12 Arab or international intelligence system. Its mission is
13 known and limited.

14 Q. And if you brought unfavorable evidence or information
15 to the president, what would he want you to do, or what
16 happens then?

17 A. First of all, the intelligence hands information to the
18 government, whether favorable or unfavorable, because the
19 mission of the intelligence is to protect the state and the
20 regime, and the main mission of the Iraqi Intelligence was to
21 protect Saddam Hussein.

22 Q. So my question was, if you were to bring evidence or
23 information that you had collected to Saddam Hussein, say,
24 about an opposition group that you considered urgent, what
25 would he want you to do with that evidence?

1 A. Always, in every case, we delivered information. We
2 received our response directing the intelligence as to what
3 to do.

4 Q. What might that be?

5 A. For example, to conduct an operation to bomb their
6 headquarters. Sometimes to assassinate the leader. And
7 there were such leaderships that were assassinated by the
8 Mukhabbarat, and that's well known to the world.

9 Q. Did you personally partake in any of these violent
10 activities?

11 A. No, never. I did not participate in anything. All my
12 work was of diplomatic nature, such as dealing with
13 paperwork, gathering information, and dealing with it.
14 That's all.

15 There were designated offices within the Iraqi
16 Mukhabbarat to handle these kinds of operations.

17 Q. Yesterday you mentioned that one of the roles of the IIS
18 was to penetrate a group. Can you explain what that means?

19 A. The duties of the Iraqi intelligence is not only to
20 penetrate. The penetration of official organizations would
21 be its main mission. For example, it would wish to penetrate
22 the U.S. Department of State or to penetrate any important
23 organization in the world to collect information from
24 sources.

25 And the task of penetrating a hostile organization

1 is done through the recruitment of sources and urging them,
2 motivating them to work for them, all to create an
3 organization that would work for them.

4 Q. You testified that -- wait one second. Sorry.

5 Was your job -- were you a full-time salaried IIS
6 agent?

7 A. From the time I started my career until I left, I had
8 always been a diplomatic employee. I did not work for any
9 other organization. I was an intelligence officer.

10 Q. What was your salary when you left in 1999?

11 A. My salary was about \$2,500, in addition to some
12 allocations for housing, like \$2,000. And I had a budget in
13 my capacity as a station chief, which was used for work
14 purposes.

15 Q. You knew people in Iraq other than other IIS agents,
16 right?

17 A. Yes.

18 Q. When you met new people or talked to people about your
19 profession, what is it you told them you did for a living?

20 A. At the beginning we used the Ministry of Foreign Affairs
21 as a cover. I would say that I was a Ministry of Foreign
22 Affairs employee. And to those who didn't know us, we would
23 say that we were employees of the presidency.

24 But all my friends and acquaintances knew that I
25 was an intelligence officer.

1 Q. Did your family know that you were an intelligence
2 officer?

3 A. Yes, they knew it well. But they had no idea whatsoever
4 about the details of my work.

5 Q. You indicated that in 1984 -- from '84 to '87 you worked
6 in the station in D.C., correct?

7 A. Yes.

8 Q. And you indicated either this week or previously that
9 you had come to the U.S. with three or four different
10 passports with different names.

11 Do you remember that?

12 A. That's incorrect. I came with my real name, and those
13 other passports were used for duties, but not during the time
14 I was in Washington. I worked in India under my name as a
15 diplomat and in America, but there was a change with my last
16 name. When I was in Washington, my last name was different
17 from Al -Dani .

18 Q. And you only had one passport with you when you came to
19 America?

20 A. One passport for me and the other was for my wife and
21 children, with their real names.

22 Q. While you were working in D.C., you were working for the
23 interests of Iraq and against the best interests of the
24 United States; is that right?

25 A. First of all, I am a diplomat, and our goal was to

1 improve relationship, and we had a good relationship with
2 America.

3 Our main concern and the focus of most of our work
4 was the war with Iran and Israel and hostile organizations.
5 We didn't do anything against the interests of the United
6 States.

7 But the intelligence officer would be an
8 intelligence officer anywhere he goes. He would be
9 interested in getting information, which means that my goal
10 was to get information that would help Iraq.

11 Q. And that would be even if that information would harm
12 the U.S.?

13 A. I was not asked to do so. And there was no such
14 intention because the relationship was good and my goal when
15 I was in Washington and after the Washington stage, and one
16 of my most favorite files was the improvement of the
17 relationship between the two countries. And there are such
18 files that would confirm what I say, and you may be able to
19 obtain them.

20 Q. Where would those be?

21 A. I don't know. I left them at the Iraqi Mukhabbarat.

22 Q. You indicated that you defected in 1999.

23 Can you explain what that means to you exactly?

24 A. Yes. I decided to quit working with the Iraqi
25 government and Mukhabbarat in 1999. Because of my expertise,

1 I was able to figure out that there was a plan to bait me to
2 go to Iraq, and probably I would be killed or incarcerated
3 thereafter. And that was the reason why I decided to quit
4 working with them and come to America.

5 Q. Why were you suspicious that you were being baited?

6 A. Because I was being under surveillance from guards, and
7 there are so many signals that I could interpret well because
8 of my type of work. And that whole thing was created because
9 of my involvement in the case of a person who defected
10 against Saddam Hussein's regime. And they had a suspicion
11 that I was working with that person or that he somehow
12 influenced me. And because I am an intelligence officer, I
13 was able to understand that there was a plan.

14 And up until now -- until now, I will tell you,
15 that 100 percent there was such a plan. And I had no
16 interest in sacrificing myself and my children for the sake
17 of a criminal regime.

18 Q. Were you assisting the other individual you mentioned
19 who had previously defected?

20 A. Not at all. I was performing my duties as an
21 intelligence officer. But they were the ones who had the
22 suspicion, and they were the ones who eventually lost.

23 Q. You indicated that they called you to come back. That
24 was your bait; is that right? Called you on the telephone?

25 A. No. They were going to hold a convention for station

1 chiefs abroad, and I received a coded telegram to go to
2 Baghdad. And the plan was to have one of the guards escort
3 me there so that they know for sure that I was going back.
4 And he was the one who told me, "Sir, I would like to go with
5 you."

6 Q. Do you remember that --

7 MR. THEIS: Your Honor, may I interrupt?

8 Mr. Latchin is having a problem hearing.

9 THE INTERPRETER: Can we have a break, your Honor?

10 THE COURT: Sure. We can take a break. Is that
11 all right?

12 MS. JUDGE: Sure.

13 THE COURT: The jurors are excused.

14 (Jury out at 2:48 p.m.)

15 (A brief recess was taken at 2:48 p.m.)F

16 (Jury in at 3:12 p.m.)

17 THE COURT: You may be seated.

18 Ladies and gentlemen, I have a note from the
19 jurors. They have asked for the spelling of -- and I believe
20 the word they are interested in is "Mukhabbarat."

21 Is that right? That's not the word.

22 MR. CONWAY: It might be moataman.

23 A JUROR: Yes.

24 THE COURT: Can I -- remember that --

25 MS. JUDGE: I can verify.

1 THE COURT: Remember that the way a word that is
2 from a different language is spelled in our language may be
3 open to some question. But what -- I will see what we can
4 do, is arrive at some agreement among the parties about the
5 spellings of any name as to which you are making notes.

6 MR. CONWAY: May I suggest, I believe, at least we
7 use it M-o-t-a-m-i-n.

8 THE COURT REPORTER: M-o what?

9 MR. CONWAY: M-o-t-a-m-i-n.

10 THE COURT: M-o-t-a-m-i-n.

11 MR. CONWAY: We can ask Mr. Al -Dani to spell it.

12 THE WITNESS: (In English:) Moataman, that means
13 the highest rank in the sources, Motin, M-o-t-i-n.

14 THE COURT REPORTER: M-o-t-i-n?

15 THE WITNESS: Yes.

16 THE COURT: I think what Mr. Conway said was
17 M-o-t-a-o-m-i-n?

18 THE INTERPRETER: No, your Honor. It's m-a-n.

19 (Laughter.)

20 THE COURT: M-a-n?

21 THE INTERPRETER: Yeah.

22 THE WITNESS: That means the highest in the source
23 of Iraqi intelligence.

24 THE COURT: Okay. Thank you.

25 I think we are effectively interrupting Ms. Judge,

1 so I will ask if you -- sorry to interrupt, and you are
2 welcome to resume.

3 MS. JUDGE: May I just have one moment?

4 THE COURT: Sure.

5 (Brief pause.)

6 BY MS. JUDGE:

7 Q. Mr. Al -Dani , I have to go back to one question for some
8 clarification.

9 I had asked you about your salary, and you gave me
10 a number of 2500. Is that dinars or dollars?

11 A. That was in U.S. dollars. At the time I was employed
12 outside Iraq as a diplomat.

13 Q. And what -- is the \$2500 a month or --

14 A. Yes. That would be a salary of a diplomat outside Iraq.

15 Q. Thank you.

16 MS. JUDGE: If I could have a moment, I am just
17 looking for the 302 that has the correct spellings or
18 references that I was talking about earlier so I can get that
19 on the record.

20 (Brief pause.)

21 BY MS. JUDGE:

22 Q. You were interviewed by the FBI in December of 2003.

23 Do you remember that we spoke a little bit earlier
24 about some of the things in the 302.

25 I have an understanding that there's four rankings

1 of IIS sources. The first is friend, the second is
2 cooperator, the third is secret cooperator, and the fourth is
3 agent; is that correct?

4 A. No. Yes, there are four levels. That's correct. But
5 the highest is the moataman. Then the second one would be
6 the collaborator who's aware that he is cooperating. The
7 third would be the collaborator who is not aware of his
8 collaboration. And the fourth is a friend.

9 Q. So number one is agent, and that is known -- that's
10 someone who's a fully vetted and operational source, correct?

11 A. Yes.

12 Q. And I have that spelled as m-o-a-t-a-m-a-n; is that
13 correct?

14 A. That would be the closest version to the Arabic
15 language.

16 Q. Thank you.

17 And the secret cooperator who is aware is spelled
18 motaawin, m-o-t-a-a-w-i-n, s-i-r-i. I am sorry. Two words.
19 S-i-r-i is the second word.

20 A. Yes.

21 Q. Cooperator is known as motaawin, m-o-t-a-a-w-i-n?

22 A. Yes.

23 Q. And is known as the unwitting source?

24 A. Yes.

25 THE COURT: I am sorry that was "unwitting"?

1 MS. JUDGE: Right.

2 THE COURT: Thank you.

3 BY MS. JUDGE:

4 Q. And the fourth is friend?

5 A. Yes.

6 Q. I don't have another name for that. Is there one?

7 A. In Arabic?

8 Q. Similar to motaawin or --

9 A. Sadiq.

10 Q. How is that spelled?

11 THE INTERPRETER: Sadiq, S-a-d-i-q. That's from
12 the interpreter. S-a-d-i-q.

13 MS. JUDGE: Thank you.

14 BY MS. JUDGE:

15 Q. All right. We were talking about May of 1999 when you
16 defected, when we broke before. I am going to go back to
17 that subject.

18 A. It was not May. It was March.

19 Q. Sorry. March of 1999.

20 I believe March 10th of 1999 is the day that you
21 defected?

22 A. I don't remember the date, but I remember it was a
23 Thursday.

24 Q. Okay. We will say March of 1999.

25 You indicated that you received a letter or a wire.

1 Is that what you said?

2 A. A telegram requesting me to attend a convention for
3 station chiefs in Baghdad.

4 Q. And that letter raised your suspicions about why they
5 wanted you to go back to Iraq?

6 A. That was the peak of my suspicion, but the suspicions
7 had started six months before, as of November of '98.

8 Q. When was it that they were calling you back? How much
9 time did you have from when you received this wire or
10 telegram to appear in Iraq for this convention?

11 A. I don't remember exactly, but it was about two weeks --
12 within two weeks or so.

13 Q. So what happened within those two weeks?

14 You met with a U.S. government official?

15 A. I contacted the U.S. government, and I requested asylum,
16 and they say I was welcomed. And the truth is I didn't do
17 that directly but through a friend.

18 Q. Who was your friend?

19 A. He was a source for the intelligence and a friend, and
20 he was the one who was in the middle between me and the
21 person who had defected for the purposes of communication.

22 But once I arrived to that third country from
23 India, the relationship with him came to a complete stop.
24 And my relations with the U.S. government continued.

25 Until now I haven't spoken with him.

1 Q. What was that person's name?

2 A. His name is Raad Mahmoud Nasir Al -Athami .

3 THE INTERPRETER: Do you want me to write it for
4 you?

5 MS. JUDGE: Sure.

6 THE WITNESS: (In English:) We can correct it
7 together.

8 THE INTERPRETER: You want it in Arabic, too?

9 MS. JUDGE: No. I can't read Arabic.

10 For the record, Mr. Al -Dani wrote out the name of
11 the individual he contacted, and he spelled the name as
12 R-a-a-d, M-a-h-m-o-u-d, N-a-s-i -r, A-l A-t-h-a-m-i .

13 BY MS. JUDGE:

14 Q. You stated that this individual was the middle man
15 between you and the person who defected, but I think what you
16 meant -- or correct me if I'm wrong -- is the person that was
17 in the middle between you, the person who defected, and the
18 U.S. person, the person from the U.S. government?

19 A. Yes.

20 Q. Do you know where that person found someone from the
21 United States government?

22 MR. CONWAY: Judge, calls for speculation.

23 THE COURT: Sustained.

24 MS. JUDGE: Your Honor, I am asking him if he
25 knows. I am not asking him to guess.

1 THE COURT: I am wondering if how he would know
2 would n' t be hearsay.

3 MR. CONWAY: Plus it's not relevant.

4 THE COURT: I have concerns about the relevance,
5 but it's a "yes" or "no" question. Why don't we allow him to
6 answer that "yes" or "no" question.

7 Go ahead and ask again.

8 BY MS. JUDGE:

9 Q. Do you know where the individual who was your middleman
10 found this person from the U.S. government?

11 A. That was at a third country, and it must have been at
12 the U.S. embassy in that country.

13 Q. Do you know what the third country was?

14 A. You mean the country that I went to after leaving India?

15 Q. Yes.

16 MR. CONWAY: Objection to that, Judge. Relevance.

17 THE COURT: Sustained.

18 BY MS. JUDGE:

19 Q. We have already discussed the benefits that you received
20 from the government.

21 And you indicated that you defected in March, and
22 part of your agreement was to provide information to the U.S.
23 government, correct?

24 A. Yes.

25 Q. And the first report that I have that has to do with

1 this case is dated in May of 1999. Was your --

2 MR. CONWAY: Judge, objection to the form of this
3 kind of conversation. If she can ask a predicate question
4 for impeachment purposes.

5 THE COURT: I will just ask that you ask a
6 question, Ms. Judge. We will eliminate the predicate.

7 MS. JUDGE: I am not impeaching him, Judge. I am
8 just trying to give him some information so he knows what I
9 am saying.

10 MR. CONWAY: It's irrelevant.

11 THE COURT: The question should not include a
12 factual predicate.

13 The objection to the form is sustained.

14 BY MS. JUDGE:

15 Q. When is the first time that you sat down with the
16 government to provide information?

17 MR. CONWAY: Objection to the relevance of that.

18 THE COURT: Overruled.

19 You may answer.

20 BY THE WITNESS:

21 A. In '99, in March.

22 Q. In March of 1999.

23 And how soon after you defected did you and the
24 government come to this written agreement?

25 MR. CONWAY: Judge, objection to that.

1 THE COURT: I'm not so sure I see the relevance.
2 Sustained.

3 BY MS. JUDGE:

4 Q. You make a statement, your first statement, where you
5 mention an individual who had anything to do with the
6 planting committee, in May of 1999 to the U.S. government.

7 Do you remember that?

8 A. I have been speaking since 1999 about Sami's matter to
9 the United States government, and I don't know what happened.

10 Q. I am sorry. You had been speaking to the U.S.
11 government since when?

12 A. March '99.

13 Q. And it's your testimony that you were speaking of Sami
14 in March of 1999?

15 A. I don't remember the exact month I spoke about him. It
16 could be March. It could be another month. It has been ten
17 years already, but I spoke about him more than once.

18 Q. I have a -- in May of 1999, you did speak to them about
19 a Sami; is that right?

20 A. Yes.

21 Q. What agency interviewed you?

22 MR. CONWAY: Objection, your Honor.

23 THE COURT: Sustained.

24 BY MS. JUDGE:

25 Q. Was there an interpreter present when you spoke with the

1 government?

2 MR. CONWAY: Objection, your Honor.

3 THE COURT: Sustained.

4 BY MS. JUDGE:

5 Q. Yesterday you testified that you know Sami Latchin, that
6 you met Sami Latchin in 1979 or 1980, correct?

7 A. Yes.

8 Q. And that you remember meeting Sami 27 years ago and you
9 rode a bus together for approximately two months; is that
10 right?

11 A. It could be three months or four. I don't remember.

12 Q. Well, you testified yesterday that you had ridden the
13 bus with him for about two months. Do you remember that?

14 A. It could have been two months. It could be less. It
15 could be more. It has been -- it was a long time ago. What
16 I am sure about is that we rode the bus together.

17 Q. And you also testified yesterday that you were on this
18 planting committee; is that right?

19 A. Yes.

20 Q. Isn't it true that in 1979 or 1980, you had no idea who
21 Sami Latchin was?

22 A. You mean '79?

23 Q. Right. In 1979 or 1980, isn't it true that you did not
24 know who Sami Latchin was?

25 A. I knew him, but we did not have any friendship relation.

1 He was just another government employee.

2 Q. Isn't it true that you had never even heard of him
3 until -- you had never even heard of Sami Latchin until
4 sometime in the 1990s through your friend Ali?

5 A. No.

6 Q. When you were initially interviewed in May of 1999 you
7 discussed a Sami Hoshaba?

8 A. Yes, because in the Iraqi Intelligence he was the only
9 one with that name. We had many Samis, but he was the only
10 Sami Khoshaba. And in the Arabic culture, usually people are
11 referred to by their first and father's first name also, not
12 necessarily full name.

13 So I am known only by my first two names, my name
14 and my father's name. And the third name is only known to a
15 few people.

16 Q. Mr. Latchin's full name is Sami Khoshaba Latchin. What
17 I am telling you is that when you met with the agents in May
18 of 1999, you told them that you knew of a Sami Hoshaba, with
19 an H.

20 MR. CONWAY: Objection.

21 THE COURT: Overruled.

22 BY THE WITNESS:

23 A. That could have been the wrong translation into English.
24 And whenever an Arabic name is translated in English, there
25 could be several possible versions. However, the intended

1 person is he, and I said he lived in Chicago.

2 MS. JUDGE: Your Honor, based on his testimony, may
3 I ask the question again about whether or not a translator
4 was present?

5 MR. CONWAY: Objection.

6 THE COURT: Let's take a moment at sidebar.

7 (The following proceedings were had at sidebar:)

8 THE COURT: Here is the reason I sustained the
9 objection before, and we ought to talk about how we can get
10 this information.

11 It seems to me that revealing whether or not he was
12 using an interpreter provides information about the nature of
13 the person he was speaking to. For all we know, the
14 individual he was speaking to speaks Arabic. And even that
15 information might, it seems to me, open -- convey some
16 indication of the identity of the individuals within the
17 United States government, whatever agency or group they are
18 from, that were involved in this negotiation. And I do think
19 that that's a matter of some confidence.

20 Now, your concern here is a valid one, and that is,
21 how is it that this misspelling, if you want to call it that,
22 came about? I do think we need to discuss among ourselves
23 how we are going to present that to the jury without invading
24 what I think is a legitimate source of -- subject of some
25 confidence.

1 MR. CONWAY: It's very simple, and that's why we
2 asked for a predicate question. Did you give information on
3 the individual? Yes. I thought it was Sami Khoshaba. Are
4 you sure? Because you said Hoshaba.

5 MS. JUDGE: That's not how you impeach.

6 MR. CONWAY: Excuse me. Well, I think it is.

7 The point is, also then have him -- ask him if he
8 has adopted this, if he has even seen this. He has no idea
9 what's been written, nor who wrote it.

10 MS. JUDGE: Well, this is how it usually is done,
11 Judge.

12 MR. CONWAY: This is not an adopted statement.

13 MS. JUDGE: I usually ask if this occurred.

14 MR. CONWAY: You cannot impeach him on something he
15 didn't adopt.

16 MS. JUDGE: I know, but this is my situation.
17 Normally I would bring in the agent who wrote it, and I can't
18 do that.

19 MR. CONWAY: It's the same thing, though.

20 MS. JUDGE: No, it's not.

21 THE COURT: Well, you know what?

22 MS. JUDGE: This is too important, Judge.

23 THE COURT: This is important, but I don't know
24 that we -- if you want to show him this document, I think we
25 probably -- we probably could do that, and ask him whether he

1 has ever seen it before and whether he agrees to it.

2 MR. CONWAY: And ask him about the entire thing
3 because it's taken out of context, and you have to make sure
4 you say "Mr. Ali."

5 MS. JUDGE: I don't want to talk to him about the
6 document. That's not how you impeach.

7 MR. THEIS: The problem, your Honor, is the
8 document Mr. Conway is referring to is some sort of summary
9 of someone else's report of the interview with this witness.
10 So of course he is going to say, I didn't adopt this. This
11 was drawn up by lawyers years after the fact.

12 THE COURT: Back up. There is still another
13 problem.

14 I don't speak Arabic. Neither does Ms. Judge. I
15 do know that in some Middle Eastern languages H and CH and K
16 can sound the same. That's why, for example, you have
17 different spellings of "challah," which is the Jewish braided
18 bread that's -- sometimes it has a CH and sometimes it just
19 has an H.

20 Now, I don't know whether there is a relationship
21 between that issue and this one and whether we are just
22 talking about an H that's used so hard that times it sounds
23 like a K. I really don't know.

24 But I really am concerned that we not spend a lot
25 of time asking -- you are certainly entitled to know how

1 clear he is about the identity of this person and how that
2 was recorded. But what I don't want to do is go down some
3 road about who it was that he was talking to and how that
4 person might have created --

5 MS. JUDGE: I could care less, Judge. I asked --
6 the purpose of, Was there a translator? to set up my
7 impeachment, because that's a fact that gives a witness a
8 sense of this is somewhat of an important event.

9 I could ask him, was there someone who understood
10 Arabic with you when you talked? It doesn't necessarily
11 reveal the individual agent.

12 MR. CONWAY: We will stipulate that someone wrote
13 his summary and used an H instead of a K.

14 MS. PETERS: That the person who recorded what he
15 said and regarding --

16 MR. CONWAY: Who prepared a summary.

17 MS. PETERS: Who prepared a summary of what he
18 said --

19 THE COURT: Spelled the name with an H.

20 MS. PETERS: -- spelled the name of Sami H-a-s, and
21 we will take it right from there. We would stipulate to
22 that.

23 MS. JUDGE: Well, we are not going to stipulate
24 that they spelled the name of Sami Latchin S-a-m-i with an H.

25 THE COURT: Correct.

1 MS. PETERS: No.

2 THE COURT: That they spelled a name --

3 MS. JUDGE: Well, I have a lot more questions about
4 this interview, so I don't know if you are going to have a
5 problem with every single thing.

6 THE COURT: They may not. I am only dealing with
7 one problem at a time. We will deal with it by way of a
8 stipulation.

9 MR. CONWAY: Judge, the other thing, though, is you
10 just can't take an interview of years and years ago and just
11 start asking questions. There has to be a predicate question
12 for impeachment.

13 For example, were you particularly asked the name
14 of the person who was in a planting program back in your
15 interview of 1999? Yes, I did; or, no, I didn't. And then
16 from there, you can impeach if you get an answer different.

17 This is so wrong, what's going on.

18 MS. JUDGE: You are wrong about how to do it.

19 THE COURT: I don't play by those rules,
20 necessarily, with respect to a statement not prepared by the
21 witness, but supposedly summarizing something he said,
22 particularly by an individual that Ms. Judge can't call to
23 the stand.

24 MR. CONWAY: But if they have a predicate question.
25 You can't just start reading a statement. She is reading the

1 statement out loud. She is just asking --

2 THE COURT: She is going to ask him, did you
3 tell --

4 MR. CONWAY: It's not very --

5 MS. JUDGE: My question to him was, didn't you say
6 you knew Sami Latchin in 1979? And he agreed to that. So he
7 is recommitted to what it was he said.

8 MR. CONWAY: We will take it sentence by sentence.

9 MS. PETERS: We will take it question by question.

10 MS. JUDGE: Isn't it true that you didn't --

11 THE COURT: We have got a stipulation on this
12 issue.

13 (End of sidebar proceedings.)

14 THE COURT: You may be seated, Mr. Al -Dani .

15 MS. JUDGE: How would you like the stipulation to
16 come in, your Honor?

17 THE COURT: Why don't I ask Ms. Peters to state
18 what she believes the stipulation to be, and then we will see
19 whether the defendants agree to that as a stipulation.

20 MS. JUDGE: Thank you.

21 MS. PETERS: Your Honor, it's stipulated that the
22 summary which contains information regarding what Mr. Al -Dani
23 said to a representative of the United States government in
24 May of 1999 records the name Sami , S-a-m-i , Hashaba,
25 H-a-s-h-a-b-a, who is identified as a senior Iraqi

1 Intelligence officer and former director of Iraqi airways in
2 Athens.

3 THE COURT: All right. Thank you.

4 BY MS. JUDGE:

5 Q. Now, during this discussion in May of 1999, you have
6 either just recently come to this agreement with the
7 government or you are still in the process.

8 Is that a fair statement?

9 A. Well, it took a long period of time to reach such an
10 agreement. There was no agreement at that point.

11 And let it be known that I gave the U.S. government
12 information about Sami and other information before getting
13 any benefits whatsoever, and I didn't know that such an
14 agreement would be eventually reached. And I had no idea
15 whatsoever about such an agreement and that I would be
16 receiving any money at all.

17 And there is no connection whatsoever between
18 Sami's case and that information I gave and any benefits, as
19 well as other information.

20 Q. In May of 1999 you defected because you were in fear for
21 your life. Is that a fair statement?

22 A. Correct.

23 Q. In fear for the life of your wife?

24 A. Yes. If their intention was to hurt me, they would as
25 well hurt my wife and children.

1 Q. And you were also very concerned about your health and
2 welfare of your children; is that right?

3 A. Yes.

4 Q. And so you reached out to the U.S. government?

5 A. Yes.

6 Q. They agreed to talk to you?

7 A. Yes.

8 Q. They agreed to -- eventually agreed to fly your family
9 to safety?

10 A. Yes.

11 Q. And to pay you a sizable amount of money?

12 A. When I began the process of asylum, there was no
13 discussion about any money, and there was no knowledge on my
14 side about any money I would be getting.

15 Q. And the agreement was that you be truthful and provide
16 information that you know about the IIS?

17 A. And Saddam regime.

18 Q. And at this point in your life, you want to be helpful
19 to the U.S., correct?

20 A. Yes, and I have become a friend of the United States.
21 And it is up to the United States government to assist my
22 friendship.

23 Q. And you want to stay alive, correct?

24 A. That's everybody's wish.

25 Q. And you don't want to spend the rest of your life in

1 pri son?

2 A. Certainl y. Does anyone wi sh to get killed or to stay in
3 jai l?

4 Q. You want your fami ly to be safe?

5 A. Yes.

6 Q. You want to live up to your agreement?

7 A. Yes.

8 Q. You want to be as accurate as possi bl e?

9 A. Yes.

10 Q. As compl ete as possi bl e?

11 A. To the best of my recol lecti on. I believe that my
12 memory is fai rly good, but it's impossi ble to remember every
13 small thi ng that happened 30 years ago. Only a superman
14 woul d remember everythi ng.

15 Q. You go there and you are prepared to tell the truth; is
16 that correct?

17 A. And I always tell the truth.

18 Q. In thi s si tuati on, especi ally, it's important for you to
19 tell the truth, because you want to get out of the country
20 and you want to be safe, right?

21 A. As far as I know, I have been telling the truth all my
22 li fe, even wi th Saddam regi me. And my fri ends in the
23 Mukhabbarat know that I always told the truth, and some of
24 them advised me not to talk much about Ameri ca because some
25 day I may get killed. And thank God, thi s di dn' t happen

1 because I was an advocate of improving relationship with
2 America, and I always praised the system in America. And
3 it's my belief that every rational government should try to
4 maintain a good relation with the superpower.

5 Q. You go to this meeting and you are prepared to discuss
6 the IIS, because you know that's what they are interested in,
7 correct?

8 A. Went where?

9 Q. To the meeting in May of 1999 to discuss this with the
10 U.S. government?

11 A. Yes. I am an intelligence officer, and I was familiar
12 with everything about the intelligence.

13 Q. During this interview you never tell them you know Sami
14 Latchin, L-a-t-c-h-i-n, correct?

15 A. I told them about a Sami Khoshaba. I may have mentioned
16 Latchin or not. I don't remember. But I did say "Sami
17 Khoshaba, intelligence officer planted in America, resident
18 of Chicago." He was employed as the head of the Iraqi
19 airways in Athens. And that's sufficient information to
20 identify him.

21 And at that time, I was going through very tough
22 psychological circumstances. Do you believe that a person
23 can give up his homeland, his children's schooling, his
24 community, and go through all the trouble easily? My
25 children were out of schools for a whole year. But, thank

1 God, I was still able to remember the information well. Any
2 other person wouldn't probably have remembered even five
3 names.

4 Q. You never say the name Sami Latchin, L-a-t-c-h-i-n,
5 correct?

6 MR. CONWAY: Asked and answered.

7 BY THE WITNESS:

8 A. No, I don't remember that.

9 BY MS. JUDGE:

10 Q. You never said that Sami Latchin was a plant in the
11 U.S., correct?

12 A. I said that Sami Khoshaba was planted in America.

13 Q. You never tell them you know Sami Latchin is a sleeper
14 spy in the U.S.?

15 A. I told them Sami Khoshaba, which means Sami Khoshaba
16 Latchin, because nobody refers to him as Latchin. Everybody
17 knows him as Sami Khoshaba. And the proof is that all
18 documents refer to a Sami Khoshaba, including the official
19 correspondence of the Iraqi Intelligence. The name Latchin
20 only appeared in very few documents, and that's
21 understandable, because I didn't just say Sami Khoshaba. I
22 said he was in Chicago, that he works as an intelligence
23 officer, planted.

24 And I mentioned the name of the case officer, and I
25 mentioned everything that could identify him. I don't think

1 that "Latchi n" is terribly important, I think. And I would
2 still tell you that I don't remember what I said or what I
3 wrote ten years ago.

4 Q. You never tell them that you worked with Sami Latchi n?

5 A. I did not work with Sami Latchi n.

6 Q. You never told them that you ever rode the bus with Sami
7 Latchi n?

8 A. We did not investigate the matter in this type of
9 detailing.

10 Q. You did mention to these individuals that you spoke with
11 in May of 1999 that you had knowledge of the planting
12 operation and that you considered it very important; isn't
13 that true?

14 A. Yes, and I told them that that was the most important
15 piece of information.

16 Q. And that you knew of the planting program and of Sami
17 Hoshaba only because of your friend spy Ali; is that right?

18 A. No. Ali was only one of the reasons. But I always saw
19 his file by virtue of my closeness to the M4 director
20 general .

21 Q. My question is what you told these individuals. And you
22 only told these individuals that you spoke with in May of
23 1999 that you knew a Sami Hoshaba only because of your friend
24 spy Ali?

25 MR. CONWAY: Your Honor, I object to that. That's

1 mi sl eadi ng.

2 THE COURT: Actually, it's compound, so I want to
3 ask that you rephrase.

4 BY MS. JUDGE:

5 Q. You talked to the U. S. government in May of 1999 about a
6 Sami Hoshaba, H-o-s-h-a-b-a, correct?

7 A. I wrote a memorandum in Arabic, and I don't know how the
8 name was translated into English. And I know that I write
9 Arabic very well, and I wrote his name correctly.

10 Q. And you included information about your knowledge being
11 from Mr. Ali?

12 A. Because I only wrote that piece of information, and no
13 one from the government --

14 MR. CONWAY: Judge, objection.

15 BY THE WITNESS:

16 A. -- investigated the matter in a serious manner with
17 me -- in a detailed manner with me.

18 MR. CONWAY: Judge, objection. Could we be heard
19 at sidebar?

20 THE COURT: Okay. Let's take a short break at
21 sidebar.

22 (The following proceedings were had at sidebar:)

23 MS. JUDGE: I only have two more questions, if that
24 matters.

25 MR. CONWAY: I have two concerns.

1 First of all, the questions are so wide that he is
2 now explaining the process by which he provided information,
3 which is not something he can do. So it could be a little
4 bit more fine-tuned on that.

5 More importantly, her predicate question is, you
6 told them you knew of the planting program only because of
7 your friendship with Mr. Ali. That is totally misleading.
8 Never has anything about "only" -- he mentions that -- Judge,
9 I will read it here. He knows the planting program, and he
10 knows about the case, due to his friendship with Mr. Ali,
11 which is exactly consistent. It's not impeaching, and it
12 does not in any way say this is the only way. She asked that
13 as a predicate question, totally mischaracterizing the
14 summary.

15 THE COURT: You can rehabilitate him on that.

16 MR. CONWAY: I have to rehabilitate him.

17 MS. PETERS: Part of this, I think, is that he is
18 not being that responsive to Ms. Judge. He kind of goes off
19 and talks about how things are done when that really wasn't
20 asked.

21 Could you direct him to please listen very
22 carefully and just answer the question that's being asked?

23 THE COURT: Sure, I can. He often gets the
24 impression that she is making some accusation that she is
25 really not making.

1 MS. PETERS: Right.

2 THE COURT: He just vigorously attempts to defend
3 himself from that.

4 But remember, it's Ms. Judge's business to say
5 "nonresponsive."

6 MS. PETERS: I know.

7 THE COURT: And she is not.

8 MS. JUDGE: Right. I like when he is going on.

9 MS. PETERS: But I think it would solve some of the
10 concerns that the government has with respect to the detail
11 that he is going into about this interview.

12 She only has two more questions.

13 THE COURT: All right.

14 MR. THEIS: Your Honor, it's almost impossible to
15 conduct this examination --

16 THE COURT: I think she is doing a fine job.

17 MR. THEIS: -- when we don't have a complete report
18 of what he had to say.

19 THE COURT: I think she is doing a fine job.

20 (End of sidebar proceedings.)

21 BY MS. JUDGE:

22 Q. When you were interviewed in May of 1999, you did not
23 disclose that you were on the planting committee. Is that
24 true?

25 A. I mentioned that in other paperwork, about the

1 commi ttee.

2 Q. Because of the time, if I could just ask you to answer
3 "yes" or "no" to the questions if there is a "yes" or "no"
4 possi bility.

5 A. I don't remember what I wrote.

6 Q. You did not tell them that you knew a symbol Sarmad?

7 A. I don't remember.

8 Q. Or that symbol Sarmad is the secret code for Sami
9 Latchin?

10 A. I give them very brief information, because there were
11 so many other pieces of information. It was not only about
12 Sami. And I would have needed years to write everything in
13 detail. But I wrote a summary or four or five lines about
14 every case. And sometimes things were said verbally.

15 Q. Now I would like to talk to you and remind you about the
16 time you testified here back, I believe, in August, at an
17 earlier hearing.

18 Do you remember that?

19 A. Yes.

20 Q. And much like your Honor has each time you have gotten
21 up and back into the chair to testify, in that hearing the
22 Judge advised you that you were still under oath.

23 Do you remember that?

24 A. Yes.

25 Q. And you know what it means to be under oath; is that

1 right?

2 A. Yes.

3 Q. You are swearing to tell the truth?

4 A. Yes.

5 Q. And twice during that hearing you failed to tell the
6 truth?

7 A. What is that?

8 Q. The first time you lied to the Judge and the Court was
9 when you were asked whether or not you had a written
10 agreement with the government. When you were asked that
11 question you responded, "No."

12 Do you remember that?

13 A. Yes, but there is a reason for that.

14 First of all, this was my first appearance before
15 an American court. And I didn't know how it worked in
16 American courts. And I did not intend to lie. A person who
17 intends to lie would maintain the same lie for days or years.

18 But the reason behind my response back at the time
19 is that there were some aspects surrounding my relationship
20 with the United States of America's government that I wasn't
21 supposed to talk about.

22 Sometimes there was some confusion as to what
23 subjects I was allowed to talk about and what subjects I was
24 not allowed to talk about.

25 But five minutes later, during the break, I told

1 Amy, the FBI agent, that I didn't know if my response was the
2 right one, because I thought that my meeting with the FBI was
3 a confidential matter that I was not supposed to disclose.
4 And that would be expected as a behavior of any careful
5 intelligence officer.

6 But when I asked her, she said no, that I was
7 supposed to admit that I had seen the documents and I had
8 done so and so.

9 (In English:) And that I have agreement.

10 (Through interpreter:) And that I have an
11 agreement.

12 Five minutes later, when the defense attorney asked
13 me, I gave the right answer.

14 And I could tell you that this was not lack of
15 truthfulness, but it was a misunderstanding of the question,
16 because at some times I was not able to distinguish what
17 matters I should not talk about. And keep in mind that that
18 was my first appearance, my first appearance in court.

19 And now you still ask me questions to which I
20 wouldn't know if I could answer or not. That's why I told
21 Amy that I did not wish to create a problem, because I didn't
22 know if I was supposed to talk or not.

23 Finally, a person who intends to lie would insist
24 on keeping the same lie for days, or at least weeks. But my
25 special situation with the government does not allow me to

1 disclose everythi ng. And sometimes I have confusi on about
2 certai n thi ngs.

3 Q. Just so I understand, is what you are sayi ng, you were
4 confused when you testi fied about what the government woul d
5 want you to say and what you coul d say? Is that your
6 testi mony?

7 A. No. There are certai n aspects about my relati onshi p
8 with the U. S. government that I cannot di scl ose. And my
9 understandi ng was that that questi on was falli ng al ong that
10 li ne. That' s why I i nqui red fi ve mi nutes l ater with the FBI
11 agent about what answer I shoul d have gi ven, which means that
12 there was a mi sunderstandi ng and not l ack of truthf ulness.

13 Q. Actual ly, I thi nk that was the second li e, which was
14 when you were asked about when you fi rst went through the
15 documents, the fi les.

16 Do you remember that questi on and that
17 conversati on?

18 A. I now answered that questi on i n the mi ddle of my answer
19 to the fi rst questi on.

20 Q. When you testi fied during thi s tri al , you i ndicated that
21 you saw the fi les i n 2005.

22 That' s accurate, correct?

23 A. I do not recal l dates. And when I fi rst saw those
24 fi les, they were not i n the form of fi les. They were papers
25 that were not kept together. They were j ust photocopi es.

1 They were groups of documents but without a jacket. They
2 were not put in folders.

3 Q. So in that particular question, you were confused, not
4 because of what you were or weren't supposed to disclose. Is
5 that your testimony?

6 A. I did not concentrate on the matter of having seen the
7 documents or not, but my concentration was on my meeting with
8 the FBI people. And I deemed my meeting the FBI people a
9 confidential matter that I couldn't disclose. And for that
10 reason, I inquired five minutes later from Agent Amy about my
11 lack of knowledge, whether I should answer that question or
12 not. And that's why five minutes later I gave the correct
13 answer to that question.

14 Would you think that five minutes is enough time to
15 consider somebody a liar? I corrected my answer five minutes
16 later. Because of my special situation, there are certain
17 things that I cannot disclose.

18 Q. In fact, that day you told Agent Amy Beuschlein that you
19 didn't want to get her in trouble; isn't that right?

20 A. Not to get her in trouble, but to cause trouble to the
21 entire operation or to the FBI as a whole, because that
22 operation -- that meeting was confidential.

23 Q. And that that was why you lied in court?

24 A. The reason I failed to tell the truth is my
25 misunderstanding of the question, because I thought that that

1 question fell within the range of things I couldn't discuss.

2 Q. So if you have been asked any questions during this
3 trial that you felt you couldn't discuss, your response would
4 be a lie?

5 A. No, because now I have acquired knowledge and
6 experience. I sometimes wait for a while to see if there
7 will be an objection to the question, because in all my
8 meetings with the government, they instructed me to just tell
9 the truth. And I always tell the truth.

10 But if you ask me a question and I feel that I
11 couldn't answer it, as long as no objection was raised, I
12 would answer the question, even if I thought that I wasn't
13 supposed to answer it.

14 But at first, I didn't know that.

15 Q. Is that why you look to the government's table after
16 every question?

17 A. I didn't look toward their table.

18 MS. JUDGE: I have no further questions, Judge.

19 THE COURT: Thank you.

20 MR. CONWAY: Nothing further.

21 THE COURT: No redirect?

22 MR. CONWAY: No.

23 THE COURT: Mr. Al -Dani , you are excused.

24 (Witness excused.)

25 THE COURT: It's now 4:15. Do you have a short